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### CHAPTER 21 LAND DIVISIONS

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## CHAPTER 21 LAND DIVISIONS

As authorized by law, including ORS Chapters 92, 197, and 215, subdivisions, partitions, plats, replats, property line adjustments and streets shall be approved in accordance with this Chapter and applicable provisions of Chapter 3 - Basic Provisions, and Chapter 14 - Scenic Area Review. The Chapter applies to all land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of the County. A person desiring to subdivide, partition, replat, adjust a common boundary line, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this Chapter and state statutes. Land divisions in the Special Management Area shall not be allowed, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and guidelines in the Management Plan.

### SECTION 21.010 Purpose

In accordance with the provisions of ORS Chapters 92, 197, and 215, this Ordinance sets forth the minimum standards governing the approval of land development, including subdivisions, partitions, replats, and property line adjustments, as necessary to carry out the Wasco County Comprehensive Plan and the Management Plan for the Columbia River Gorge National Scenic Area and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well planned development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant, and the future legal parcel owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of plats and plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Wasco County and the Management Plan for the Columbia River Gorge National Scenic Area.

### SECTION 21.020 Definitions

The definitions set forth in Section 1.200 of this Ordinance shall be utilized for the purposes of this chapter.

## SECTION 21.030 Basic Provisions and Design Standards

- A. Compliance required: No land within the unincorporated territory of the Columbia River Gorge National Scenic Area portion of Wasco County shall be subdivided or partitioned, and no plat shall be filed or recorded until submitted to and approved by the Approving Authority in accordance with ORS Chapter 92.
- B. Minimum standards: The requirements and standards set forth in this chapter are the minimum ones to which a subdivision, partition, or boundary adjustment must conform before approval by the Approving Authority. Scenic, Natural, Cultural and Recreational resource buffers set forth in Chapter 14 - Scenic Area Review shall not be altered or varied to allow design standards to be met.
- C. Conformity with the plan: All divisions of land and boundary adjustments shall conform to and be in harmony with the Wasco County Comprehensive Plan and National Scenic Area Land Use Designation Map and the Management Plan for the Columbia River Gorge National Scenic Area and map of that portion of the Columbia River Gorge National Scenic Area within which the subdivision and partition lies.
- D. Conformity with zoning chapter: All divisions of land and boundary adjustments, regardless of the number of lots or parcels, shall comply with all specifications authorized by Chapter 3 of this Ordinance. All lots created shall conform in all respects with the applicable regulations of Chapter 3, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth. Variances from minimum parcel sizes shall not be granted.

Land divisions shall also be made only in full compliance with standards set in Chapter 14 - Scenic Area Review.

- E. Relation to Adjoining Street System: A subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations.
- F. Redevelopment Plan:
  - 1. In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that blocks and lots shall be of such size and shape, be so divided into lots, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of a smaller size which shall have the minimum lot frontage on a street.

2. No lot in a platted subdivision shall be reduced in size from that shown on the recorded plat if the newly created lot will have less than the minimum lot area for the zone in which it is located.
  3. Any lot in a platted subdivision may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.
  4. Any person dividing tracts of land into large lots which at some future time could be further divided and still meet the minimum lot size requirement of the zone in which the land is located shall provide suitable road access to each created parcel so that the future development of each parcel will provide access for redevelopment parcels or lots.
- G. Access: A unit of land shall be considered to have access by way of a public road or street, private road, or private easement road, if the following criteria are satisfied:
1. The unit of land abuts on the road or street.
  2. There is a legal right appurtenant to the unit of land to use the road or street for ingress and egress. A legal right to use a private road or private easement road may be evidenced by: (a) an express grant or reservation of an easement in a document recorded with the County Clerk; (b) a decree or judgment issued by a court of competent jurisdiction; (c) an order of the County Governing Body; or, (d) an express easement set forth in a duly recorded plat.
  3. The road or street provides actual physical access for the unit of land.
- H. Access Requirements for Land Divisions: Each unit of land shall be provided with access by a public road meeting standards noted in Table 1 (Rural Public Roadway Design Standards) & 2 (Urban Public Roadway Design Standards), except as provided below and in Table 3 (Private Access Standards):
1. Private Easement Road - In all zones a unit of land may have access by way of a private easement road upon a finding that such road provides access for not more than three (3) units of land and serves not more than three (3) units of land.

The requirements of Section 21.300 are not applicable to a Private Easement Road.

If the private easement road could provide access for more than three (3) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public or private road and not the right of way of the

private easement road.

2. Private Road - In resource areas only (areas zoned F-1, F-3, A-1 and A-2), a unit of land may have access by way of a private road upon findings of the Approving Authority that:
  - a. Such private road provides access for not more than ten (10) units of land and serves not more than ten (10) units of land;
  - b. Private road approval is obtained pursuant to Section 21.400;
  - c. Private road is constructed to standards of Section 21.430 when more than three (3) units of land use roadway;
  - d. The primary use of the road is to provide access for resource activities. Conflicting uses shall be minimized;
  - e. When service to more than ten (10) units of land is possible, provision shall be made to serve the area by public road, including but not limited to: (a) dedication of right-of-way; (b) extension and improvement of the roadway to public road standards such that not more than ten (10) units of land may be served.

If the private road could provide access for more than ten (10) units of land based on existing zoning, structural setbacks shall be established from the potential right of way of the public road and not the right of way of the private road.

- I. Alignment: As far as practical, streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty-five (125) feet.
- J. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided. Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to insure the objectives of obtaining full width streets.
- K. Streets Adjacent to Railroads, Freeways and Parkways: When a subdivision or partition contains or is adjacent to a railroad, a parallel street may be required on each side of such railroad. A land strip of not less than twenty-five (25) feet in width shall be provided along a railroad right-of-way for screen planting or park purposes between the

railroad and residential lots. Parallel, local service streets shall be provided on each side of a freeway or parkway either within or abutting their right-of-way. When such parallel streets are less than eighty (80) feet from such freeway or parkway the intervening property shall be used for only park or thoroughfare purposes. Streets paralleling railroads, at those cross streets where grade separations are proposed, shall be located at a distance from the railroad that provides for such grade separation structure.

- L. Existing Streets: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or partitioning.
- M. Future Extension of Streets: Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- N. Alleys: The minimum width of alleys, when provided in residential blocks, shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet in width. The corners of all alleys at their intersection with streets and other alleys shall be rounded and have a radius of not less than ten (10) feet.
- O. Pedestrian Ways: When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.
- P. Cul-De-Sacs: In general, dead-end (cul-de-sac) streets are not desirable, but if provided, shall terminate in a turnaround that is consistent with Chapter 11 and the local fire department.
- Q. Street Intersections:
  - 1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at ninety (90) degrees cannot be secured by reason of physical conditions of the site an angular intersection of not less than sixty (60) degrees may be permitted.
  - 2. Property corners at street intersections shall be rounded and with a radius of not less than ten (10) feet.
  - 3. Major thoroughfares intersections shall have roadway curb radii of not less than twenty-five (25) feet; all other street intersections shall have roadway curb radii of not less than twenty (20) feet.

- R. Reserve Strips: Reserve strips or street plugs dedicated to the County and controlling the access to a street may be approved or required when necessary to:
1. Prevent access to the street on a side where additional width is required to meet the minimum right-of-way standards;
  2. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
  3. Prevent the uncontrolled development of land.
- S. Marginal Access Streets: Where a subdivision or partition abuts or contains an existing or proposed arterial street, the Approving Authority may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- T. Utility Lines: Easements for sewers, water mains, electrical lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least twelve (12) feet wide and centered on lot lines where possible, except for utility pole tieback easements which may be reduced to six feet in width.
- U. Water Courses: If a subdivision or partition plat is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.
- V. Environmental Hazards: If a subdivision or partition contains known hazards resulting from potential for flooding, land movement, high water tables, erosion, or similar natural phenomena, the Approving Authority may require dedication of protective easements for uses that would minimize aggravation of the environmental hazard.
- W. Blocks: No block shall exceed twelve hundred (1200) feet in length between streets. In blocks over eight hundred (800) feet in length there shall be a cross walkway of not less than ten (10) feet in width, near the middle of the block. The width of blocks shall be such as to allow two tiers of lots, except where in the opinion of the Approving Authority a relatively short length of double frontage lots are unavoidable.



X. Lots:

1. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the types of use permitted. Lot dimensions shall not include part of existing or proposed streets. All lots shall be buildable, except a public utility lot. Depth and width of utility lots shall be adequate to provide for standard setbacks for service structures, and to furnish off-street parking facilities required by the kind of use contemplated. In no other case shall the width or area be less than that prescribed for the zone in which the lot is proposed.
2. Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Approving Authority determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.
3. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation or residential development from major traffic arterials or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting such a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot.
4. Flag lots shall not be permitted, except when unusual circumstances exist. Such circumstances may include characteristics of topography and site which affect construction on the property or access to the property. Approval of the creation of flag lots by the Approving Authority shall be based on specific findings indicating what unusual circumstances exist.

Y. Public Open Space: School sites, neighborhood playgrounds, parks and recreation areas shall be located in accordance to the development pattern of the County or the County area. When such public school or recreation sites are within the area of an approved subdivision they may be dedicated to the County or shall be reserved until such time as the County is able to acquire them. Parks and recreation areas shall be provided at the rate of one (1) acre of recreation area to every one hundred people.

Z. Subdivision Name: The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

AA. Street Names: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, and shall be subject to the approval of the

Approving Authority.

BB. Street Signs: All street and highway signs shall meet the County standards for such signs.

## SECTION 21.100 Land Partitioning Approval

### A. Approval of Preliminary Partition Plans:

1. An application for preliminary partition plan approval shall be initiated as provided in Chapter 2.
2. In addition to the complete application requirements for Chapter 14 - Scenic Area Review, a preliminary partition application, plan and supporting documentation shall include the following:
  - a. a vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;
  - b. any existing permanent structures and their setbacks to existing and proposed property lines;
  - c. all existing and proposed means of utilities for each tract including but not limited to water, primary and secondary septic drainfields, sewer lines, telephone lines, and electrical lines;
  - d. predominant topographical features such as bluffs and rock outcroppings;
  - e. areas subject to sliding or other natural hazards;
  - f. areas subject to flooding and all water courses and their directional flows, including marshes and wetlands;
  - g. north point, scale and date;
  - h. zoning classification and plan map designation of the land;
  - i. a plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each tract, acreage of each tract and location and name of existing and proposed streets and roads;
  - j. all existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map; and

- k. if not sewered and located in an "F-1", "F-3", "A-1" or "A-2" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on the face of the final partition plan that no investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal; or
    - l. if not sewered and located in an "RR" or "PR" zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook-ups for each parcel to be partitioned.
3. Standards for approval of a preliminary partition plan.
  - a. A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.
  - b. The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided, if the proposal complies with Chapter 3 - Basic Provisions, and Chapter 14 - Scenic Area Review, and if the standards of Section 21.030 have been met.
4. The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.

B. Approval of Final Partition Plat:

1. Within twenty four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance to those standards in this section.
2. The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:
  - a. the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;

- b. any conditions imposed by the Approving Authority have been met;

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section 21.110 that clearly will not adversely affect scenic, natural, cultural or recreational resources.

3. All access easements created as part of land partitioning become effective when the plat is recorded by the County Clerk. If an access easement is pre-existing or if the access easement has been recorded with the County Clerk prior to the final approval of the land partition, then the recorded Document Number shall appear on the face of the plat.
4. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary partition plat.
5. After approval of the final partition plat, the Director, County Surveyor, Assessor/Tax Collector, and Clerk shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.
6. Pursuant to Oregon Revised Statute (O.R.S.) 92.055 a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:
  - a. The approximate acreage of each unsurveyed parcel shall be shown.
  - b. Any unsurveyed parcel shall have the word "unsurveyed" placed in bold letters adjacent to the parcel number on the plat as provided in (5) above.
  - c. Unsurveyed parcels need not comply with O.R.S. 92.050(5), (7) and (8).
7. Pursuant to (O.R.S.) 92.095, prior to recordation of the final partition map, the current years' taxes must be paid in full. (The tax year runs from July 1<sup>st</sup> through June 30<sup>th</sup>).

C. Final Land Partition Plat Requirements:

1. Conformance to preliminary plan. The map shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.

- a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
  - b. All signatures on the original must be in archival quality black ink.
  - c. The lettering shall be a size or type to be clearly legible when copies are made.
  - d. A face sheet an index must be included for a plat with 3 or more sheets.
3. Compliance with ORS 209.250. A plat shall comply with all requirements of ORS 209.250 including:
- a. Narrative
  - b. Location of the survey by one-fourth section, Township and Range.
  - c. Date of the survey.
  - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
  - e. The distance and course of all lines traces or established, giving the basis of bearing.
  - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.
  - g. Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
  - h. The surveyor's seal and original signature.
  - i. The surveyor's business name and address.
4. Compliance with O.R.S. 92.050. A person shall not submit a plat of a partition for record until all the requirements of O.R.S. 209.250 and the plat requirements of the partition have been met.
- a. The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot

or one ten-thousandth of the distance shown on the plat, whichever is greater.

- b. The plat shall be made by professional land surveyor.
- c. The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:
  - (1) The survey and mathematical information and all other details are clearly and legibly shown on the plat.
  - (2) Each lot or parcel is numbered consecutively.
  - (3) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
  - (4) Each street is named and shown on the plat.
- d. The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be show.
- e. The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
- f. The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
- g. In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
  - (1) Arc length
  - (2) Chord length
  - (3) Chord bearing
  - (4) Radius
  - (5) Central Angle
- h. The final plat may not be required to show any information or requirement that is

or may be subject to administrative change or variance by the county, or any other information unless authorized by the County Surveyor. Examples of authorized information include:

- (1) Parcels located in an "F-1", "F-3", "A-1" or "A-2" zone shall contain the following statement "No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department.
- (2) Parcels located in any other zone shall contain the following statement: "The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality."
- (3) Planning Department File Number
- (4) Tax lot Information
- (5) Zoning classification and Plan Designation
- (6) Table indicating the acreages of all existing and newly created parcels.
- (7) Assessor Account Number for each existing property

5. Monuments.

- a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner, per ORS 92.060 and shown on the plat.
- b. The exterior boundary and all parcel corners must be monumented per ORS 92.060.
- c. For partitions involving land in a flood plain, the provisions of 21.310(B)(8)(e) shall apply.

6. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by



metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

7. Declaration.

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.
- b. Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration
- e. Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075(4).

8. General Information.

- a. Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.
- b. All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the plat.
- c. Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
- d. The names of any streets intersecting or within the parcels are shown.
- e. All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.

- f. Zoning classification and Plan Designation
- g. Space for date and signatures of the following officials for maps of partitions:
  - (1) County Planning Director or designee
  - (2) County Surveyor
  - (3) County Assessor/Tax Collector
- 8. County Surveyor Fees: In the cases where partitions are required to be surveyed, if the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to fifty percent (50%) of that fee provided in O.R.S. 92.100(2), to cover the second field check as provided in post monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

## SECTION 21.110 Amendments to Preliminary Plans and Final Plats or Maps

### A. Definitions:

- 1. "Minor Amendment" means a change which:
  - a. Does not change the number of parcels created by the subdivision or partition;
  - b. Does not enlarge the boundaries of subdivided partitioned, or boundary adjusted area;
  - c. Does not change the general location or amount of land devoted to a specific land use; or
  - d. Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces; or
  - e. Shall not adversely affect scenic, natural, cultural or recreational resources.
- 2. "Major Amendment" means any change which is not a minor amendment.

### B. Approval of Minor Amendments: A minor amendment to an approved preliminary

subdivision, partition, or boundary adjustment plan or to an approved final subdivision, partition, or boundary adjustment plat or map may be approved by the Director.

- C. Approval of Major Amendments: Approval of a major amendment to an approved preliminary subdivision partition, or boundary adjustment plan or to an approved final subdivision, partition, boundary adjustment plat shall be subject to the provisions of Chapter 2.

## SECTION 21.200 Property Line Adjustments & Replats

### A. Property Line Adjustments

1. Application - The decision on a request for a Property Line Adjustment shall be under Chapter 2. A completed application, as prescribed by the Director, shall be filed prior to any action on a Property Line Adjustment. A completed application shall contain the same information required for preliminary partition plans in Section 21.100(A).
2. Approval Standards for all zones except Agriculture Special, Open Space and Public Recreation: The request for a property line adjustment shall be approved by the Director if the following criteria are met;

- a. The adjustment will not result in the creation of any new parcel(s).
- b. GMA Only: The adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels.

Adjustments that would result in the potential to create additional parcels through subsequent land divisions, shall be subject to the full provisions of Chapter 14 Scenic Area Review.

- c. The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.
- d. GMA Only: Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

SMA Only: The adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

- e. SMA Only: The adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.
- f. Property line adjustments shall result in greater conformity where it can be achieved. Property line adjustments to nonconforming property (less than

the current minimum lot size in the GMA and less than 40 acres in the SMA) shall not result in greater nonconformity, except to accomplish one of the following purposes:

- (1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided:
    - (a) in the GMA, the parcel to be enlarged would not become eligible for a subsequent land division and in the SMA the parcel to be enlarged would not become 40 acres or greater, and
    - (b) the amount of land transferred would be the minimum necessary to resolve the issue.
  - (2) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions (in the GMA) and residential development.
- g. (GMA Only): Adjusted property lines may cross zoning district boundaries unless
- (1) The adjustment will increase the number of parcels or lots which could potentially be created, based on the density requirements of the applicable zoning district; or
  - (2) The adjustment will allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture Special, Commercial Forest, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).
- h. The adjustment will not cause any previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection criteria, including, but not limited to, requirements for setbacks, buffer zones and landscaping.
- i. The adjustment shall not result in a parcel that cannot comply with existing land use and resource protection criteria, including, but not limited to requirements for setbacks, buffer zones and landscaping.

- j. Proposed property line adjustments which have the net result of physically relocating a parcel to a new location beyond an existing common boundary line or which requires the creation of a private or public road will not be acted on, and must be reviewed under Section 21.100 of the Wasco County Land Use and Development Ordinance.
3. (GMA Only):Approval Standards for Agriculture Special, Open Space and Public Recreation zones  
In addition to meeting the standards of 2(a), (g), (h), & (i) above, adjustments shall comply with the following standards:
    - a. Agriculture Special & Open Space: The adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Agriculture Special or Open Space.)
    - b. Public Recreation: The adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation.)
  4. Survey Requirements for Property Line Adjustments: An adjusted property line created by the relocation of a common boundary as described in ORS 92.010 (7)(b) shall be subject to the final mapping requirements listed in 21.100(B) & (C). In addition the final map shall contain a written legal description of all newly created legal parcels as a result of the property line adjustment.
- B. Replats shall be reviewed according to 1 or 2 below with the exception that the requirements of ORS 92.180 - 92.190 shall apply.
1. Replats which result in a reconfiguration between lots or parcels in a recorded subdivision or partition, a decrease of lots in a recorded subdivision, or a correction of an error or irregularity in the original plat shall be reviewed according to A above.
  2. Replats which result in an increase in the number of lots in a recorded subdivision shall be reviewed according to Section 21.100, Land Partitioning Approval.

## SECTION 21.300 Preliminary Subdivision Plan Approval

The approval of a preliminary subdivision plan is reviewed by the Planning Commission subject to the provisions of Chapter 2.

### A. Application for Preliminary Subdivision Plan Approval:

1. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this Ordinance.
2. In addition to the complete application requirements for Chapter 14 - Scenic Area Review the applicant shall file with the Director a preliminary subdivision plan, together with improvement plans and other supplementary information required by B below to demonstrate the design and objectives of the subdivision.
3. The preliminary plan shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals one hundred (100) feet, or one (1) inch equals fifty (50) feet.

### B. Information Required in the Preliminary Subdivision Plan:

1. All existing and proposed means of utilities for each tract including but not limited to water, sewer, telephone lines, and electrical lines.
2. Any existing permanent structures and their setbacks to existing and proposed subdivision lot lines.
3. Predominant topographical features such as bluffs and rock outcroppings.
4. Typical cross-sections of proposed streets, showing all improvements proposed within the street right-of-way at such scale to clearly show the details thereof.
5. Contour lines may be required at intervals to be determined by the Director.
6. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
7. The location, width and names of all existing or plotted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivisions or corporation lines and school district boundaries.

8. Vicinity sketch showing how the proposed streets and alleys may connect with existing streets in neighboring subdivisions or undeveloped property.
9. Zoning classification and plan map designation of the land.
10. The location of any environmental hazard; area unsuitable for building purposes; or land subject to mass movement, excessive erosion, or similar natural phenomena.
11. The proposed name of the subdivision.
12. North point, scale, date of preparation, and basis of bearing.
13. Areas subject to flooding, storm water overflow and all water courses and their directional flows, including marshes and wetlands;
14. Names and addresses of the subdivider, owner, mortgagee, if any and of the engineer, surveyor or land planner or landscape architect.
15. The tract description according to the real estate records of Wasco County.
16. The boundary lines (accurate in scale) of the tract to be subdivided.
17. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
18. All existing and proposed public and private easements, restrictions, and covenants providing for, or affecting all services, utilities, or access must be shown on the face of the map along with the legal description. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map; and
19. Proposed lots, approximate lot dimensions, and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated upon such lots.
20. Parks, playgrounds, recreation areas, parkways, and other open space for public use.
21. Locations of proposed tree plantings or other plantings. Appropriate information clearly stating the map is a tentative plan.
22. Proposed source of water supply, if any; estimated volume to be available, together with data regarding the location, type, and size of all storage facilities,



distribution lines, fire hydrants, and gate valves.

23. If domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.

24. The proposed method of sewage disposal.

- a. If to be served by a community sewer system, data regarding the location, type, size, approximate grade, and capacity of all collection lines, feeder lines, trunk lines, pumping stations, storage facilities, backflow prevention devices, and gate valves. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.
- b. If to be served by a community collection and storage system, data regarding the location, type, size, approximate grade, and capacity of all lines, holding tanks, storage facilities, pumping facilities, and valves.
- c. If to be served by subsurface sewage disposal, a statement from an authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian regarding the approval of each lot or parcel to be sold for installation of septic tank facilities.

25. Proposed building setback lines.

C. Development Phasing:

1. A preliminary subdivision plan may provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
2. Time limitations for the various phases must meet the following requirements:
  - a. Phase 1 final plat shall be approved within twenty four (24) months of preliminary approval.
  - b. Phase 2 final plat shall be approved within thirty six (36) months of preliminary approval.
  - c. Phase 3 final plat shall be approved within forty eight (48) months of preliminary approval.

approval.

D. Criteria for Approval of Preliminary Subdivision Plan:

1. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2.
2. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
  - a. The information required by this Chapter has been provided;
  - b. The standards of Section 21.030 have been met; and
  - c. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.

E. Duration of Preliminary Subdivision Plan Approval:

1. Approval of a preliminary subdivision plan shall be valid for twenty four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of (C)(2) above.
2. If any time limitation is exceeded, approval of the preliminary subdivision plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require a new development request.

F. Granting of Extensions:

1. An applicant may request an extension of the validity of a preliminary subdivision plan approval, or, if the preliminary plan provides for phased development, an extension of the validity of preliminary approval with respect to the phase the applicant is then developing. Such request shall be considered an Administrative Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.
2. The Director may grant one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval or, if the preliminary plan provides for phased development, one extension of up to twelve (12) months in the validity of a preliminary subdivision plan approval with respect to the phase then being

developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.

#### SECTION 21.310 Final Subdivision Plat Approval

Approval of a final subdivision plat is reviewed by the Planning Commission and subject to the provision of Chapter 2.

##### A. Application for Final Subdivision Approval:

1. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to 21.300, the applicant shall cause an Oregon licensed land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
2. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, an exact reproducible copy, other supporting documents as described in B, Final Subdivision Plat Requirements through D, Performance Bond, below, and the appropriate fees as established by the County Governing Body.

##### B. Final Subdivision Plat Requirements:

1. The final plat shall be prepared in conformance with all provisions of this Section.
2. Prior to submission for final approval, the final subdivision plat shall be signed by all persons who own land in the subdivision and the mortgagees, or by their authorized representatives or any title-holder. The plat shall bear the signature and seal of the licensed land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be with black ink.
3. Conformance to preliminary plan. The plat map shall substantially conform to the preliminary plan as approved.
4. Preparation. All plat maps shall be prepared by a professional land surveyor registered with the State of Oregon.
5. Format. The plats shall be drawn with an archival quality black permanent ink, approved by the County Surveyor, on 4 mil (minimum) thick polyester based transparent drafting film, or an equivalent, matted on both sides, eighteen inches by

twenty-four inches (18"x24") in size. The quality of said drafting film and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used.

6. Scale. The plat shall be drawn to a standard engineering scale sufficient to depict the subdivision of land approved by the County Surveyor.
7. Survey Accuracy. The survey for the plat shall be done in such a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
8. Measurements. The subdivision plat shall contain the following measurements:
  - a. The boundary lines with distance and bearing of the exact location and width of existing or recorded streets intersecting the boundary.
  - b. The arc, length, chord length, chord bearing, radii, and central angles of curves.
  - c. Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.
  - d. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.
  - e. All measured bearings or angles and distances separately indicated from those of record.
  - f. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.

Any additional information shall be typed or printed in narrative form.

9. Monuments. The subdivision plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at each of the following locations.
  - a. The Initial Point, which must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner per ORS 92.060.
  - b. The exterior boundary including every angle point or curve point along the

boundary lines. Any exceptions shall be allowed only with approval of the County Surveyor. All monuments for the exterior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval.

- c. All lot corners, except lot corners of a cemetery. All monuments for the interior boundaries of a subdivision shall be set and referenced on the plat before the plat is offered for approval, unless the surveyor certifies the remaining monuments will be set. If the interior monuments are not set prior to the approval of the plat:
- (1) The person performing the survey work shall, by affidavit, certify that the interior monuments will be set by a date specified by him, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director.
  - (2) The subdivider shall furnish to the Wasco County Surveyor's Office a bond or cash deposit, at the option of the Wasco County Surveyor's Office in the amount equal to not more than 120 percent of the County Surveyor's estimate of the cost to perform the work for the interior monumentation.
  - (3) Space will be provided on the face of the plat for endorsement of the recording reference to the plat copy to be filed upon completion of such interior monumentation.
  - (4) Upon completion of the interior monumentation, the person performing the survey shall indicate upon a copy of the plat that monumentation has been completed.
  - (5) The County Surveyor shall check the interior monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the plat copy and file it with the County Clerk.
  - (6) The County Clerk shall file the plat copy and reference the filing number on the original plat. The County Clerk shall advise the County Surveyor of such number for notation on the plat previously filed with him.
- d. Flood Plain Monumentation for Subdivisions and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
- (1) A standard Bench Mark shall be a minimum of thirty-six inches (36") in depth and eight inches (8") in diameter, constructed of concrete with a brass cap

set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least thirty inches (30") in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.

- (2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based.
  - (3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.
  - (4) Field notes and closure copies to County Surveyor:
    - (a) Copies of all lot closures, block closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.
    - (b) If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.
10. Surveyor's Certificate. The plat must include a Surveyor's Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes or bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

11. Declaration

- a. The plat shall include a declaration, taken before a notary public, stating that the declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.
- b. Any dedication of land to public purposes or any public or private easements created, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration.

- e. Notwithstanding the provisions of subsections a. to d., the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075 (4).

12. General Information. The map shall comply with ORS 209.250 and contain the following information in addition to the preliminary plan information except that 21.3 00(B)(1) – (8) shall not be required to be on the face of the plat:

- a. Table indicating the approximate acreages of all existing and newly created parcels and lots.
- b. Assessor Account Number for each existing property.
- c. Planning Department File Number.
- d. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Donation Land Claim, Township and Range.
- e. Subdivision block and lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arcs, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis of bearings.
- f. Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
- g. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a certified copy of the easement shall be provided. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's declaration.
- h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.

- i. Numbering of blocks and lots, as follows:
  - (1) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure or lot numbers. In an addition to a subdivision of the same name, numbers shall be a continuation of the numbering in the original subdivision.
  - (2) Lot numbers beginning with the number "1" and numbered consecutively in each block.
- j. Ties to any city, county, or adjacent subdivision boundary lines.
- k. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-sixteenth corner or Donation Land Claim corner in Township and Range.
- l. Space for date and signature of the County officials specified in l below.
- m. Any conditions specified by the Approving Authority upon granting preliminary approval.
- n. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Wasco County.
- o. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Wasco County.
- p. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.
- q. A declaration signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
- r. A declaration signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems the donation of which was made a condition of the approval of the tentative plan.
- s. A narrative per ORS 209.250(2).



- t. All subdivisions outside the boundaries of an irrigation district, drainage district, water control district, or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision, the statement of water right and a copy of the subdivision plan must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the final subdivision plat.
  - u. Any additional information made a condition of approval of the tentative plan.
13. Supplemental Information with Final Plat. The following data shall accompany the final plat if requested by the Director or County Surveyor:
- a. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
  - b. Sheets and drawings showing the following:
    - (1) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
    - (2) The computation of all distances, angles, and courses shown on the final map.
    - (3) Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.
  - c. A copy of any dedication requiring separate documents.
  - d. A Plan and Profile showing the following:
    - (1) Widths of the proposed dedication throughout the length of the proposal.
    - (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.
    - (3) Ground line and grade line profile on the centerline of the proposed street or road.
    - (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
    - (5) Proposed drainage structures, showing both size and type of structure.

- (6) Earthwork distribution, i.e., volume of cuts and fills shown in appropriate haul distribution brackets.
  - (7) Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.
  - (8) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
  - (9) Typical section of roadbed to be constructed.
  - (10) Sections lines, fractional section lines and/or Donation Land Claim lines tied to corner from which dedication description is prepared.
  - (11) Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.
  - (12) The stamp and signature of the registered Professional Engineer or qualified land surveyor preparing the plans.
- e. Cross Sections
- (1) Shall be platted on standard 10-square inch or CAD cross-section print-outs.
  - (2) Shall show proposed widened cuts or fill if these are needed for material balance.
- f. If sewer and/or water facilities are required as the condition of approval of the Final Plat, the following may be required to be submitted with the Final Plat:
- (1) Plans and profiles of proposed sanitary, and storm-water sewers, with grades, pipe sizes and the location of manholes indicated.
  - (2) Plans and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.
  - (3) Specification for the construction of all proposed sewer and water lines and other utilities.
  - (4) Grading plans and specifications as required for areas other than streets and ways.

(5) Planting plans and specifications for street trees and other plantings in public areas.

14. County Surveyor Fees: The subdivider shall pay a subdivision review fee to the County Surveyor as provided in O.R.S. 92.100(2) which is included in the cost at the time of application. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

C. Agreement for Improvements

1. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County Governing Body an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant.
2. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for administrative action. Such extension shall be approved only if changed conditions for which the applicant is not responsible have made it impossible for him to fulfill the agreement within the original time limit(s).

D. Performance Bond

1. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
  - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the District Attorney; or
  - b. cash deposit with the County Tax Collector; or
  - c. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the County Roadmaster. The bank certification or letter of assurance shall be approved by the District Attorney; or

- d. cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the County Roadmaster. Escrow instructions shall be approved by the District Attorney.
  2. Such assurance shall be for a sum determined by a qualified licensed engineer or in the case of survey monuments, a licensed land surveyor as sufficient to cover the costs of included improvements and repairs or monuments and including related County expenses; and
  3. Such assurance provides that: If the applicant fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.
- E. Parks, Playgrounds, or Recreational Areas: The Approving Authority may require parks, playgrounds, or recreational areas be provided in the final subdivision plan and dedicated to the County in locations and of size indicated by the Plan for the area in which the subdivision is located.
- F. Recreational Fund: Where no parks, playgrounds or recreational areas are required by the Commission, the subdivider shall pay to the County a sum equal to six and two-thirds percent (6 2/3%) of the assessed value of the land area, exclusive of streets, within the subdivision. Such sum shall be paid to the County Clerk prior to recording of the final subdivision plan and such sum shall be held by him in a special fund for acquisition and development of parks, playgrounds, and recreational areas within the immediate area of the subdivision.
- G. Development Phasing: If the preliminary subdivision plan approval, pursuant to Section 21.300, provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in A through D above, for that phase only.
- H. Standards for Final Subdivision Plat Approval
1. The Planning Commission shall grant final subdivision plat approval if they determine that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as

defined in 21.110(A)(1).

2. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan.
3. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the County Governing Body for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.

I. Filing and Recording of Final Plat

1. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
  - a. Planning Commission Chairman;
  - b. County Surveyor;
  - c. County Assessor/Tax Collector;
  - d. An authorized representative of the Department of Environmental Quality, State of Oregon, or the County Sanitarian;
  - e. County Sheriff;
  - f. County Commissioners;
  - g. County Clerk.
2. The final plat shall be recorded within thirty (30) days of the date that the approvals and signatures required by H, Standards and Recording of Final Plat and (1) above were obtained.

## SECTION 21.400 Private Road Approval and Public Road or Street Dedications

Any person desiring to create a public street or private road not part of a subdivision or land division shall make written application to the Director. Approval of a public or private road is reviewed by the County Governing Body. Public or private roads being created as part of a subdivision or land division shall be reviewed by the Planning Commission subject to the provisions of Chapter 2.

### A. Application for Tentative Plan

1. An application for tentative plan approval for road or street dedication or private road approval shall be initiated as provided in Chapter 2 of this Ordinance.
2. The applicant shall submit to the Director a written application and of a Tentative Plan prepared in accordance with B below, Information Required on Tentative Plan.
3. The Director shall distribute a copy of the Tentative Plan to the County Roadmaster and obtain their recommendation on the proposed action.

### B. Information Required on Tentative Plan. Tentative Plans shall include the following information presented in the following form:

1. The Tentative Plan shall be clearly and legibly drawn to an appropriate scale so that the Approving Authority may have an adequate understanding of what is proposed.
2. A vicinity map showing the proposal in relationship to other existing or proposed streets.
3. Date, north point and scale.
4. Name and address of applicant and the person preparing the Tentative Plan.
5. Appropriate identification of the drawing as a Tentative Plan.
6. Location of the proposed dedication or private road abutting the unit of land proposed to be approved by the Section, Township and Range sufficient to define its location and, if available, a centerline description or right-of-way boundary description.
7. Zoning classification and Plan Map designation.
8. The names of adjacent subdivisions and the names of recorded owners of adjoining lots, parcels or units of land and the amount of frontage each owner

has on the proposed dedication or on the private road.

9. Existing roads or street(s) intersecting or meeting the proposed dedication or private road.

C. Approval of Road or Street Dedication

1. After considering the recommendation by the County Roadmaster, the Approving Authority shall approve the Tentative Plan for road or street dedication and recommend to the County Governing Body the dedication of a public road if it determines that:
  - a. the information required by this section has been provided;
  - b. the road or street is or will be improved to meet all applicable standards of these regulations; and
  - c. dedication of the road or street to the public is consistent with the goals, policies and map of the Plan.
2. If Tentative Plan to dedicate a road or street is recommended to the County Governing Body, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the road or street to the improvement standards recommended by the County Roadmaster.

D. Acceptance of Dedication by the County Court

1. Before the County Governing Body may accept the dedication, the applicant must have completed any improvements required as a condition of the approval of the dedication or have complied with 21.310(D).
2. Prior to acceptance by the County Governing Body, the owner of the land to be dedicated shall submit a preliminary title report issued by a title insurance company in the name of the owner of the interest in the land.
3. Upon acceptance of the dedication by the County Governing Body, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public.
4. The County Governing Body shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
5. No road or street will be accepted for maintenance as part of the county road system

unless it meets the standards of subsection (B) and (C) of this Section and is ordered accepted by the County Governing Body pursuant to law.

E. Approval of a Private Road

1. The County Roadmaster shall determine if the private road meets the improvement standards and shall submit his findings as a written recommendation to the Approving Authority.
2. The Approving Authority shall approve a private road if it finds that the private road meets the standards of Section 21.030 and also the improvement standards for private roads.
3. Upon approval of such private road, the applicant shall submit a boundary line or centerline survey of the road, unless the location of the road is already established by existing property line surveys recorded with the County Surveyor. The boundary line survey shall be submitted to the Director and the Wasco County Surveyor.

SECTION 21.410 Improvements

The improvement standards contained in Sections 21.410 through 21.440 shall apply to all subdivisions, street dedications and private road approvals in Wasco County.

- A. Improvement Requirements: The following improvements shall be installed at the expense of the subdivider partitioner, or person(s) creating the road:
1. Roadways in all cases shall conform with the improvement standards set forth herein.
  2. Sidewalks shall be constructed in dedicated pedestrian ways along streets where determined necessary by the Approving Authority for pedestrian safety.
  3. The applicant shall undertake on-site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision partition or properties adjacent to the dedicated road.
  4. The applicant shall make improvements to existing County or public roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots or partition parcels are created which front on County maintained roads.
  5. Road signs shall be required as an improvement in a subdivision or partition.



Wasco County shall install and maintain such road or street signs, provided the person(s) creating the road pays the expense of the initial improvement.

6. When necessary, and consistent with all applicable standards including those in Chapter 14, sidewalks shall be required as part of a new road when a proposed development or land division is within an urban growth boundary, or when:
  - a. The subject property is located within one-quarter mile of a school, shopping center, recreation area, or other use likely to create pedestrian traffic; or
  - b. The surrounding area is developed with sidewalks or is zoned for commercial, industrial or urban residential uses.
7. Sidewalk(s) shall be constructed to applicable standards (see Table 2 Urban Wasco County Roadway Design Standards in the Wasco County Transportation System Plan). Sidewalk requirements may be waived, or may be deferred through a road improvement agreement when, in the opinion of the County, sidewalks would not be immediately necessary to accommodate pedestrian traffic.
8. Bicycle facilities shall be required along new roads when necessary to extend an existing bicycle route, or when a bicycle route or way is proposed within an adopted Transportation System Plan.

#### B. Improvement Policies and Standards

The improvement policies and standards contained herein shall apply to development conducted under provisions of this Ordinance. They are primarily intended to govern the design and construction of streets and roads which are to be accepted into the Wasco County maintained road system. These policies and standards also apply to other roads, both public and private, as determined appropriate by the Approving Authority.

It shall be the duty of the Wasco County Roadmaster to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.

#### SECTION 21.420 Public Streets and Roads

- A. General Design Policies: The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):
  1. "A Policy on Geometric Design on Highways and Streets".

2. "Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)"

B. Design Criteria

1. Improvement of public streets and roads shall conform to the design standards designated for the particular classifications indicated in Table 21-1(Rural Public Roadway Design Standards) & 21-2 (Urban Public Roadway Design Standards) of this Chapter
2. Roadway sections shall conform to the sections designated for the particular road classifications.
3. The design of structural sections of all roadways required by this Ordinance, including arterials, collectors, local access roads and principal highways shall conform with the General Design Policies in A above and the standard specifications which are applicable to construction of improvements in E(2) below, Construction. Any deviation from these standards shall be approved by the County Roadmaster.
4. The design standards listed and referenced in this section may only be varied only through a request to the Wasco County Public Works Director by a Professional civil engineer.

C. Standard Drawings

1. The County Roadmaster shall have the authority to publish "Standard Drawings" for the design of public streets and roads. These drawings may be included in the separately adopted document listed in B(1) above.
2. The applicant's design shall conform to the "Standard Drawings".

D. General Considerations

1. The County Roadmaster may impose additional design requirements as are reasonably necessary to provide safe and adequate access.
2. There shall be provided a cul-de-sac at the end of each street or road that ends within the confines of a proposed subdivision or partition. Any proposed street or road that terminates at a proposed subdivision or development boundary will be provided with a temporary cul-de-sac or turnaround which may be discontinued at such time as the road or street is extended.
3. Any road or street which does not connect directly to a County maintained road, city maintained street or state highway shall not be accepted for maintenance by the

County. No other road or street shall be accepted for maintenance as a part of the County road system unless it is ordered accepted by the County Governing Body pursuant to law.

## E. Development Requirements

### 1. Engineering:

a. Plans - Construction plans may be required for improvements governed by these standards. Such construction plans shall be prepared under the direction of a consultant engineer registered in the State of Oregon, and shall be submitted for approval to the County Roadmaster and shall include the following information:

- (1) Widths of all proposed road right-of-way dedication.
- (2) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.
- (3) Original ground line and grade line profile on the centerline of the proposed road.
- (4) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
- (5) Proposed drainage structures, showing both size and type of structure.
- (6) Toe of fill and top of cut lines.
- (7) Typical structural section of roads to be constructed.
- (8) Section lines, fractional section lines and/or Donation Land Claim lines. Also, bearing and distance from which the centerline description is prepared, and basis of bearings.
- (9) A vicinity map in the upper left hand corner of the first plan sheet showing the relationships of the proposed road to cities, state highways, county roads, or other well-defined topographical features.
- (10) Proposed utilities, showing location and type. Also, a written statement that locations have been approved by affected utility companies. A composite map shall be furnished by the consultant engineer to all affected utilities.
- (11) The plans shall contain a standard symbol sheet approved by the County Roadmaster.

(12)The stamp and signature of a consultant engineer preparing the plans.

(13)The location and dimensions of the pedestrian circulation system.

(14)The location and dimensions of bicycle parking, when required.

- b. Cost Estimates - The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related road-work and affected utility installation and/or relocation.
- c. Monumentation - All horizontal curve points shall be referenced with a 5/8" x 30" steel rod set perpendicular to the tangents at the right-of-way line and witnessed by a white 4" x 4" x 4' cedar post or a four foot section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

## 2. Construction:

- a. Standard Specifications - The Standard Specifications which are applicable to the construction of improvements governed by these standards are the following (except as they may be modified, supplemented or superseded by Wasco County):
  - (1) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Department of Transportation, and the American Public Works Association, Oregon Chapter.
  - (2) "Oregon Standard Specifications for Construction", most recent edition, published by the Oregon Chapter of the American Public Works Association (APWA) and the Oregon Department of Transportation (ODOT).

References to "Oregon Transportation Commission" shall be construed to mean Wasco County and the Wasco County Governing Body, respectively. "Engineer" and "Director" shall be construed to mean the County Roadmaster, or his properly authorized agent(s) acting within the scope of his/her particular duties.

- b. Permits - A permit to occupy and perform operations shall be obtained from the County Roadmaster prior to commencing construction within the right-of-way of any County maintained road.
- c. Bond Requirements - Before the dedication or deed to the public for street or road right-of-way is accepted by the County Governing Body, the applicant shall provide a performance bond or other security, as set forth in 21.310(D).

- d. Inspection Schedule - After financial assurance is received by the County, the applicant shall arrange for periodic inspection by his consultant engineer. At a minimum, such inspection shall occur at the following stages of construction:
- (1) After clearing and grubbing is completed.
  - (2) After grading and drainage is completed.
  - (3) After rock surface is completed.
  - (4) After paving is completed.
- e. Certification and Warranty Requirements -
- (1) When the project is completed, the consultant engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance with the plans and specifications. The certification shall include a copy of the results of all conformance tests performed in conjunction with the design and construction of the project.
  - (2) Upon receiving said certification, the County will accept the project for normal and routine maintenance, provided the applicant posts a warranty bond equal to twenty percent (20%) of the performance bond required in (c) above for the correction of any deficiencies that may arise within a period of one (1) year.
  - (3) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the County Roadmaster that the provisions of the improvement agreement are complete, the performance bond required by (c) above shall be released to the applicant.
  - (4) The County Roadmaster shall inspect the project at the end of one (1) year and list the deficiencies to be corrected and shall notify the applicant of such deficiencies. In the event no deficiencies are found, the warranty bond will be released to the applicant at that time.
  - (5) Upon notification of the deficiencies, the applicant shall commence corrective work within thirty (30) days and shall complete such work at the earliest possible date. Upon satisfactory completion, the warranty bond shall be released to the applicant.
  - (6) In the event the applicant fails to commence corrective work within thirty (30) days of notification of deficiencies, the County shall cause the corrective work to be accomplished and call on the warranty bond for reimbursement. If the amount of the warranty bond exceeds cost and expenses incurred by the County, the County shall release the remainder; and if the amount of the

warranty bond is less than the cost and expenses incurred by the County, the applicant shall be liable to the County for the difference.

- f. As-Constructed Plans - The County Roadmaster, at the completion of the project, may require the consultant engineer to furnish permanent reproducible plans of the work or an "as-constructed" modification of the original permanent reproducible plans previously submitted, as may be required under (1)(a) above, Plans.

- (1) The title sheet shall contain the consultant engineer's signed P.E. (Professional Engineer) stamp and a certification signed by the engineer "that the project has been constructed in substantial conformance with the plans and specifications".
  - (2) The title sheet shall contain in the title block the name of the street or road; the name of the subdivision; the names of the applicant and consultant engineer preparing the plan; the location of the street or road according to Section, Township and Range; a typical section showing surfacing, thickness and types, side slopes and cut and fill slopes; and, a vicinity map of approximately 1"= 1 mile showing where the street or road is located in relation to Sections, Townships and Ranges and surrounding topographical features and its connections to existing County or State highways.
  - (3) The plans shall show the centerline alignment and all curve data, and direction of tangents, the location and monumentation of the street or road, right-of-way widths, drainage easements, section lines, lot lines of the subdivision, and all drainage structures, their sizes, lengths and locations, and underground utilities, their types, sizes and locations.
  - (4) The plans shall show the original ground line and the finish grade on the centerline, all P.I. (Point of Interest) elevations and stations, elevations of vertical curves and tangent grades.
  - (5) The plans shall have a title block in the lower right hand corner giving the name of the street or road, the subdivision, the name of the consultant engineer preparing the plans and the name of the applicant.
  - (6) The consultant engineer will provide accurate "as-constructed" plans to all affected utility companies.
- g. Signing - Permanent traffic control and street or road identification signs will be required for all subdivisions.
- (1) The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Roadmaster adequate for the construction and installation

of permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.

- (2) Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

### SECTION 21.430 Private Roads

A. General Design Policies: Private roads shall conform to the requirements outlined in Table 3 of this Chapter.

B. Design Criteria

Private roads shall conform to the requirements outlined in the Wasco County Road Standards document indicated in 21.420(B)(1) as well as the criteria below:

The design standards listed and referenced in this section may only be varied only through a request to the Wasco County Public Works Director by a registered Professional civil engineer.

1. Finished top surface width of roads shall be a minimum of twelve (12) feet.
2. The roadbed shall have an all-weather surface of suitable material, in good repair and of sufficient depth to ensure a solid roadbed, but in no case less than four (4) inches of crushed rock.
3. Turnouts shall be provided no further than six hundred (600) feet apart and not less than fifty (50) feet in length and eight (8) feet in width excluding taper, unless further restricted by fires safety standards.
4. The County Roadmaster may require paving for road profile grades exceeding fifteen percent (15%), and in no case shall a grade exceed twenty percent (20%).
5. Cross culverts of adequate size (minimum eighteen inches in diameter) shall be provided to carry storm run-off under the roadway.
6. All cut and fill slopes shall be 1.5:1 or flatter; unless steeper slopes are determined feasible by a consultant engineer. A fallout area may be necessary

for any slope steeper than 1.5:1.

7. Adequate roadside ditches shall be provided to carry storm run-off. Roadside ditches in excess of seven percent (7%) grade and in erodible soils shall be lined with suitable material to prevent erosion.

C. General Considerations

1. The Approving Authority, upon recommendation of the County Roadmaster, may impose additional requirements as are reasonably necessary to provide a safe and adequate access.
2. Private roads shall be maintained by the benefited property owners and shall not be accepted by the County for maintenance.

D. Certification and Special Considerations

1. The County Roadmaster may require the applicant to retain a consultant engineer to inspect his private road project. When the project is completed, that engineer shall certify to the County, in writing, that the project has been constructed in substantial conformance to the County's current improvement standards.
2. In the event an existing road is to be used for access to a land division, it shall be inspected by a consultant engineer retained by the applicant and, if found adequate for the intent and purposes of the private road requirements, shall be approved.

E. Signing: Permanent traffic control and street or road identification signs will be required at the intersections of private roads with County maintained roads.

1. The applicant shall deposit (in cash) with the County Roadmaster, an amount determined by the Director adequate to cover the costs of construction and installation of required permanent signing required. Upon receiving said cash deposit, the County will prepare, place and maintain required permanent signing.
2. Temporary construction signing will be required on all streets and roads under construction which are being used by the public. Temporary construction signing shall be in conformance with the "Manual on Uniform Traffic Control Devices", as published by the Department of Transportation, Federal Highway Administration, and supplemented by State of Oregon "Standard Practice and Interpretations", and shall be furnished, installed, maintained and removed at the expense of the applicant.

SECTION 21.440 Roadway Improvement Standards



- A. Roadway Requirements: No development shall occur unless the roadways adjacent to the development meet the standards of this section, unless the following applies:
1. A development may be approved if the adjacent roadway does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
  2. Roadways under the jurisdiction of the Oregon Department of Transportation shall be improved to state standards.
- B. Minimum Right-of-Way Width - The width of street right-of-way provided in Table 1 shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision or partition which is the natural or planned continuation of the alignment of the existing or proposed streets. Unless otherwise indicated on the official roadway map, the width of all rights-of-way and roadway improvements shall be in compliance with the following:
1. Arterials: A minimum right-of-way width of sixty (60) feet.
  2. Collectors: A minimum right-of-way width of sixty (60) feet.
  3. Local Roads: A minimum right-of-way width of fifty (50) feet.
- C. Partial street improvements - Partial street improvements resulting in a pavement width of less than 16 feet; while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.
- D. Improvements Guarantee in Lieu of Improvements - If the County could and would otherwise require the applicant to provide street improvements, the County Roadmaster may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
1. A partial improvement is not feasible due to the inability to achieve proper design standards;
  2. A partial improvement may create a potential safety hazard to motorists or pedestrians;
  3. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;

4. The improvement would be in conflict with an adopted capital improvement plan;
  5. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
  6. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.
- E. Off-site Improvements - Off-site improvements, such as pavement construction or re-construction of existing street(s) proposed for access to the subdivision or partition, which are inadequate or in failing condition, may be required. Off-site transportation improvements will include bicycle and pedestrian improvements, as identified in the adopted Wasco County Transportation System Plan.

#### SECTION 21.450 Access Control

- A. Purpose. The following access control standards apply to industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the Wasco County Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the county. Access management is a primary concern on these roads. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision or partitioning of land.
- B. Access Control Standards.
1. Traffic Impact Analysis Requirements. The County or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 4.180 Traffic Impact Analysis.)
  2. The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required).
  - a. Option 1. Access to the lower order roadway.
  - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
  - c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection e., below.
4. Subdivisions and Partitions Fronting Onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide secondary (local or collector) streets for access to individual lots.
5. Access Spacing. Minimum access spacing standards apply to newly established public street intersections, private drives, and non-traversable medians.
  - a. Standards are found in Table 7.2, Rural Wasco County Roadway Design Standards and Table 7-3 Urban Wasco County Roadway Design Standards, in the Wasco County Transportation System Plan.
  - b. Access to State Highways and Interchanges. Access to a transportation facility under the jurisdiction of the Oregon Department of Transportation (ODOT) shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and the requirements of OAR 734-051.
6. Number of Access Points. For single-family housing types, one street access point is permitted per lot, when secondary (local or collector) street access cannot otherwise be provided. The number of street access points for commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection (g) below, in order to maintain the required access spacing, and minimize the number of access points.

7. Shared Driveways. The number of driveway and the frequency with which private streets intersect with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
  - a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- C. Notwithstanding Section 21.450, upon the recommendation of the County Roadmaster the County may reduce access spacing standards if the following conditions are met:
  1. Joint access (shared) driveways and cross access easements are provided in accordance with the standards;
  2. The site plan incorporates an integrated access and circulation system in accordance with the standards;
  3. The property owner enters into a written agreement with the County that pre-existing connections on the site will be closed and eliminated after construction of each side of the shared driveway;
  4. The proposed access plan for redevelopment properties moves in the direction of the spacing standards; and
  5. The reduced access spacing is consistent with all applicable provisions of Chapter 14.
- D. The County Roadmaster may modify or waive the access spacing standards for roadways under County jurisdiction where the physical site characteristics or layout

of abutting properties would make a development of a unified or shared access and circulation system impractical and would make meeting the access standards infeasible, subject to the following:

1. The application of the location of access standard will result in the degradation of operational and safety integrity of the transportation system.
  2. The granting of the modification or waiver shall meet the purpose and intent of these standards and shall not be considered until every feasible option for meeting access standards is explored.
  3. Applicants for modification or waivers from these standards must provide proof of unique or special conditions that make strict application of the standards impractical. Applicants shall include proof that:
    - a. Indirect or restricted access cannot be obtained;
    - b. No engineering or construction solutions can be applied to mitigate the condition;
    - c. No alternative access is available from a road with a lower functional classification than the primary roadway;
    - d. The hardship is not self-created; and
    - e. The modification or waiver is necessary to protect scenic, natural, cultural or recreation resources in Chapter 14 or is at a minimum consistent with the standards to protect them.
- E. **Street/roadway Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private roads, in accordance with AASHTO design standards. For residential and commercial developments, the maximum block length shall not exceed 600 feet, with the maximum perimeter not to exceed 1,400 feet.

#### SECTION 21.460 Pedestrian Access and Circulation

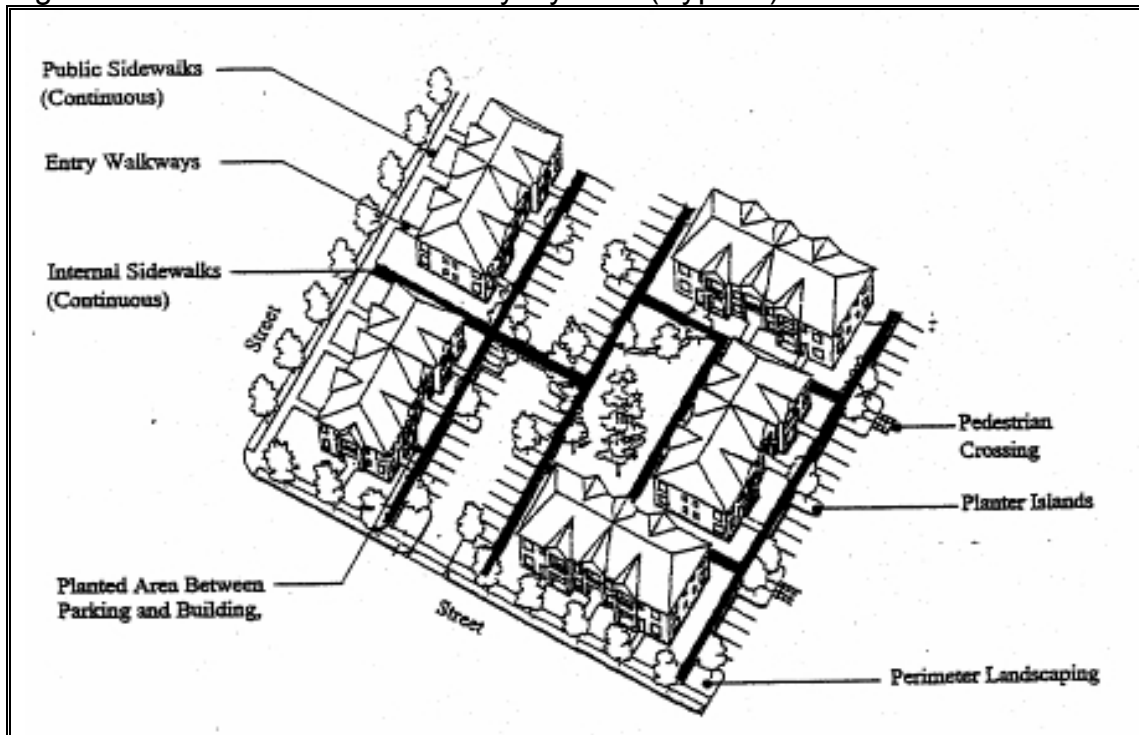
- A. Site Layout and Design - To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-4, below:
1. Continuous Walkway System - The pedestrian walkway system shall extend throughout the development site and connect to all future phases of

development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets or roads and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 21.030.E (Relation to Adjoining Street System).

2. Safe, Direct, and Convenient - Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets/roadways, based on the following definitions:
  - a. Reasonably direct - A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - b. Safe and convenient - Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - c. "Primary entrance" for commercial, mixed use, and office buildings is the main public entrance to the building. In the case where no public entrance exists, street/roadway connections shall be provided to the main employee entrance.
  - d. "Primary entrance" for residential buildings is the front door (i.e., facing the street or road). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.
3. Connections Within Development - Connections within developments shall be provided as required in subsections a-c, below:
  - a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 21-1;
  - a. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
  - c. Large parking areas shall be broken up so that no contiguous parking area exceeds three (3) acres or the space required for the maximum number of cars allowed by the applicable provisions of this ordinance. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets/roadways, or driveways with street-like features, Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, 6-inch curb, accessible

curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. The parking areas shall be designed consistent with all applicable provisions of this ordinance including but not limited to Section 14.200 (Key Viewing Areas), 14.600(Natural Resources) and 14.700 (Recreation Resources).

Figure 21-1 – Pedestrian Pathway System (Typical)



**B. Walkway Design and Construction** - Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-4, as generally illustrated in Figure 21-2:

**1. Vehicle/Walkway Separation.**

Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the Approving Authority may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

**2. Crosswalks** - Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area.

Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

**3. Walkway Width and Surface** - Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least six (6) feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide.

**4. Accessible Routes** - Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

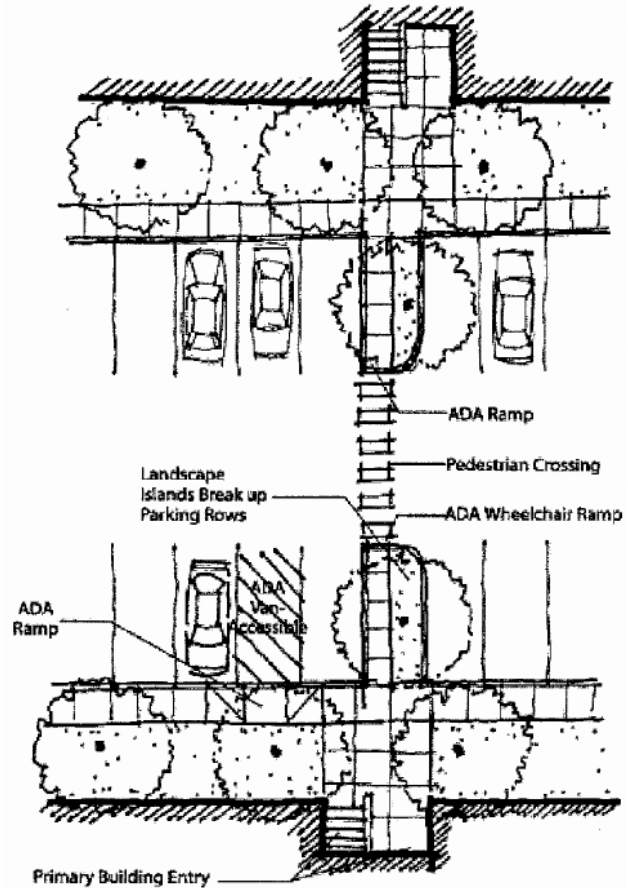


Figure 21-2 – Pedestrian Walkway Detail (Typical)



SECTION 21.470 Penalty and Enforcement on Violation

- A. Violation of any provision of this Ordinance is punishable upon conviction under the provisions of O.R.S. 92.990(1).
- B. In addition to the criminal penalties provided for by subsection (1) of this Section, Wasco County may seek equitable relief for violations of this Chapter.

SECTION 21.480 Repeal and Transferral Provisions

- A. The Wasco County Subdivision and Land Development Ordinance adopted February 3, 1982, is repealed upon the effective date of this Ordinance.
- B. Actions approved under the provisions or regulations repealed by subsection (A) of this Section shall continue to be governed by the terms and conditions of such approval.
- C. Violations of the provisions or regulations repealed by subsection (A) of this Section shall be deemed violations of this Chapter.

Table 21-1 – Rural Wasco County Public Roadway Design Standards

	Rural Local Roads									Rural Minor Collector			Rural Major Collector			Rural Arterial		
	Unpaved			Unpaved			Paved			Paved			Paved			Paved		
Design ADT	<25			25-250			25-250			250-400			400 – 2,000			>2,000		
Terrain <sup>1</sup>	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M	L	R	M
Design Speed (mph)	30	30	20	30	30	20	30	30	20	40	30	20	50	40	30	60	50	40
Max Grade (%)	7	10	12	7	10	12	7	10	12	7	9	12	6	8	10	3	4	8
Stopping Sight Distance (ft)	220	235	135	220	235	135	220	235	135	340	230	135	475	350	235	600	610	350
Passing Sight Distance (ft)	-	-	-	-	-	-	1,090	<sup>2</sup>	<sup>2</sup>	1,470	<sup>2</sup>	<sup>2</sup>	1,835	<sup>2</sup>	<sup>2</sup>	2,135	<sup>2</sup>	<sup>2</sup>
Traveled Way Width (ft)	18	18	18	22	22	22	22	22	22	22	22	22	24	24	24	24	24	24
Paved Shoulder Width (each side)																		
- Non Bike Route	-	-	-	-	-	-	-	-	-	1	1	1	1	1	1	2	2	2
- Bike Route (ft)	-	-	-	-	-	-	-	-	-	2	2	2	5	5	5	6	6	6
Gravel Shoulder Width (each side)	-	-	-	-	-	-	2	2	2	2	2	2	2	2	2	2	2	2
Roadway Width (Non Bike / Bike Route) (ft)	18	18	18	22	22	22	26	26	26	28 30	28 30	28 30	30 38	30 38	30 38	32 40	32 40	32 40
Number of Lanes	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Minimum ROW Width (ft)	50	50	50	50	50	50	50	50	50	60	60	60	60	60	60	60	60	60
Preferred Access Spacing <sup>3</sup>	75			100			100			150			300			500		

<sup>1</sup> L= Level, R=Rolling, M=Mountainous

<sup>2</sup> See AASHTO manual for guidance.

<sup>3</sup> Lower spacing may be allowed when supported by a traffic study and/or approved by the County Engineer.

**Table 21-2 – Urban Wasco County Public Roadway Design Standards**

	Local Street	Urban Minor Collector	Urban Major Collector	Urban Arterial
Design ADT	<1,000	1,000-3,000	3,000–6,000	>6,000
Design Speed (mph)	25	25-30	25-35	25-35
Max Grade	12%	10%	10%	6%
Minimum ROW Width (ft)	58	64	63-76	90
Number and Width of Lanes	2 12' Travel Lanes	2 12' Travel Lanes	2 12' Travel Lanes	3 Two 12' Travel Lanes 14' Center Turn Lane
Traveled Way Width (ft)	36	40	52	50 or 66
On-Street Parking (ft)	Not striped	8 (each side)	8 (each side)	8 (each side), optional
Sidewalk Width (ft)	5 (each side)	5 (each side)	5 (each side)	5 (each side)
Bike Lane Width (ft)	-	-	6	6
*Preferred Access Spacing (ft)	50	150-300	150-300	300-600

Note: The urban roadway design standards apply to all County roadways in urban areas (incorporated communities). However, local roadway design standards may be utilized when deemed appropriate.

\*Lower spacing may be allowed when supported by a traffic study and/or approved by the local jurisdiction

**Table 21-3 – Private Access Standards**

Location in Zones	Designation	Responsibilities for Maintenance	Minimum Improvements Standards	Minimum Width of Easement	Maximum Number of Lots, Parcels or Units of Land
All Zones	Driveway	Property Owners	Fire Safety Standards	No Easement Required	One
All Zones	Private Easement Road	Property Owners	Fire Safety Standards	30 Feet	Three (3) provided the service to additional lots parcels or units of land is improbable
Non-Residential Zones Only (A-1, A-2, F-1, F-3, AS, PR OS)	Private Road	Property Owners	*Improve with minimum of four inches (4") of base rock	*30 Feet with 12 feet of travel surface.	Ten (10) provided that no more than three (3) lots are less than ten (10) acres in size and the primary use is resource related.

\*See Section 21.420 for complete standards.

Figure 21-3 – Hierarchy of Property Access (See Figures 21-4 – 21-7 Below)

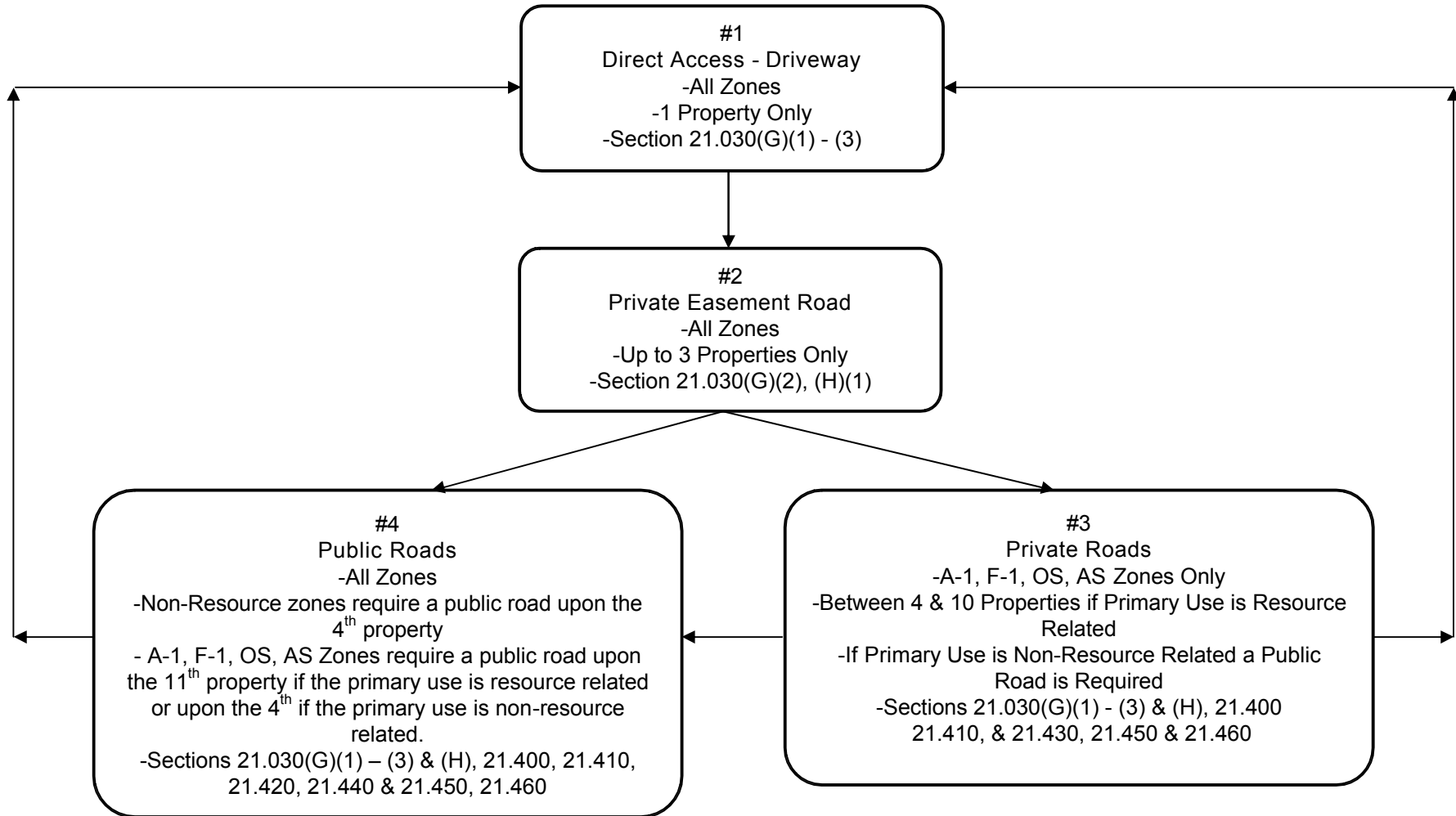


Figure 21-4 – Direct Access via a “Public Road” or “Private Road” (Driveway). In all zones, a single property is considered to have direct access via a “Public Road” or “Private Road” if the property intersects a lawfully established “Public Road” or “Private Road” and has a legal right to enter and exit the “Public Road” or “Private” road.

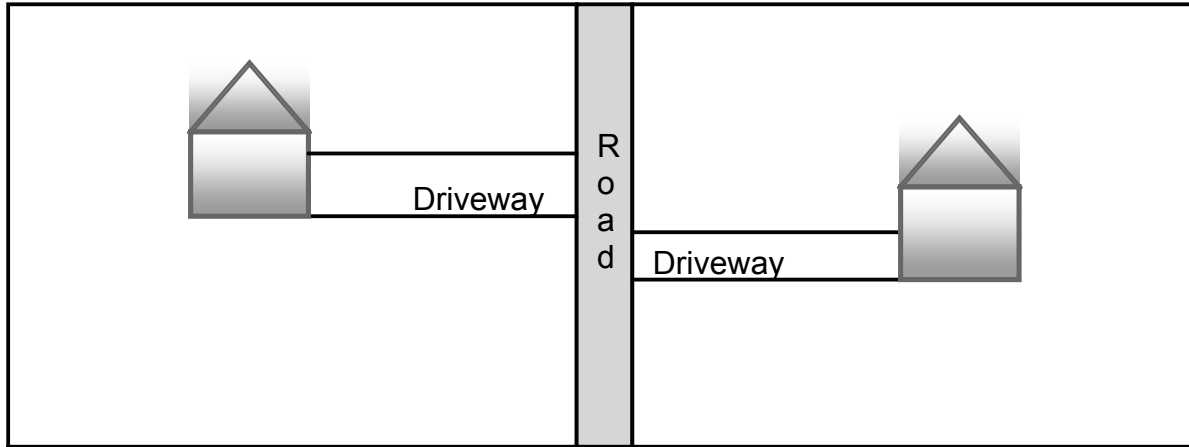


Figure 21-5 – Private Easement Road. In all zones, up to but not exceeding 3 properties may have their primary access by way of a “Private Easement Road”. Upon the fourth, it must become “Public Road” or “Private Road” depending on the zone and the primary use of the properties.



Figure 21-6 – Private Road. In A-1, F-1, OS, AS zones only, between 4 and 10 properties may have their primary access via a “Private Road” if the primary use of the properties is resource related. If the primary purpose is residential the access shall become a “Public Road” upon the 4<sup>th</sup> property using it as its primary access.

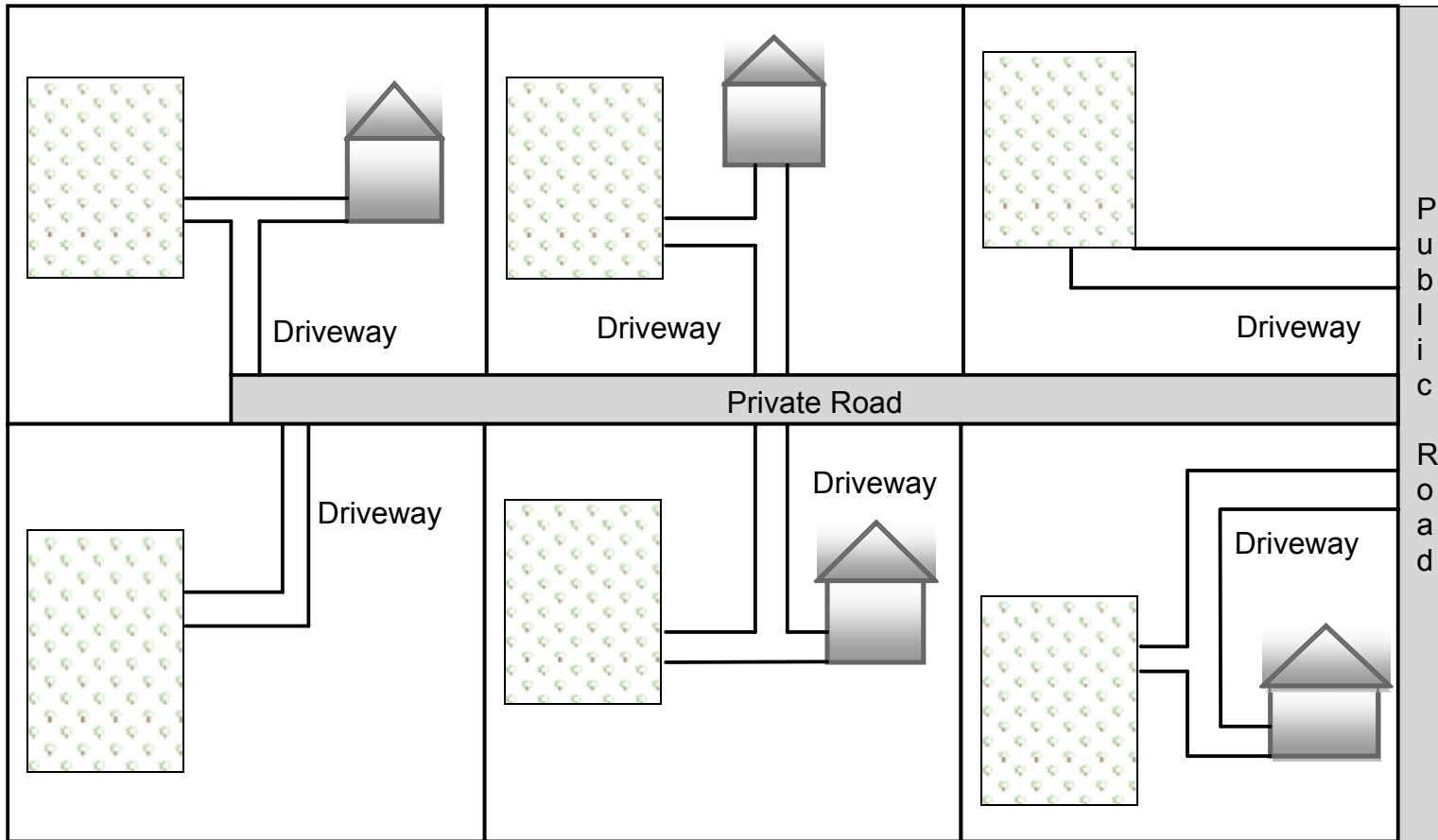


Figure 21-7 – Public Road. In non-resource zones an access shall become a “Public Road” if it provides primary access to more than 3 properties. In A-1, F-1, OS, AS Zones an access shall become a “Public Road” upon the 11<sup>th</sup> property if the primary use is resource related or upon the 4<sup>th</sup> if the primary use is non-resource related. There are no limitations to the number of properties having their primary access via a publicly dedicated road.

