

## CHAPTER 4

# LAND DIVISIONS

As authorized by law, including ORS Chapters 92, 197 and 215, subdivisions, land partitions and streets created for the purpose of partitioning land shall be approved in accordance with this chapter. This chapter applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, 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.

### **SECTION 4.000 Purpose**

Pursuant to Oregon Revised Statutes, Chapters 92, 197 and 215, any person desiring to divide land within any part of Douglas County outside of incorporated cities shall submit preliminary plans and final plats for such subdivisions and partitions to the Director for review. Such review of proposed subdivisions and partitions is necessary in order that Douglas County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the Comprehensive Plan regarding patterns for the development and improvement of Douglas County; provide for public utilities and the open space or areas necessary for recreation, safety and health; provide for the orderly development of centers of population; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215.

### **SECTION 4.050 Definitions**

The definitions set forth in §1.090 of this ordinance shall be utilized for the purpose of this chapter.

### **SECTION 4.100 General Requirements and Standards of Design and Development for Preliminary Plans**

The following are the requirements and standards to which the preliminary plan of a subdivision or partition must conform.

#### **1. Conformity with the Comprehensive Plan**

All divisions of land shall conform with the Comprehensive Plan of Douglas County with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by Comprehensive Plan goals, policies or maps.

## **2. Conformity with Zoning Chapter**

All divisions of land, regardless of the number of lots or parcels, shall conform in all respects with the applicable regulations and specifications 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.

## **3. Relation to Adjoining Street System**

A subdivision or partition shall provide for the continuation of major and secondary streets existing in adjoining subdivisions or partitions, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where the Approving Authority determines that topographic conditions make such continuation or conformity impractical, exceptions may be made as provided in §4.450 of this chapter.

## **4. Redevelopment Plan**

- a. In subdividing or partitioning land into large lots or parcels which at some future time could be further divided, the Director may require that blocks, lots, and parcels shall be of such size and shape, be so divided into lots and parcels, 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 or lot into a smaller size which shall have the minimum lot frontage on a street.
- b. 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.
- c. 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.
- d. Any person dividing land into large lots or parcels which at some future time could be further divided and still meet the minimum lot or parcel size requirement of the zone in which the land is located shall provide suitable road access to each created lot or parcel so that the future development of each lot or parcel will provide access for redevelopment of the parcels or lots.

- e. Redevelopment Plans shall be noted in the property records of the Planning Department. In order to assure that access, utility placement and building locations are sited in a manner appropriate for urban densities, future development in urban areas where a redevelopment plan applies shall be consistent with that plan. Applications or development inconsistent with the redevelopment plan shall require an amended redevelopment plan to be reviewed as a minor amendment to the subject subdivision or partition.

## 5. Access for New Development

- a. A unit of land shall be considered to have access by way of a street, either private or public, if the following criteria are satisfied:
  - (1) The unit of land abuts on the street.
  - (2) There is a legal right appurtenant to the unit of land to use the street for ingress and egress. A legal right to use a private street 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 Court or Board establishing a statutory way of necessity or gateway road; or
    - (d) an express easement set forth in a duly recorded subdivision or partition.
  - (3) The street provides actual physical access for the unit of land.
- b. Each unit of land proposed to be created shall have access by way of a County road except as provided below:
  - (1) Local Access Road: A unit of land created by subdivision or partitioning may have access by way of an existing local access road provided:
    - (a) The local access road was open to public use on January 1, 1982.

- (b) Use of the local access road is not restricted by adopted policies of the Comprehensive Plan.
  - (c) The local access road is constructed to the private road standard contained in §4.420. However, if the road will, or could in the future, provide service to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the finished top surface width shall be a minimum of 18 feet and turnouts shall not be required.
  - (d) If the Approving Authority determines that the existing development pattern, topography, physical characteristics of the land, applicable land use regulations, or other circumstances affecting the area served by the local access road prevent the road from being used to provide access to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the Approving Authority may allow the local access road to be constructed to the same standards that are required for private roads, pursuant to §4.420.
  - (e) The applicant agrees to participate in a private maintenance program for the local access road and executes any documents required by the Approving Authority to insure such participation.
- (2) In addition to the requirements of (1) above, approval of a subdivision served by a local access road shall require:
- (a) All interior streets in the subdivision that require dedication shall be built to the County standard such that they may be incorporated into the County road maintenance system.
  - (b) The subdivision shall be subject to adequate restrictive covenants or other similar device which require interior streets to be maintained by lot owners in accordance with County standards. Such restrictive covenants shall be enforceable by the County.

- (c) Off-site improvements may be required by the Approving Authority, such that access to the subdivision site meets the greater construction standards of: 5.b.(1)(c) of this section or the current condition of the local access road at the time of approval.
- (3) A unit of land may have access by way of a private road when the following conditions exist:
- (a) In "Urban Unincorporated" areas designated on the Comprehensive Plan, a unit of land may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than three (3) units of land and service to adjacent areas or additional units of land is prevented by conditions specified in paragraph (1)(d) of §4.100.5.b.
  - (b) In "Rural Residential" areas designated on the Comprehensive Plan, a unit of land may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than fifty units of land and service to adjacent areas or additional units of land is prevented by existing development pattern, topography, physical characteristics, land use regulations or other circumstances affecting the area to be served. Improvement standards for such private roads shall be those specified in §4.415, 4.420 and 4.425 depending on the number of lots or parcels for which the road will provide access.
  - (c) For areas designated for resource use on the Douglas County Comprehensive Plan, a unit of land may have access by way of a private road upon findings of the Approving Authority that:
    - (i) such private road provides access for not more than ten (10) units of land and service to more than ten (10) units of land is prevented by conditions specified in paragraph (1)(d) of §4.100.5.b;

- (ii) no more than three (3) of the ten (10) are less than ten (10) acres in size or have more than one dwelling on them;
  - (iii) private road approval is obtained pursuant to §2.060.1.d and the private road is constructed to the standards of §4.420 when more than three (3) units of land use the roadway.
- (4) In evaluating proposals to serve from four to ten parcels in resource areas, the Approving Authority shall consider the following items:
  - (a) The primary use of such roads is to provide access for resource activities. Conflicting uses shall be minimized.
  - (b) The roadway is constructed to standards adequate to serve the proposed use, and shall in no case be less than the minimum standards established in §4.420.
  - (c) Proposed activities that may unusually burden the private road may require special maintenance agreements as conditions of approval.
  - (d) Private roads that penetrate Rural Residential or Urban Unincorporated areas and serve adjacent resource areas shall not exceed the provisions of §4.100.5.b.(3) unless a variance, pursuant to §4.450, is obtained.
  - (e) Conditions deemed necessary to ensure adequate access to resource areas may be imposed as conditions of approval.
- (5) Douglas County may, upon the recommendation of the Director of the Public Works Department, require a Traffic Impact Study (TIS) for
  - (a) subdivisions or partitions when the new development will exceed 15 lots or parcels with access to a state highway or county road;
  - (b) any new subdivision creating 15 or more lots either initially or through phased development with access onto a state highway or county road; or

- (c) as provided for in §3.35.050.6, "Access onto County Roads."

The TIS shall be prepared by a licensed traffic engineer and shall address the impacts of traffic, generated directly or indirectly by the proposed development, on the surrounding transportation system. The TIS shall also address traffic projections and transportation plans adopted by city, county, or state agencies if applicable to the proposed development.

## **6. Street Right-of-Way Widths**

- a. The right-of-way widths of streets shall conform to the widths and standards designated in the Douglas County Comprehensive Plan, or as otherwise provided in this Ordinance or by the improvement standards published by the Director of Public Works.
- (1) In the land division process, the "offer-to-sell" is an appropriate method for reserving future right-of-way for eventual purchase by the County. Where appropriate, an applicant may choose to agree to additional setbacks in lieu of the offer to sell.
- b. The minimum easement width for private roads pursuant to §4.100.5 b.(3)(c) shall be thirty-five (35) feet.
- c. The minimum easement width for private roads which serve three or less units of land shall be twenty-five (25) feet.

## **7. Dead-End Streets**

In general, dead-end (cul-de-sac) streets in subdivisions containing average lot size under one (1) acre, shall not exceed four hundred (400) feet in length and shall terminate in a turnaround with a minimum property line radius of fifty (50) feet.

## **8. Streets Adjacent to Railroads, Freeways and Parkways**

When the proposed subdivision contains or is adjacent to a railroad, freeway or parkway, a street parallel to the railroad, freeway or parkway shall be provided. In the case of a railroad, a land strip of not less than twenty-five (25) feet in width shall be provided along such railroad right-of-way for screen planting between the railroad and residential lots. When such parallel streets are less than eighty (80) feet from a freeway or parkway, the intervening

property between the freeway or parkway and the parallel streets shall be held for and developed only for park or thoroughfare purposes. Where such parallel streets intersect streets that cross a railroad, the intersections shall be located at sufficient distance from the railroad to make full provision for any possible grade separations on the cross streets.

## **9. Alleys**

If alleys are created in commercial and industrial districts, alley rights-of-way shall be not less than thirty (30) feet in width. The corners of all alley intersections with other alleys or streets shall be curved with a radius of not less than ten (10) feet.

## **10. Utility Easements**

Where alleys are not provided, utility easements of not less than six (6) feet in width shall be provided for necessary utility lines including poles, wires, conduits, sanitary sewers, gas, water, and heat lines, and not less than ten (10) feet for storm drains and on site sewage systems. Easements of the same or greater widths may be required along lot lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.

## **11. Blocks**

In subdivisions with an average lot size of less than one (1) acre, no block shall be longer than eight hundred (800) feet between street lines. In other urban subdivisions, block lengths will be individually evaluated. The width of blocks shall be adequate to allow two tiers of lots, unless exceptional conditions render this requirement undesirable, as determined by the Approving Authority.

In evaluating block length and width requirements, the Approving Authority should consider the following factors:

- a. The distance and alignment of existing blocks and streets adjacent to and in the vicinity of the subject property.
- b. Topography.
- c. Lot size.
- d. Local and through traffic needs to serve the area.



## 12. Units of Land

- a. Size, width, shape and orientation of each unit of land created shall be appropriate for the location of the subdivision and for the types of use permitted. Dimensions shall not include part of existing or proposed public streets. Each unit of land 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.
- b. 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.
- c. Lots with double frontage shall be avoided, except where the Approving Authority determines that such lots are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential 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.
- d. 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.
- e. "Bowling Alley" shapes shall not be permitted except where unusual circumstances exist. "Bowling Alley" shape is defined as a unit of land where the length is substantially greater than the width. Unusual circumstances may include such site characteristics as topography and orientation which preclude a more acceptable design.

**13. Duplication of Names**

The name of a proposed subdivision shall not duplicate or be so similar as to be confused with the name of any other subdivision within the County. A street name shall not duplicate the name of any other street within the County.

## — Boundary Line Adjustment —

### SECTION 4.140 Adjustment of Common Boundary Lines

As set forth in ORS 92.190(3), the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as a Ministerial Action.

1. **Application for Line Adjustment Approval:** An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:
  - a. Reason for the line adjustment.
  - b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways.
  - c. A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten feet of the proposed adjusted line.
  
2. **No Additional Units of Land; Minimum Size and Setbacks Required, Exceptions:**
  - a. A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:
    - 1) no parcel is reduced in size contrary to a condition under which it was formed; and,
    - 2) the resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming; two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).

- b. A line adjustment is permitted only where existing or planned structures will not encroach within required setbacks as measured from the adjusted line.
- c. A line adjustment for a lot or parcel that is less than the minimum lot size before the adjustment and further reduced as a result of the adjustment is permissible provided the applicant submits either:
  - 1) Proof that, for the lot or parcel reduced in size, sewage disposal is provided by either a publicly owned sewage disposal system, or a privately owned sewage disposal system regulated by the Public Utility Commission of Oregon; or
  - 2) Written evidence, for the lot or parcel reduced in size, that an on-site septic system that is intended to remain in use after final approval was authorized by an approving authority, or if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system to be properly functioning, and that the existing septic system is either located entirely on the same lot or parcel containing an existing dwelling, or that a proper easement is provided to allow the continued use and maintenance of the system; or
  - 3) Documentation, for a vacant lot or parcel reduced to less than 10 acres, that the Department of Environmental Quality has approved the method of sewage disposal. Unless circumstances warrant otherwise, parcels of 10 acres and greater shall not be subject to a septic system evaluation in the line adjustment process.
- d. In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.
  - 1) A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.
  - 2) A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.

- 3) A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.
- e. A property line resulting from a subdivision or land partition authorized by a waiver shall not be adjusted so that any unit of land affected by the boundary line adjustment is larger than:
- 1) Two (2) acres if the lawfully established unit of land is, before the adjustment, two acres in size or smaller and is high-value farmland\* high-value forestland\* or within a ground water restricted area\*; or
  - 2) Five (5) acres if the lawfully established unit of land is, before the adjustment, five acres in size or smaller and is not high-value farmland\*, high-value forestland\* or within a ground water restricted area.\*

\*As those terms are defined by ORS 195.300

- 3. Units of Land Subject to Prior Line Adjustment:** Ownership obtained by separate deed or metes and bounds description which has been recorded with the County Clerk, and is in an area zoned for urban or rural development, may retain its status as an independent unit of land regardless of a prior boundary line adjustment if the following criteria are met:
- a. The unit of land conforms with the minimum parcel size standards of the current zoning;
  - b. The unit of land was lawfully created and was a separate unit for purposes of a development permit at the time of acquisition;
  - c. The unit of land was not created for financing purposes or for the purpose of resolving a structural encroachment;
  - d. The unit of land has legal access adequate for issuance of a development permit under provisions of this Ordinance;
  - e. No new or additional lots, parcels or units of land are created;
  - f. No reconfiguration of the original units of land results; and,
  - g. Proof is provided that the unit of land has, or can be provided with, sewer and water service as required by provisions in this Ordinance.
- 4. Same Designation:** Except where exempted in §3.37.700.1, the line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands,

commercial lands, industrial lands, and resource lands, unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.

5. **Easements Unaffected:** A line adjustment shall have no effect on existing easements.
6. **Map and Monuments Required:**
  - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared.
  - b. The survey map shall show all structures within ten feet of the adjusted line.
  - c. The survey shall establish monuments to mark the adjusted line.
7. **Approval and Filing Requirements:**
  - a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved.
  - b. Within two years from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 4.140.6. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted. Extensions shall be subject to 2.800.4.
  - c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map.
  - d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk.

## — Lot Line Vacation —

### SECTION 4.145 Vacation of Lot Lines

1. *Administrative Review:* One or more interior lot lines in an approved subdivision may be vacated either by Petition (private) or by Resolution (public) as prescribed in ORS 368.326-366. A lot line vacation under this provision is an Administrative action subject to an established fee (see Fee Schedule), petition/application, notice, and hearing before the Board of Commissioners.
2. *Owner Consent:* Notwithstanding the above provision, and as authorized in ORS 368.351, one or more interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent shall be obtained from 100 percent of property owners abutting the public property proposed to be vacated.
  - a. A pre-application conference and administrative action fee shall be required. Property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. Those owners whose consent signature is required shall be identified by the Planning Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified property owner.
  - b. The line vacation shall be approved:
    - 1) Upon verification of the required consent signatures, and
    - 2) After the Planning Director or the Public Works Director file a written report finding that the line vacation 1) complies with applicable land use regulations, and 2) facilitates development of the property subject to the line vacation.
  - c. If the required owner consent signatures cannot be obtained, then in order to continue with the proposed lot line vacation, the applicant(s) shall remit the additional fee required for an administrative lot line vacation and proceed under the provisions of Section 4.145.1.

## — Subdivision —

### **SECTION 4.150 Preliminary Subdivision Plan Approval**

The approval of a preliminary subdivision plan is an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

#### **1. Application for Preliminary Subdivision Plan Approval**

- a. An application for preliminary subdivision plan approval shall be initiated as provided in Chapter 2 of this ordinance.
- b. The applicant shall file with the Director either 1) the original and five (5) additional copies of the preliminary subdivision plan and one 8½" X 11" exhibit of the subdivision plan suitable for reproduction or, 2) one reproducible 11" X 17" copy of the subdivision plan, together with improvement plans and other supplementary information required by Subsection 2 of this section to demonstrate the design and objectives of the subdivision.
- c. 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.

#### **2. Information Required for Preliminary Subdivision Plan**

- a. The proposed name of the subdivision.
- b. North arrow, scale and date of the drawing.
- c. Appropriate identification clearly stating the map is a preliminary plat.
- d. Names and addresses of the landowners, subdivider and the engineer, surveyor, land planner or landscape architect responsible for designing the subdivision.
- e. The tract designation or other description according to the real estate records of Douglas County (Township, Range, Section, Tax Lot Number(s), Assessor's Tax Account Number(s)).
- f. The boundary line (accurate in scale) of the tract to be subdivided and approximate acreage of the property.
- g. Contours with intervals of five (5) feet or less referred to United States Geological Survey (or mean sea level) datum for subdivisions with lot sizes of one (1) acre or less.



- h. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
- i. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.
- j. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
- k. Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
- l. Proposed plan for draining surface water from the development and a description of any effects on adjacent properties.
- m. The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
- n. Private streets and all restrictions or reservations relating to such private streets.
- o. Easements, together with their dimensions, purpose and restrictions on use.
- p. Proposed means and location of sewage disposal and water supply systems.
- q. Proposed blocks, numbered in consecutive order.
- r. Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes, shall be identified with letter designations.
- s. Sites, if any, for residences other than single family dwellings.
- t. Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
- u. Zoning classification of the land and Comprehensive Plan map designation.

- v. Draft of proposed restrictions and covenants affecting the plat.
- w. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards.
- x. The location of existing or proposed bicycle and/or pedestrian facilities if required under §3.35.070 of this Ordinance.

### **3. Development Phasing**

- a. 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.
- b. Time limitations for the various phases must meet the following requirements:
  - (1) Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
  - (2) Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
  - (3) Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.

### **4. Criteria for Approval of Preliminary Subdivision Plan**

- a. A decision on the preliminary subdivision plan application shall be made by the Approving Authority as provided in Chapter 2 of this ordinance.
- b. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
  - (1) The information required by this chapter has been provided;
  - (2) The design and development standards of §4.100 of this chapter have been met; and
  - (3) 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.

- c. In granting preliminary approval, the Approving Authority may impose conditions of approval deemed necessary to carry out the Comprehensive Plan and the provisions of this ordinance. Such conditions may include the construction of offsite public improvements, or money equivalent, deemed necessary, either immediately or in the future, as a result of the proposed development and shall be reasonably conceived to fulfill public needs emanating from the proposed development in the following respects:
  - (1) Protection of the public from the potentially deleterious effects of the proposed development; or
  - (2) Fulfillment of the need for public service demands created by the proposed development.
- d. If an application for subdivision of land for needed housing within an urban growth boundary is inconsistent with the comprehensive plan and applicable land use regulations, the applicant shall be allowed to offer an amendment or to propose conditions of approval that would make the application consistent. If an applicant seeks to amend the application or propose conditions of approval, the county may extend the time limitation for final action on the application, under the provisions of ORS 215.427.

#### **5. Duration of Preliminary Subdivision Plan Approval**

- a. 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 §4.150.3.b of this ordinance.
- b. If any time limitation is exceeded, approval of the preliminary subdivision plan, or of the phase 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 new Administrative Action.

#### **6. Granting of Extensions**

- a. 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 a Ministerial 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.

- b. The Director may grant an 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, an 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.
- c. Additional one year extensions, subject to §4.150.6.b, may be authorized where applicable criteria for the decision have not changed.

## **SECTION 4.200 Final Subdivision Plat Approval**

Action upon a final subdivision plat by the Director is a ministerial action and must be undertaken within thirty (30) days of receipt of the final plat.

### **1. Application for Final Subdivision Plat Approval**

- a. Before expiration of the validity of the preliminary subdivision plan approval obtained pursuant to §4.150 of this ordinance, the applicant shall cause an Oregon registered professional land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
- b. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, and other supporting documents as described in Subsections 2 to 6 of this section, and the appropriate fees as established by the Board.

### **2. Final Subdivision Plat Requirements**

- a. The final plat shall be prepared in conformance with all provisions of §4.200.
- b. 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 titleholder. The plat shall bear the signature and seal of the registered professional land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be in archival quality black ink.

### **3. Information Required in the Final Subdivision Plat**

The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250.

- a. Name of Subdivision.
- b. North arrow, scale and date the plat was prepared.
- c. Legal description of the subdivision boundaries, area of the subdivision in acres, and the location of the subdivision by one-fourth section and Township and Range.
- d. Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat.
- 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, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings.
- f. Each street shall be named and shown. The plat shall also show the names and width of the portion of streets subject to an offer to sell, dedication or offer to dedicate, 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. 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 certificate of dedication.
- 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) Any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.
  - (2) Block numbers 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.

- (3) Lot numbers beginning with the number "1" and numbered consecutively or consecutively within each block.
- j. Zoning classification of the property within the subdivision.
  - k. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner, donation land claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a condominium, or a parcel corner of a recorded partition.
  - l. Space for date and signature of the County officials specified in §4.200.9.
  - m. Any conditions specified by the Approving Authority upon granting preliminary approval.
  - n. Proof that adequate sanitation facilities are available or, for urban development, proof that sewer service is available to each lot in the subdivision and installed according to the specifications of the sewer service provider.
  - o. Proof that a year-round source of potable water capable of supplying at least 250 gallons of water per day is available to each lot in the subdivision.
  - p. Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning. In any case, it must be shown that the existing septic system(s) is either located entirely on the same lot containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s).
  - q. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Douglas County.
  - r. 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 Douglas County.
  - s. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval.
  - t. A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.

- u. A certificate 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.
- v. A narrative per ORS 209.250(2).
- w. Planning Department file number.
- x. If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the subdivision is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision to the fees and other charges of the district or company.

#### **4. Survey Requirements for Final Plat**

a. Format

All plats shall be drawn using archival quality black ink, approved by the County Surveyor, on archival quality drafting material, 18 inches by 24 inches in size with a 3 inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one inch and no nearer the left or binding edge than four inches.

b. Scale

The plat shall be drawn to a scale of 1"=100'. Any deviation from this scale shall be allowed only with the approval of the County Surveyor.

c. Survey Accuracy

- (1) The survey for the plat shall be done in a manner to achieve such 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.

- (2) The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.
- (3) The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.

d. Measurements — The plat shall contain the following measurements:

- (1) The boundary lines with distances and bearing the exact location and width of existing or recorded streets intersecting the boundary.
- (2) The lengths of arcs, radii, internal angles, lengths and bearings of tangents and lengths and bearings of chords, and central angle.
- (3) Block indications, lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines.
- (4) The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet.
- (5) All bearings or measured angles and distances separately indicated from those of record.
- (6) 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.

e. Monuments

- (1) The plat shall contain the location, material, and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments on the exterior boundaries of a subdivision shall be set where changes in the direction of the boundary occur and referenced on the plat before the plat is offered for approval. The remaining monuments need not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where the remaining monuments will be set.



- (2) Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.
- (3) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the subdivision plat, whichever is greater.
- (4) If the remaining monuments are not set prior to the approval of the plat:
  - (a) The person performing the survey work shall, by affidavit, on the plat, 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.
  - (b) The subdivider shall furnish to the Douglas County Surveyor's Office a bond, cash deposit, or other security at the option of the Douglas County Surveyor's Office in the amount equal to not more than 120 percent of the cost to perform the work for the remaining monumentation.
  - (c) Upon completion of the remaining monumentation, the person performing the survey shall notify the County Surveyor within 5 days.
  - (d) The County Surveyor shall check the remaining monumentation, and, if the conditions required on the tentative plan have been complied with, he shall so certify on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office.
  - (e) Upon approval of the work by the County Surveyor, the person performing the work shall reference the monuments on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office.
  - (f) The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.

- (5) Flood Plain Monumentation for Subdivision and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
- (a) A standard Bench Mark shall be a minimum of 36" in depth and 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 30" in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher.
  - (b) 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.
  - (c) 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.

f. Field notes and closure copies to County Surveyor

- (1) Copies of all lot closures, block closures, and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.
- (2) 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.

g. County Surveyor Fees

The subdivider shall pay a fee to the County Surveyor as provided in ORS 92.100(2). 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 50% of that fee provided in ORS 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.

## **5. Agreement for Improvements**

- a. 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 an agreement between himself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall 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.
- b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for ministerial 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).

## **6. Performance Bond**

- a. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
  - (1) a surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the County Counsel; or
  - (2) cash deposit with the County Treasurer; or
  - (3) 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 Director of Public Works. The bank certification or letter of assurance shall be approved by the County Counsel; or
  - (4) 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 Director of Public Works. Escrow instructions shall be approved by the County Counsel.

- b. Such assurance of full and faithful performance shall be for a sum determined by the Public Works Director to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, and may include an additional percentage as determined by the Public Works Director to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project.
- c. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond, cash deposit, certification or letter of assurance or escrow deposit for reimbursement. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

## **7. Development Phasing**

If the preliminary subdivision plan approval pursuant to §4.150 of this ordinance 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 Subsections 1 through 6 of this section, for that phase only.

## **8. Standards for Final Subdivision Plat Approval**

- a. The Director shall grant final subdivision plat approval if he determines 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 §4.300.1.a of this ordinance.
- b. 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.
- c. 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 Board 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.

- d. The granting of approval, or withholding approval, or a determination of conformance with the preliminary approval of a final subdivision plat is not a land use decision or a limited land use decision, as defined in ORS 197.015.
- e. Information or requirements, shown either graphically or by notation, that may be subject to administrative change or variance, may be placed on a plat with authorization from the County Surveyor.

**9. Filing and Recording of Final Plat**

- a. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
  - (1) Director, on behalf of the Planning Department and Board of Commissioners;
  - (2) Surveyor, in accordance with the provisions of ORS 92.100;
  - (3) Assessor; and
  - (4) Tax Collector, in accordance with the provisions of ORS 92.095.
- b. The final plat shall be recorded within thirty (30) days of the date that the signatures and approvals required by Subsections 8 and 9 of this section were obtained.
- c. The original plat may not be corrected or changed after it is recorded with the County Clerk.

## — Partition —

### SECTION 4.250 Land Partitioning Approval

#### 1. Approval of Preliminary Partition Plans

Approval of a preliminary partition plan is an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

- a. An application for preliminary partition plan approval shall be initiated as provided in Chapter 2 of this ordinance. Applicants shall file with the Director either 1) the original and five (5) additional copies of the preliminary plan and one 8½" X 11" exhibit of the partition plan suitable for reproduction, or 2) one reproducible 11" X 17" copy of the partition plan.
- b. A preliminary partition plan and supporting documents shall include the following:
  - (1) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, and other land parcels.
  - (2) North arrow, scale and date.
  - (3) A plan of the proposed partitioning, showing parcel dimensions, bearings of all lines, area of each parcel, and the names of existing and proposed roads.
  - (4) Private streets and all restrictions or reservations relating to private streets.
  - (5) Name and address of the landowners, the applicant and the surveyor, employed to make necessary surveys and prepare the description of each parcel involved.
  - (6) Proposed means and location of water supply and sewage disposal for each parcel.
  - (7) Zoning classification of the land and Comprehensive Plan map designation.
  - (8) Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards.
  - (9) Draft of proposed restrictions and covenants affecting the partitioned land.

- (10) The location of existing or proposed bicycle and/or pedestrian facilities if required under §3.35.070 of this Ordinance.
- c. Standards for approval of a preliminary partition plan:
- (1) A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this ordinance.
  - (2) The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this Subsection has been provided and if the design and development standards of §4.100 of this chapter have been met.
  - (3) If an application for partition of land for needed housing within an urban growth boundary is inconsistent with the comprehensive plan and applicable land use regulations, the applicant shall be allowed to offer an amendment or to propose conditions of approval that would make the application consistent. If an applicant seeks to amend the application or propose conditions of approval, the county may extend the time limitation for final action, under the provisions of ORS 215.427.
- d. 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 zoning and Comprehensive Plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.
- e. Duration of approval for preliminary partition plan: Approval of a preliminary partition plan shall be valid for twenty-four (24) months from the date of tentative approval. During such time, all conditions of approval shall be met and required documentation shall be filed with the Director as an application for final approval, and shall otherwise comply with the provisions of Subsections 2 and 3 of this section.
- f. Granting of extensions:
- (1) An applicant may request an extension of the validity of a preliminary partition plan approval. Such request shall be considered a Ministerial 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 an extension of up to twelve (12) months in the validity of a preliminary partition plan approval if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plan approval within the original time limitation.
- (3) Additional one year extensions, subject to §4.250.1.f.(2), may be authorized where applicable criteria for the decision have not changed.

## **2. Approval of Final Partition Plat**

- a. Within twenty-four (24) months from the date of preliminary partition plan approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final partition plat prepared in accordance to those standards specified in §4.250.3 of this chapter.
- b. The approval of a final partition plat by the Director is a ministerial action. The Director shall grant final approval if he determines that:
  - (1) the final partition plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;
  - (2) any conditions imposed by the Approving Authority have been met; and
  - (3) proof is submitted that a year-round source of potable water capable of supplying at least 250 gallons of water per day is available to each parcel in the partition.
  - (4) proof is submitted that adequate sanitation facilities are available.
  - (5) Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning. In any case, it must be shown that the existing septic system(s) is either located entirely on the same parcel containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s).
  - (6) If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water



improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the partition to the fees and other charges of the district or company.

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined in §4.300.1.a of this ordinance.

- c. All access easements created as part of land partitioning shall clearly specify which parcel or parcels it serves and shall be shown on the face of the map along with bearings, distances and dimensions or a written legal description of the easement. If the access easement is preexisting or if the access 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.
- d. The granting of final partition plat approval shall not be affected by a change in the zone or comprehensive plan map designation of the subject property made after approval of the preliminary partition plan.
- e. Information or requirements, shown either graphically or by notation, that may be subject to administrative change or variance, may be placed on a plat with authorization from the County Surveyor.
- f. After approval of the final partition plat, the Director, the County Surveyor and the County Tax Collector shall endorse their approval on the plat in archival quality black ink. The plat shall be filed with the County Clerk and a mylar copy filed with the County Surveyor's office. The original plat may not be corrected or changed after it is recorded with the County Clerk.
- g. Any parcel in a partition that is larger than ten acres and is created outside of an urban growth boundary need not be surveyed or monumented but a final partition plat prepared by an Oregon registered professional land surveyor is required. All parcels ten acres or less in size shall be surveyed.
- h. The granting of approval, or withholding approval, or a determination of conformance with the preliminary approval of a final partition plat is not a land use decision or a limited land use decision, as defined in ORS 197.015.

### 3. Land Partition Plat Requirements

a. Conformance to tentative plan

The partition plat shall substantially conform to the tentative plan as approved.

b. Preparation

All partition plats shall be prepared by a professional land surveyor registered with the State of Oregon and shall otherwise comply with ORS 209.250.

c. Format

All plats shall be drawn using archival quality black ink, approved by the County Surveyor, on archival quality drafting material, 18 inches by 24 inches in size with a 3 inch extension at the left end (overall size shall be 18 inches by 27 inches) that is suitable for binding and copying purposes. The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one inch and no nearer the left or binding edge than four inches.

d. Scale

The partition plat shall be drawn to a scale of 1"=100' or to such other scale, approved by the County Surveyor.

e. Survey accuracy

(1) The survey for the plat shall be done in a manner to achieve such 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.

(2) The survey for the partition plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 5,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor.

(3) The dimensions shown on the partition plat shall be of such accuracy that the error of closure on any portion shall not exceed 1 foot in 10,000 feet.

f. Measurements

The partition plat shall contain the following measurements.

- (1) The boundary lines with distance and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the parcel.
- (2) The lengths of arcs, radii, internal angles, lengths and bearings of the tangents, the length and bearings of chords, and central angle.
- (3) The area of each parcel in either acres to the nearest 1/100th, or square feet except that unsurveyed parcels may have an approximate acreage.
- (4) All bearings or measured angles and distances separately indicated from those of record.
- (5) 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.

g. Monuments

- (1) The partition plat shall contain the location, material and approximate size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the approval of the County Surveyor. All monuments shall be set and referenced on the map before the map is offered for approval.
- (2) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the partition plat, whichever is greater.
- (3) Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060.
- (4) For partitions involving land in a floodplain, the provisions of §4.200.4.e.(5) shall apply.
- (5) No monuments are required as set forth in section 4.250.2.f.

h. General Information

The partition plat shall comply with ORS 209.250 and contain the following information:

- (1) Location of the parcel by one-fourth section, Township and Range.
- (2) Names and addresses of the partitioner, owner, mortgagee, if any, and the registered professional land surveyor preparing the map.
- (3) North arrow, scale, and date submitted.
- (4) The names of any streets intersecting or within the parcels.
- (5) All easements provided for public services, utilities, or access must be shown on the face of the partition plat using bearings, distances and dimensions or a legal description and any limitations of the easements. If it is a preexisting 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 partition plat.
- (6) Zoning classification and Comprehensive Plan designation.
- (7) The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner or Donation Land Claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a condominium, or a parcel corner of a recorded partition.
- (8) A surveyor's affidavit and written legal description of the boundary of all land contained in the land partition. Each parcel shall be identified with a parcel designation.
- (9) Space for date and signatures of the following officials for the final partition plat:
  - (a) Director;
  - (b) County Surveyor; and
  - (c) County Tax Collector in accordance with ORS 92.095.
- (10) Narrative per ORS 209.250.
- (11) Any additional information made a condition of approval of the tentative plan.
- (12) When parcels are not required to be monumented or surveyed, a schematic diagram shall be included on the face of the final partition plat showing the exterior boundaries of all parcels and

their relationship with the parcel(s) requiring monumentation and surveying.

- (13) Unsurveyed parcels shall have the term "unsurveyed" in bold letters adjacent to the parcel number.
- (14) Planning Department file number.

i. County Surveyor's Fees

The partitioner shall pay a fee to the County Surveyor for checking partition plats and such fee shall be established by the County Surveyor.

j. Declaration

- (1) A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat.
- (2) A certificate 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.

k. Bonding

The provision for bonding or other assurance of improvements provided in Section 4.200 of this chapter may be used to fulfill the requirements of this section.

## — Clustered Development —

### SECTION 4.275 Clustered Land Development

#### 1. Purpose

The purpose of Clustered Land Development is to provide flexibility in the administration of rules, regulations, and standards governing approval of plats. Clustered land development facilitates the efficient use of land, buildings, circulation systems, open space, and utilities by allowing more compact development than would normally be allowed through the subdivision or land partitioning process. It is intended that Clustered Land Development implement the Comprehensive Plan density provisions in a flexible manner yet without exceeding the total number of dwelling units permitted.

#### 2. Administration

- a. Clustered Land Development shall be allowed on all rural residential zoned lands.
- b. A re-development plan, pursuant to §4.100.4, shall be required if the application does not fully accommodate the residential density allowed by the Comprehensive Plan.
- c. In addition to the subdivision or land partitioning requirements of this chapter, special provisions for the establishment of a Clustered Development are required by this section. A Clustered Land Development may not be established or expanded without approval from the approving authority.

#### 3. Shared Open Space

- a. Open space, resulting from the reduction of lot sizes, shall be designated in the Preliminary Subdivision or Partition Plan and retained for common use by owners of the clustered development. Such open space shall be called "shared open space".
- b. Shared open space shall be accessible, either by direct frontage or by access easement, to all lots or parcels within the development.
- c. Restrictive Covenant: The location, size, use, and provisions for control of the shared open space shall be described in a restrictive covenant. The restrictive covenant shall run with the land, be permanent, and become part of the deed to each lot or parcel within the clustered development. The County, in its discretion, shall have authority to enforce the provisions of the restrictive covenant. The restrictive covenant shall describe:

- (1) the method of assessing property owners for payment of taxes, insurance, and maintenance of the shared open space;
  - (2) the responsibility for maintenance; and,
  - (3) compulsory membership and assessment provisions.
- d. Common Ownership: Owners of lots or parcels within the clustered land development shall jointly own and be responsible for the perpetuation and maintenance of the shared open space and any open space facilities. To achieve this common ownership, the shared open space shall be conveyed by leasing or conveying title (including beneficial ownership) to a corporation, homeowners association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions that guarantee:
- (1) the continuation of such land in open space use;
  - (2) the continuity of property maintenance including the necessary financial arrangements for such maintenance; and
  - (3) that the legal entity formed for the joint ownership and maintenance of the shared open space will not be dissolved nor will it dispose of any common open space, by sale or otherwise, except to another legal entity which has been conceived and organized for the purpose of maintaining the shared open space in common.
- e. Shared open space may be improved for open space uses beneficial to the development.
- f. A non-revocable deed shall be recorded that prohibits use of the shared open space for residential development for as long as the open space remains outside of an urban growth boundary.

#### **4. Approval Standards**

- a. In addition to the findings made by the Director that the Clustered Land Development complies with all applicable subdivision or land partitioning provisions, the following criteria must be met, except that items 1-3 and 7-8 do not apply in an approved rural unincorporated community:
  - (1) The number of new dwelling units to be clustered does not exceed 10;
  - (2) The number of new lots or parcels to be created does not exceed 10;

- (3) None of the new lots or parcels will be less than two acres;
- (4) The number of building sites meets the density standards of the applicable zone;
- (5) Streets, buildings, and other site elements shall be designed and located to preserve existing trees, topography, and natural drainage to the greatest degree possible;
- (6) Building sites shall not be located in areas subject to ground slumping and sliding;
- (7) The development shall not be served by a new community sewer system, nor shall it be served by a new extension of a sewer system from within either an urban growth boundary or an unincorporated community; and
- (8) The development will not force a significant change in accepted farm or forest practices on nearby lands devoted to farm or forest use and will not significantly increase the cost of accepted farm or forest practices on those lands.



## — Minor and Major Amendments —

### SECTION 4.300 Amendments to Preliminary Plans and Final Plats

#### 1. Definitions

- a. "Minor Amendment" means a change which:
  - (1) Does not increase the number of lots or parcels created by the subdivision or partition;
  - (2) Does not enlarge the boundaries of subdivided or partitioned area;
  - (3) Does not change the general location or amount of land devoted to a specific land use; or
  - (4) 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.
- b. "Major Amendment" means any change which is not a minor amendment.

#### 2. Approval of Minor Amendments

A minor amendment to an approved preliminary subdivision or partition plan or to an approved final subdivision plat or final partition plat may be approved by the Director.

#### 3. Approval of Major Amendments

Approval of a major amendment to an approved preliminary subdivision or partition preliminary plan or to an approved final subdivision plat or final partition plat shall be an Administrative Action subject to the provisions of §2.060.1 of this ordinance.

## — Street and Road Standards —

### **SECTION 4.350 Street Dedications, Private Road Approval and Approval of Units of Land Abutting Only Private Streets for Issuance of Building Permits**

#### **1. Applicability**

- a. Approval of a street dedication, approval of a private road for access, or the approval of a unit of land abutting only a private street for the issuance of a building permit are Administrative Actions subject to the provision of §2.060.1 of this ordinance.
- b. For the purpose of issuing a building permit, a unit of land that is a "nonconforming lot of record", as defined by this ordinance, shall not be regulated by a. above, provided that:
  - (1) an easement providing practical and legal ingress and egress from the subject property to a public street, and that has been recorded with the County Clerk, is submitted at the time of building permit application;
  - (2) the easement is deemed to be of sufficient width to serve as access to the subject property; and
  - (3) in no case shall the easement provide access to more than the maximum number of lots, parcels or units of land established in §4.100.5 without review and approval pursuant to the Administrative Approval process, §2.060.1.

#### **2. Purpose**

The purpose of this section of the Ordinance is to assure that legal and practical access is provided to properties in Douglas County that is commensurate with existing or proposed future uses of the area. The basis for required standards and improvements includes:

- a. The necessity for being able to travel to and from a permanent residential site is a basic requirement for development except in very rare circumstances.
- b. It is in the public interest to require adequate, safe and legally assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.
- c. The costs of providing right-of-way and improvements for streets needed to directly serve new or existing developments should be substantially borne by the benefitted persons, usually the subdivider or developer, rather than by the people of the County at large.

- d. A street serves, in most situations, as the means of access for the following public or semipublic services:
  - (1) Fire service;
  - (2) Ambulance service;
  - (3) Police service;
  - (4) Delivery service; and
  - (5) Means of addressing to allow others to find the dwelling.
- e. Besides serving as the means for vehicular access, a street also provides, in most situations, the land needed for the following possible activities:
  - (1) Drainageways;
  - (2) Electrical power lines;
  - (3) Telephone lines; and
  - (4) Water lines.
- f. Streets which are dedicated to and maintained by the public are generally the most satisfactory form of access.
- g. Streets which are dedicated to but not maintained by the public, while not as desirable as maintained streets, are generally preferable to any type of private street or any form of easement arrangement for most development. However, access development utilizing such public streets create the same problems as private streets in terms of liability, safety and maintenance, and, therefore, warrant similar standards.
- h. Any private street works best if it serves a predetermined limited amount of development.
- i. Other things being equal, paved streets are safer to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance (dust, noise, etc.) level.
- j. It is important that privately maintained streets which in any way could be mistaken for publicly maintained streets be clearly posted as not subject to County maintenance.
- k. The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.
- l. Although similar in impact, access approval to legally created, nonconforming lots of record should be less restrictive than to new properties created by partitioning, subdivision, or in rectifying illegally created lots, parcels or units of land.

### **3. Application**

- a. Other than dedications to widen existing streets, any applicant desiring to dedicate to the public a street not part of a subdivision or to dedicate to the public a private street in a subdivision, to establish a private road as primary access to proposed lots, parcels or units of land, or to obtain approval of an existing unit of land abutting only a private street for issuance of a building permit shall submit to the Director a written application and three (3) copies of a tentative plan prepared in accordance with Subsection 4 of this section.
- b. The Director shall distribute a copy of the tentative plan to the Director of Public Works and obtain his recommendation on the proposed action.

### **4. Information Required on Tentative Plan**

Tentative plans shall include the following information, presented in the following form:

- a. The scale of the tentative plan shall be one (1) inch equals one hundred (100) feet or multiples thereof.
- b. A vicinity map shall accompany or be drawn in the tentative plan at a scale of one (1) inch equals four hundred (400) feet, showing the proposed dedication or private street to be approved.
- c. Date, north arrow and scale of drawing.
- d. Names and addresses of the applicant and of the person preparing the tentative plan.
- e. Appropriate identification of the drawing as a tentative plan.
- f. Location of the proposed dedication or of the private street 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.
- g. Zoning classification and Comprehensive Plan map designation.
- h. 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 street abutting the lot proposed to be approved.
- i. Existing streets intersecting or meeting the proposed dedication or the private street abutting the lot proposed to be approved.

- j. A drawing illustrating the layout of the street proposed to be dedicated or the private street abutting the lot proposed to be approved for issuance of a building permit.

## **5. Approval of Street Dedications**

- a. After considering the recommendation of the Director of Public Works, the Approving Authority shall approve the tentative plan of a private street or recommend to the Board the dedication of a public street if it determines that:
  - (1) The information required by this section has been provided;
  - (2) The street is or will be improved to meet all applicable standards of these regulations; and
  - (3) Dedication of the street to the public is consistent with the goals, policies and map of the Comprehensive Plan.
- b. If the tentative plan to dedicate a street is recommended to the Board, and the street to be dedicated has not been improved, the Approving Authority shall recommend conditional approval on improvements of the street to the improvement standards published by the Director of Public Works. Where the street to be dedicated is an improved street, conditions imposed by the Approving Authority requiring engineering or construction on the street shall not exceed the requirements of those published by the Director of Public Works.

## **6. Acceptance of Dedicated Street by the Board**

- a. Before the Board may accept the dedication, the applicant must have completed any improvements required as a condition of approval of the dedication or have complied with §4.200.6 of this chapter.
- b. Prior to acceptance by the Board, 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. The report shall reveal that the owner has marketable title in the land and the land to be dedicated is free and clear of encumbrances that would inhibit County maintenance of the dedicated area. The County may waive the requirement for such title search.
- c. Upon acceptance of the dedication by the Board, the owner of the land to be dedicated shall prepare a warranty deed dedicating the land to the public, and shall, if requested by the Board, furnish a purchaser's title insurance policy, acceptable to the Board, for the full value of the property being dedicated.

- d. The Board shall indicate their approval of the dedication by an order accepting the deed and by recording such order with the recording of the deed.
- e. Any street meeting the standards of Subsection 4 and 5 of this section and Subsection 4.410.6.b(5) may be accepted for maintenance as part of the County Road System by order of the Board pursuant to law.

## **7. Approval of a Private Street for Issuance of a Building Permit**

- a. The County Engineer shall determine if the private street meets the improvement standards for the private streets established by this ordinance and any supplementary provisions published by him and shall submit his findings as a written recommendation to the Approving Authority.
- b. The Approving Authority shall approve a private street for issuance of a building permit if it finds that the private street meets the improvement standards of §4.100.4, .5 and .6 of this ordinance, and also the published improvement standards of the Director of Public Works for such private streets.
- c. Upon approval of such private street, the applicant shall submit a boundary line or centerline survey of the street if the street serves as access to four or more units of land of twenty (20) acres or more each, unless the location of the street is already established by existing property line surveys recorded in the Douglas County Surveyor's Office. The boundary line survey shall be submitted to the Director and the Douglas County Surveyor.
- d. If the private street does not meet the improvement standards of the County Engineer and §4.100, 4.420, 4.415 and 4.425 of this ordinance, the Approving Authority may approve the abutting unit of land only if a variance pursuant to §4.450 of this ordinance is justified or if one of the following conditions applies:
  - (1) If the private street is an already existing road designed primarily for resource use and under the jurisdiction of the Bureau of Land Management (BLM), U.S. Forest Service or Oregon State Forestry Department, no road improvement standards shall be required for the issuance of a building permit on an already existing lot of record excepting those provided for in specific siting standards with the zoning classification.
  - (2) If the private street is an already existing road which provides access for not more than three units of land, no road improvement standards shall be required for the issuance of a building permit on an already existing lot of record.

- (3) If the private street is an already existing road which provides access for four or more units of land, only the road improvement standards set forth in § 4.420.2.a. to c. of the ordinance shall be required for the issuance of a building permit on an already existing lot of record.

However, subsections (1), (2) and (3) do not remove the requirements that there is a legal right appurtenant to the lot of record to use the street for ingress and egress and that the street provide actual physical access for the lot of record.

## **SECTION 4.400 Improvements**

The improvement standards contained in §4.400, 4.410 and 4.420 shall apply to all subdivisions in Douglas County, except as provided in §4.430.

### **1. Improvement Requirements**

The following improvements shall be installed at the expense of the subdivider or partitioner:

- a. Streets and roadways in all cases shall conform with the improvement standards set forth herein.
- b. Sidewalks shall be constructed in dedicated pedestrian ways and along streets where determined necessary by the Approving Authority for pedestrian safety.
- c. In developments in urban growth boundaries where the average lot size is under ten thousand (10,000) square feet, and where public water and sewer service are available, telephone and electric service shall be underground.
- d. The applicant shall undertake on-site grading and construction or installation of drainage facilities necessary for the purpose of proper drainage of the subdivision or partition. In addition, for subdivisions and land partitions within a UGB or UUA the applicant shall
  - (1) Provide on slopes exceeding a 12% gradient, a grading/drainage control plan prepared by an Oregon Licensed Professional Engineer to include information concerning slope gradient, on-site grading and cut/fill slopes, the elevations of building pads, conveyances and collection points and shall prescribe appropriate erosion and sediment control measures, and
  - (2) Provide certification from an Oregon Licensed Professional Engineer that all improvements required by the grading/drainage control plan have been completed and installed, or

- (3) Provide certification from an Oregon Licensed Professional Engineer that any proposed development will have no adverse impact on the drainage patterns of the area and/or that slopes do not exceed 12% as an alternative to the grading/drainage control plan requirement.
  - (4) Subdivisions and partitions occurring outside of a recognized urban growth area shall not be subject to the forgoing provisions governing drainage.
- e. The applicant shall make improvements to existing County maintained roads determined necessary by the Approving Authority at connections and intersections with subdivision streets and at locations where additional subdivision lots are created which front on County maintained roads.
- f. Street signs shall be required as an improvement in a subdivision.
- (1) The applicant/developer shall be responsible for the construction and installation of permanent signing required. The County will maintain required permanent signing where placement of such signs is within public maintained right of way.
  - (2) The subdivider shall pay for the expense of the initial sign and be responsible for the placement of street signs outside of publicly maintained right of ways. Maintenance for such signing shall be included in any maintenance agreement applicable to the roadway.

## **2. 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 Douglas 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 Director of Public Works, or his authorized representative, to interpret the provisions and requirements of these standards in such a way as to carry out their intent and purposes.



## SECTION 4.410 Public Streets and Roads

### 1. 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:

- a. American Association of State Highway and Transportation Officials (AASHTO) publications:
  - (1) "A Policy on Geometric Design of Highways and Streets"
  - (2) "Roadside Design Guide"
  - (3) "Guidelines for Geometric Design of Very Low-Volume Roads (ADT  $\leq$  400)"
- b. Federal Highway Administration (FHWA) publications:
  - (1) "Manual of Uniform Traffic Control Devices"
- c. Oregon Department of Transportation (ODOT) publications:
  - (1) "Geotechnical Design Manual"
  - (2) "Hydraulics Design Manual"
  - (3) "Oregon Standard Drawings"
  - (4) "Oregon Standard Details"
  - (5) "Pavement Design Guide"
  - (6) "Sign Design Manual"
  - (7) "Sign Policy and Guidelines for the State Highway System"

### 2. Design Criteria

- a. Except as provided in §4.410.2.b:
  - (1) Improvement of public streets and roads shall conform to the design standards designated for the particular road classifications indicated in Tables 1 and 2 of this chapter.
  - (2) Roadway sections shall conform to the sections designated for the particular road classifications indicated in Figures 1 and 2 of this chapter.
- b. For public streets and roads within the Urban Service Boundary as depicted in the Comprehensive Plan map for the Glide Land Use Plan, the Design Standards for Rural Roadways in Table 2 and the Rural Roadway Sections in Figure 2 shall apply to all subdivisions and

partitions where the density does not exceed three dwelling units per acre. Provided, however, that the minimum right of way width for local streets shall be 56 feet instead of 60 feet or 28 feet from the existing centerline of an existing road, whichever distance is greater. For densities exceeding three dwelling units per acre the urban roadway standards and sections in Table 1 and Figure 1 shall apply.

- c. The design of structural sections of all roadways required by this ordinance, including minor and major collectors, arterials, and principal highways, shall be based upon the following:

Pavement Type	Design Method	Minimum Thickness
Asphalt Concrete	Hveem Stabilometer Method of structural evaluation as modified by the Oregon Department of Transportation, Highway Division	2½ inches
Portland Cement Concrete	Design of concrete pavements, subgrades and subbases as published by the Portland Cement Association	6 inches

- d. Vertical curvature shall be consistent with horizontal curvature.
- e. Horizontal curves should utilize as large a radius as possible, consistent with good design procedures as related to design speed and terrain; in no case will curves with less than 100 feet in centerline radius be allowed, except on residential loop-streets.
- f. All intersections shall be planned for through traffic for the street with the greatest projected average daily traffic. Intersecting streets shall enter with an angle of intersection as near 90 degrees as possible. In no case will an angle of intersection of less than 60 degrees be allowed.
- g. Corner curbs at intersections shall have a minimum radius of 20 feet. This minimum radius shall be increased to 30 feet where frequent truck or bus turning movement is expected.
- h. Centerline angle points will not be allowed.
- i. All cut and fill slopes shall be 1 1/2:1 or flatter. Cut slopes steeper than 1 1/2:1 may be approved by the Director of Public Works provided an engineering analysis based upon adequate soils or geotechnical information is submitted which supports the steeper slope. A fallout area may be required for any slope steeper than 1 1/2:1.

- j. Storm drains shall be designed to convey runoff produced by a 10-year frequency rainfall intensity except that a 50-year frequency rainfall intensity shall be used for the entire length of outfalls or mainline trunks carrying water from low lying areas and where a curbed street section cannot carry the difference between the 10-year and 50-year runoff. Road cross culverts shall be designed to convey runoff produced by a 50-year frequency rainfall intensity. Where off-site drainage must be collected and conveyed through a subdivision, land use conditions for estimating the peak discharge shall be those of 20 years hence or ultimate development, as appropriate.

Storm drains shall not alter the existing drainage patterns without the written permission of the affected property owners.

- k. Road culverts may be either concrete or metal with a minimum design life of 50 years. All cross culverts shall be eighteen (18) inches in diameter or larger. Driveway culverts shall be twelve (12) inches in diameter or larger. Culverts shall be placed in natural drainage areas where possible. When natural drainages are quite flat (under 1%), there shall be provided a drainage easement along the natural drainage course to insure continuity of drainage.
- l. Storm drains within curbed streets shall have a minimum design life of 100 years and shall be twelve (12) inches in diameter or larger.

### **3. Standard Drawings**

- a. The Director of Public Works shall have the authority to publish "Standard Drawings" for the design of public streets and roads.
- b. The applicant's design shall conform to the "Standard Drawings."

### **4. General Considerations**

- a. The Director of Public Works may impose additional design requirements as are reasonably necessary to provide safe and adequate access.
- b. 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. 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.
- c. 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.

## 5. Special Considerations

The construction of one-half of a street width in lieu of full street construction shall be subject to review and approval of a variance subject to the criteria of LUDO Section 4.450, Variances. If a variance is granted, half-street construction shall be subject to the following improvement standards:

- a. Two standard lanes of traffic shall be provided for to accommodate emergency vehicles as well as normal traffic. Full County standard improvement will be required on the developing side.
- b. Standard cul-de-sac geometry shall also be required if a cul-de-sac is being proposed. This will require an offset into the developing property.
- c. An adequate right-of-way width to provide for present and future underground utilities shall also be required, and the engineering necessary to insure that utilities to the abutting property owners on both sides are provided.
- d. Normally, one-half street construction will require additional right-of-way from that normally required. This will include the standard half-street right-of-way (30 foot minimum), plus ten feet for the second lane construction. It is recommended that access to these half-street improvements be restricted to the undeveloped property to insure completion of the road before parcelization or before permits for driveways are issued.
- e. One-half street construction improvements shall not be accepted for maintenance by the County.

## 6. Development Requirements

### a. Engineering

#### (1) Plans

Construction plans shall 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 ordinance compliance to the County Engineer and shall include the following information:

- (a) Widths of all proposed road right-of-way dedication.
- (b) Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearing of tangents.

- (c) Original ground line and grade line profile on the centerline of the proposed road.
- (d) Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent grades.
- (e) Proposed drainage structures, showing both size and type of structure.
- (f) Toe of fill and top of cut lines.
- (g) Typical structural section of roads to be constructed.
- (h) 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.
- (i) 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.
- (j) 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.
- (k) The plans shall contain a standard symbol sheet approved by the Director of Public Works.
- (l) The stamp and signature of a consultant engineer preparing the plans.

(2) Cost Estimates

The consultant engineer shall submit, with his proposed construction plans, a construction cost estimate. This estimate shall include all related roadwork and affected utility installation and/or relocation.

(3) Monumentation

All horizontal curve points shall be referenced with a 5/8"x30" steel rod set perpendicular to the tangents at the right-of-way line and witnessed by a white 4"x4"x4' cedar post or a 4' section of steel fence post painted white. In the case of a curbed street, the witness posts may be omitted.

b. Construction

(1) 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 provisions contained herein):

- (a) "Standard Specification for Highway Construction", current edition, published by the Oregon Department of Transportation, Highway Division, except for Part 100, General Requirements.
- (b) Current edition of the "Standard Specification and Drawings", published by the Oregon Chapter of the American Public Works Association (APWA).

References to "State" and "Highway Commission", shall be construed to mean Douglas County and the Douglas County Board of Commissioners, respectively. "Engineer" and "Director" shall be construed to mean the Director of Public Works, or his properly authorized agent(s) acting within the scope of his (their) particular duties.

(2) Permits

A permit to occupy and perform operations shall be obtained from the Department of Public Works prior to commencing construction within the right-of-way of any County maintained road.

(3) Bond Requirements

Before the dedication or deed to the public for street or road right-of-way is accepted by the Board of Commissioners, the applicant shall provide a performance bond or other security, as set forth in §4.200.6 of the Douglas County Land Use and Development Ordinance.

(4) Construction Stakes, Lines and Grades

The consultant engineer will set construction stakes establishing lines, slopes and continuous profile grade for roadwork; and center line, bench marks and other controls deemed necessary for completion of the project.

(5) Inspection Schedule

After financial assurance is received by the County, the applicant shall arrange for periodic inspection by the County

Engineer or his designee. The developer shall pay a cash deposit to the County Engineer for inspecting the improvements and such fee shall be established by the County Engineer. At a minimum, such inspection shall occur at the following stages of construction:

- (a) After clearing and grubbing is completed.
  - (b) After grading and drainage is completed.
  - (c) After rock surface is completed.
  - (d) After paving is completed.
- (6) Acceptance and Warranty Requirements
- (a) Upon recommendation for acceptance of the project by the County Engineer the County may accept the project for normal and routine maintenance, provided the applicant submits assurance through one of the mechanisms listed in 4.200.6.a (such assurance shall be equal to twenty percent (20%) of the performance bond required in §6.b.(3) of this section) for the correction of any deficiencies that may arise within a period of 18 months.
  - (b) Upon receiving the warranty bond for the correction of deficiencies and upon certification by the Douglas County Engineer that the provisions of the improvement agreement are complete, the performance bond required by §6.b.(3) of this section shall be released to the applicant.
  - (c) The Douglas County Engineer shall inspect the project at the end of 18 months 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.
  - (d) 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.
  - (e) 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.

(7) As-Constructed Plans

The consultant engineer shall furnish to the County Engineer, at the completion of the project, permanent reproducible plans of the work or an "as-constructed" modification of the original permanent reproducible plans previously submitted, as required under §6.a.(1) of this section.

- (a) The title sheet shall contain the consultant engineer's signed Professional Engineer's (P.E.) stamp and a certification signed by the engineer "that the road has been constructed in accordance with the typical section shown hereon and to the grades and alignment shown."
- (b) 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.
- (c) 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.
- (d) The plans shall show the original ground line and the finish grade on the centerline, all P.I. elevations and stations, elevations of vertical curves and tangent grades.
- (e) 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.



- (f) The consultant engineer will provide accurate "as-constructed plans" to all affected utility companies.

(8) Signing

Permanent traffic control and street or road identification signs will be required for all subdivisions.

- (a) The applicant/developer shall be responsible for the construction and installation of permanent signing required. The County will maintain required permanent signing where placement of such signs is within public maintained right of way.
- (b) 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 4.415 Special Improvement Standards for Subdivisions or Partitions Located in Rural Residential Areas**

1. The following standards are in addition to, or an exception from, the improvement standards contained in §4.100, 4.410, 4.420 and 4.425. If a conflict exists, then the following provisions shall control. These standards apply to those roads in, or providing access to, subdivisions or partitions located in areas identified as "Rural Residential" in the Comprehensive Plan.
  - a. A lot or parcel may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than 15 units of land, and service to adjacent areas or additional units of land is prevented by existing development pattern, topography, physical characteristics, land use regulations or other circumstances affecting the area to be served. Improvement standards for such private roads shall be those specified in §4.420 except that the finished top surface width shall be a minimum of 18 feet, and a 60 foot road easement shall be provided. Private roads shall be identified as such on the face of the plat or partition map. No structure other than a fence or sign shall be located closer than 10 feet from the right-of-way of the private road easement.
  - b. A lot or parcel may have access by way of a private road upon findings by the Approving Authority that such road provides access for not more than 50 units of land, and service to adjacent areas or

additional units of land is prevented by existing development pattern, topography, physical characteristics, land use regulations or other circumstances affecting the area to be served. Improvement standards for such private roads shall be those specified in §4.425 and Table 3. The minimum road easement shall be 60 feet unless the County Engineer pursuant to the standards specified in §4.350 and 4.100.6 determines a greater width is necessary. Private roads shall be identified as such on the face of the plat or partition map. No structure other than a fence or sign shall be located closer than 30 feet from the right-of-way of the private road easement.

- c. All interior streets whether private roads or public access roads not publicly maintained shall be maintained by the property owners in the subdivision or partition. All lots or parcels shall be subject to adequate covenants running with the land meeting County standards which require streets to be maintained by owners. All streets not publicly maintained shall be maintained to the standards specified in §4.420 or §4.425 depending on the number of lots or parcels to which the road provides access, except as modified by this section.

All private roads shall be vested in a homeowner's association. The developer shall be responsible for the formation of the homeowner's association of which the developer (or if the developer is not the owner of the development, then such owner) shall be a member until all the lots are sold.

Provided that private roads in partitions need not be vested in a homeowner's association if adequate perpetual maintenance is assured through covenants, maintenance agreements or agreements to participate in future special districts and such covenants or agreements are approved by the Planning Director.

- d. Subdivision covenants required in §4.415.1.c shall at a minimum:
- (1) Assure adequate provision for perpetual maintenance of private roads.
  - (2) Obligate purchasers to participate in a homeowner's association and support maintenance of roads by paying to the association assessments sufficient for such maintenance and attorney fees necessary to enforce the covenants and subjecting their properties to a lien for enforcement of the respective assessment.
  - (3) Obligate the association to maintain the private roads.
  - (4) Empower purchasers in the development, as well as the County at its own discretion, to enforce the covenants in the event of failure of compliance.

- (5) Provide for agreement that, if the County performs any maintenance work pursuant to §4.415.1.d.iv, members of the homeowner's association would pay the cost thereof and that the same shall be a lien upon their properties until the cost has been paid.
- (6) Be recorded with the plat and in the deed records and such recording shall be referenced on the face of the plat. A notice that such covenants or similar devices exist shall be included in the deed or other conveyance instrument and shall be binding on all purchasers.
- (7) Provide for removal of temporary cul-de-sac improvements and termination of easements providing for temporary cul-de-sac upon road extension (see §4.425.3.b).

Provided, however, that no covenant shall require maintenance of any public road subject to a Special Road District or any public road accepted for maintenance by the Douglas County Board of Commissioners.

2. Notwithstanding §4.415.1, if the Planning Director or County Engineer identifies any road within, or providing access to the development, as a collector or subcollector for the surrounding area's traffic circulation pattern, such road shall meet the requirements of §4.410.2. (a,b,d,e,f,g,h,i,k). In addition such road shall meet the base and surface requirements of either §4.420 or §4.425 depending on the number of lots or parcels to which the road will provide access. In any case, the ditch and culvert requirements shall be constructed to accommodate a 28 foot wide public road. Such road need not be dedicated to the public but shall be subject to an irrevocable offer of dedication to the public which offer shall be recorded in the Deed Records.

The determination of the County Engineer or Planning Director shall be based on traffic volume, density of development, traffic circulation to destinations outside the residential area, safety and the purposes of the Comprehensive Plan and Ordinances. In addition, where the Planning Director or County Engineer determines any road should serve as access to adjacent areas which do not otherwise have convenient access to a public road or should logically be served by extension of a private road within the subdivision, such road shall be extended to the adjacent property line. Provided, however, no extension shall be necessary if the developer and adjacent affected property owners submit an agreement providing access to the adjacent property and delineating participation in maintenance of such access roads. Provided, further, no such agreement shall be necessary if the developer grants to the adjacent affected property owners a 60 foot nonexclusive easement providing feasible access subject to the adjacent owners sharing pro rata the maintenance costs of any road providing access. This requirement does not require the developer to construct a road upon the easement unless such construction is necessary to provide access to the

developer's lots or parcels. In any case, the easement shall be subject to an irrevocable offer of dedication to the public which offer shall be recorded in the Deed Records.

## **SECTION 4.420 Private Roads**

### **1. General Design Policies**

Private roads shall conform to the requirements outlined in Figure 3 of this chapter.

### **2. Design Criteria**

- a. Finished top surface width of roads shall be a minimum of twelve (12) feet.
- b. 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.
- c. 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.
- d. Road profile grades exceeding 15% shall be paved, and in no case shall a grade exceed 20%.
- e. Cross culverts of adequate size (minimum 18 inches in diameter) shall be provided to carry storm runoff under the roadway.
- f. All cut and fill slopes shall be 1½:1 or flatter, unless steeper slopes are determined feasible by a consultant engineer. A fallout area may be necessary for any slope steeper than 1½:1.
- g. Adequate roadside ditches shall be provided to carry storm runoff. Roadside ditches in excess of seven percent (7%) grade and in erodible soils shall be lined with suitable material to prevent erosion.

### **3. General Considerations**

- a. The Approving Authority, upon recommendation of the Director of Public Works, may impose additional requirements as are reasonably necessary to provide safe and adequate access.
- b. Private roads shall be maintained by the benefitted property owners and shall not be accepted by the County for maintenance.

#### **4. Certification and Special Considerations**

- a. The applicant shall retain a consultant engineer to inspect any private road improvements required by the Approving Authority. When the improvements are completed, the engineer shall certify to the County, in writing, that the improvements have been constructed in substantial conformance to the County's current improvement standards, unless a variance to road improvement standards is authorized pursuant to §4.450 or 4.475 of this Chapter.

#### **5. Signing**

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

- a. The applicant/developer shall be responsible for the construction and installation of required permanent signing. The County will maintain required permanent signing where placement of such signs is within public maintained right of way.
- b. 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.

**TABLE 1**

**DESIGN STANDARDS FOR URBAN ROADWAYS<sup>1</sup>**

<i>DESIGN FEATURES</i>	<u>Functional Classification</u>			
	<i>PRINCIPAL HIGHWAY</i>	<i>ARTERIAL</i>	<i>COLLECTOR</i>	<i>LOCAL STREET</i>
Minimum right-of-way Width <sup>2</sup>	102'	102'	60' - 84'	56'
Travel Lane Width	12'	12'	12'	12'
Shoulder Width	10'	10'	8'	6'
Left Turn Lane Width <sup>3</sup>	14'	14'	14'	--
Recommended Number of Travel Lanes	4	4	2 - 4	2
Sidewalk Width	6'	6'	6'	5'
Median Width	14'	2' - 14'	--	--
Parking On-Street:	The provision for on-street parking will depend on traffic volumes, lane widths, design speeds, access control and land use.			

**Recommended Standards**

Design Speed - MPH (KPH)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	25 - 35 (40 - 56)
Stopping Sight Distance	Varies according to actual design speeds			
Horizontal Curve (Degree)	Varies according to actual design speeds			
Grade, Gutter (Maximum)	4%	4 - 8%	8 - 10%	15-20% <sup>4</sup>
Grade, Gutter (Minimum)	0.4%	0.4%	0.4%	0.4%

<sup>1</sup> Standards will vary according to terrain and usage.

<sup>2</sup> Minimum right-of-way may be increased by the Public Works Director in all instances where necessary to obtain one half the required right-of-way from the centerline of an existing road.

<sup>3</sup> Where turn lanes are required, right-of-way and roadbed width must be increased.

<sup>4</sup> Grades that exceed 15% shall not exceed 200 feet in length.

**TABLE 2**

**DESIGN STANDARDS FOR RURAL ROADWAYS<sup>5</sup>**

<i>DESIGN FEATURES</i>	<u>Functional Classification</u>			
	<i>PRINCIPAL HIGHWAY</i>	<i>ARTERIAL</i>	<i>COLLECTOR</i>	<i>LOCAL STREET</i>
Minimum right-of-way Width <sup>6</sup>	90'	90'	60' - 70'	60'
Travel Lane Width	12'	12'	12'	12'
Shoulder Width	5' - 11'	5' - 11'	3' - 9'	2'
Left Turn Lane Width <sup>7</sup>	14'	14'	12' - 14'	--
Recommended Number of Travel Lanes	2 - 4	2 - 4	2	2
Median Width	2' - 14'	2' - 14'	--	--
Parking On-Street:	The provision for on-street parking will depend on traffic volumes, lane widths, design speeds, access control and land use.			

**Recommended Standards**

Design Speed - MPH (KPH)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	35 - 55 (56 - 90)	25 - 35 (40 - 56) <sup>8</sup>
Stopping Sight Distance	Varies according to actual design speeds			
Passing Sight Distance	Varies according to actual design speeds			
Horizontal Curve (Degree)	Varies according to actual design speeds			
Grade, Gutter (Maximum)	5%	5%	8 - 10%	15-20% <sup>8</sup>

<sup>5</sup> Standards will vary according to terrain and usage.

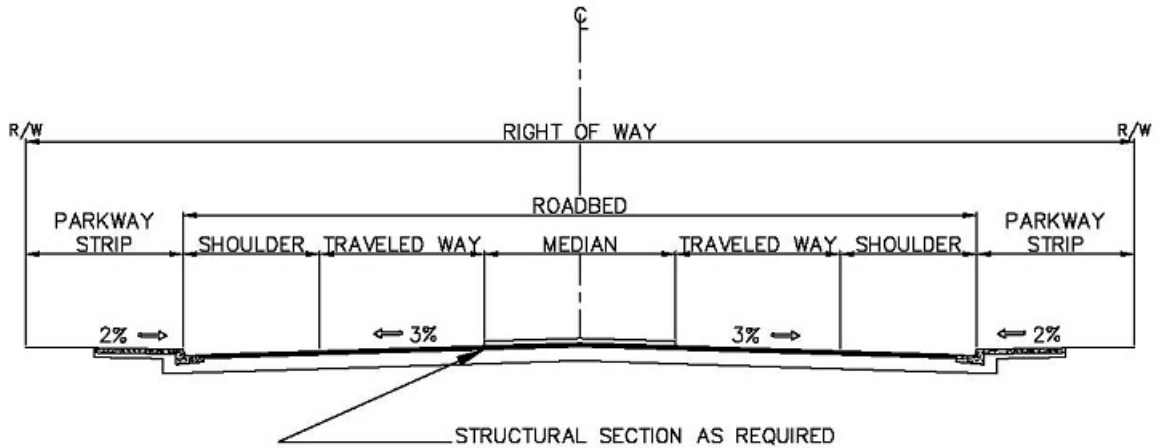
<sup>6</sup> Minimum right-of-way may be increased by the Public Works Director in all instances where necessary to obtain one half the required right-of-way from the centerline of an existing road.

<sup>7</sup> Where turn lanes are required, right-of-way and roadbed width must be increased.

<sup>8</sup> Grades that exceed 15% shall not exceed 200 feet in length.

FIGURE 1

URBAN ROADWAY SECTIONS



TYPE OF STREET	RIGHT OF WAY	ROADBED	TRAVELED WAY	SHOULDER	MEDIAN	PARKWAY STRIP
PRINCIPAL HIGHWAY (LIMITED ACCESS)	102'	82'	24'	10'	14'	10'
ARTERIAL	102'	70' - 82'	24'	10'	2' - 14'	10'
MAJOR COLLECTOR	74' - 84' *	40' - 64'	12' - 24'	8'	0'	10'
MINOR COLLECTOR	60'	40'	12'	8'	0'	10'
LOCAL	56'	36'	12'	6'	0'	10'
RESIDENTIAL CUL-DE-SAC	54'	34'	12'	5'	0'	10'
RESIDENTIAL LOOP	54'	34'	12'	5'	0'	10'

NOTES:

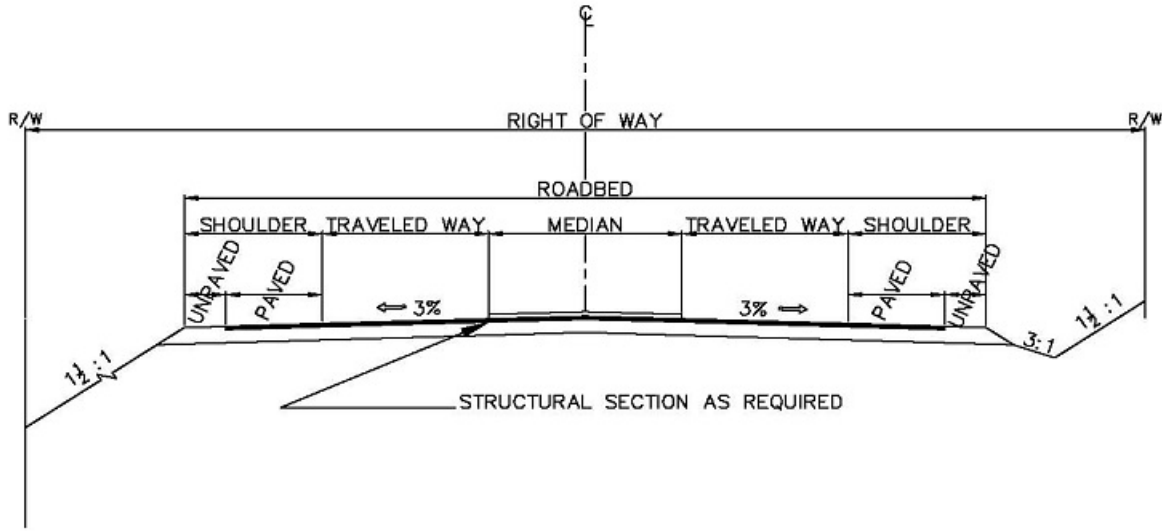
1. WHERE ADDITIONAL LANES ARE REQUIRED, RIGHT OF WAY AND ROADBED MUST BE INCREASED.
2. ADDITIONAL RIGHT OF WAY MAY BE REQUIRED DUE TO EXTENSIVE CUT AND FILL.
3. SIDEWALKS SHALL BE CONSTRUCTED WHEN REQUIRED.
4. SEE DOUGLAS COUNTY STANDARD DRAWINGS FOR SIDEWALK, CURB, AND ROADWAY DETAILS.
5. RIGHT OF WAY MAY BE INCREASED IN ALL INSTANCES BY THE PUBLIC WORKS DIRECTOR WHERE NECESSARY TO OBTAIN ONE HALF OF THE REQUIRED RIGHT OF WAY WIDTH FROM THE CENTERLINE OF AN EXISTING ROAD.

\* REFER TO COMPREHENSIVE PLAN URBAN UNINCORPORATED AREA POLICY.



FIGURE 2

RURAL ROADWAY SECTIONS



TYPE OF ROAD	RIGHT OF WAY	ROADBED	TRAVELED WAY	SHOULDER		MEDIAN
				PAVED	UNPAVED	
PRINCIPAL HIGHWAY (LIMITED ACCESS)	90'	36' - 72'	12' - 24'	4' - 10'	1'	2' - 14'
ARTERIAL	90'	36' - 72'	12' - 24'	4' - 10'	1'	2' - 14'
MAJOR COLLECTOR	70'	34' - 42'	12'	4' - 8'	1'	0'
MINOR COLLECTOR	60'	30' - 34'	12'	2' - 4'	1'	0'
LOCAL	60'	28'	12'	1'	1'	0'

NOTES:

1. RIGHT OF WAY IS TO EXTEND 5 FT. BEYOND TOP OF CUT & TOE OF FILL.
2. WHERE TURN LANES ARE REQUIRED, RIGHT OF WAY AND ROADBED MUST BE INCREASED.
3. ILLUSTRATED SLOPES OF CUT, FILL, AND DITCH BANKS ARE REQUIRED, BUT MAY VARY IF DICTATED BY LOCAL CONDITIONS. EXCEPTIONS MUST BE APPROVED BY THE DIRECTOR OF PUBLIC WORKS.

FIGURE 3

PRIVATE ROAD  
TYPICAL CROSS-SECTION

(ROADS NOT DESIGNATED AS COLLECTORS OR SUBCOLLECTORS)

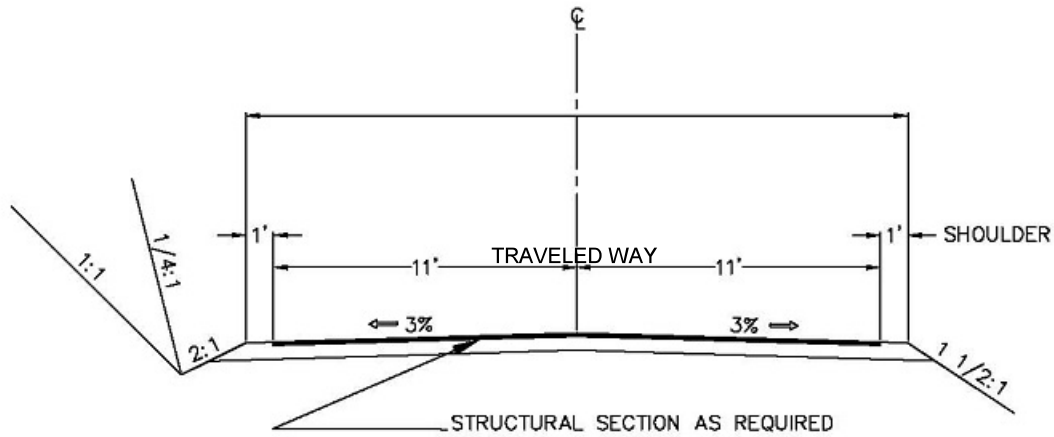


TABLE 3 – PRIVATE AND PUBLIC ROAD STANDARDS

TYPE OF ROAD	MAX. NO. OF LOTS	RESPONSIBILITY ROAD MAINTENANCE	IMPROVEMENT STANDARD	ROAD SURFACE	MINIMUM WIDTH OF ACCESS
PRIVATE (URBAN)	3	PRIVATE	N/A	N/A	25'
PRIVATE (RURAL)	3	PRIVATE	N/A	N/A	25'
PRIVATE (RURAL RESOURCE)	10	PRIVATE MAINT. AGREEMENT	4.420	12'	35'
PRIVATE (RURAL RESIDENTIAL)	15	PRIVATE MAINT. AGREEMENT/COVENANTS	4.420	18'	60'
PRIVATE (RURAL RESIDENTIAL)	50	PRIVATE MAINT. AGREEMENT/COVENANTS	4.425	22'	60'
PUBLIC LOCAL ACCESS	N/A	PRIVATE MAINT. AGREEMENT/COVENANTS	4.420	18'	N/A
PUBLIC	N/A	COUNTY	4.410	28'	60'

NOTE:

1. WHEN MAXIMUM NUMBER OF LOTS, PARCELS, OR UNITS OF LAND EXCEED THOSE SHOWN ABOVE, THE REQUIREMENTS SHALL CONFORM TO THE APPROPRIATE PUBLIC STREET OR ROAD STANDARDS AS SET FORTH IN THESE IMPROVEMENT STANDARDS.

**SECTION 4.425 Private Road: Construction Standards for Roads Serving 15-50 Parcels**

Construction standards for private roads serving as access for at least 15 lots or parcels but not more than 50 lots or parcels shall be as follows:

**1. Geometrics**

- a. Maximum grades shall not exceed 15%, except that short grades of 200 feet or less shall not exceed 20%.
- b. Vertical curvature shall be consistent with horizontal curvature. In any case, provisions for stopping sight distance for speeds greater than 55 miles per hour will not be required.
- c. Horizontal curves shall be as flat as possible, consistent with good design procedures as related to terrain. In no case will curves sharper than 100 feet in radius be allowed.
- d. All intersections shall be planned for through traffic for the street with the greatest projected Average Daily Traffic. Intersecting streets shall enter with an angle of intersection as near 90 degrees as possible. In no case will an angle of intersection of less than 60 degrees be allowed.
- e. Angle points greater than 2% will not be allowed unless approved by the County Engineer.

**2. Design Criteria**

- a. Typical sections shall conform to Figure 3 of this chapter.
- b. The structural design of the subgrade shall consist of:
  - (1) A bottom course of base rock being 1 ½"-0 crushed material compacted to a nominal thickness of 6" to 9" unless otherwise approved by the County Engineer. The specific required thickness will be determined by the County Engineer based on the underlying soil conditions. Over the base material shall be placed 3" of ¾"-0 crushed leveling course; or
  - (2) Unless otherwise approved by the County Engineer, the base may be comprised of 9"-12" of 1"-0 crushed aggregate base as per Douglas County specifications published by the County Engineer. The specific required thickness will be determined by the County Engineer based on the underlying soil conditions.

- c. Finish surfacing shall consist of one of the following and the technical specifications for application of finished surfacing shall be as per Douglas County specifications published by the County Engineer.
- (1) 2" of asphaltic concrete, or
  - (2) An emulsified asphalt wearing surface placed in two courses:
 

The first course shall be comprised of ½" - 1/4" aggregate placed uncompacted on the aggregate base by a spreader box or equivalent to a uniform depth of one inch. CRS-2 the rate of 1.1 gallon per square yard and covered with ½" - 1/4" aggregate at the rate of 21 pounds per square yard.

The second course shall consist of 0.45 gallons per square yard of CRS-2 asphalt emulsion applied directly to the first course covered by ½" - 1/4" aggregate applied at the rate of 23 lbs. per square yard; or
  - (3) A double shot oil mat with prime consisting of:
 

A prime coat of MC-250 applied directly to the base at a rate of .4 to .5 gallons per square yard, and choked with ½" - 1/4" macadam aggregate at a rate of 20 lbs. per square yard. This should be cured for 30 days. (This provision may be waived for existing roads upon approval of the County Engineer.)

The first shot shall be comprised of CRS-2 asphalt emulsion applied at a rate of .3 to .35 gallons per square yard directly on the prime and covered by ½" to 1/4" asphalt macadam aggregate at the rate of 30 lbs. per square yard.

The second shot shall be comprised of CRS-2 asphalt emulsion applied at a rate of .3 to .35 gallons per square yard and covered by 1/4" - No. 10 asphalt macadam aggregate at a rate of 30 lbs. per square yard.
- d. Culverts may be either concrete, corrugated steel or aluminum. PVC culverts may also be used if approved by the County Engineer. In areas where cove clay ("Black Mud") is encountered, corrugated steel culverts shall be asphalt dipped. All cross drainage pipes shall be eighteen inches in diameter or larger. Driveway pipes shall be twelve inches in diameter or larger. Drainage pipes shall be placed in natural drainage areas where possible. When natural drainages are quite flat (under 1%) there shall be provided a drainage easement along the natural drainage course to insure continuity of drainage.

- e. Rock surfacing side slopes shall be 3:1 or flatter. Ditch for slopes shall be 2:1. Cut slopes in earth material shall be no steeper than 1:1. Cut slopes in solid rock may be 1/4:1 or flatter. Fill slopes shall be 1 1/2:1 or flatter.

### **3. General Considerations**

- a. The width of all road easements or right of way on minor streets shall be a minimum of sixty feet except as provided for in §4.415 or as noted in the tables and figures in this Chapter 4.
- b. 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. 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. Any easement required to provide a temporary cul-de-sac shall be terminated upon extension of the road.
- c. The Approving Authority, upon recommendation of the Director of Public Works, may impose additional requirements as are reasonably necessary to provide safe and adequate access.

### **4. Certification and Special Considerations**

- a. The applicant shall 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.
- b. 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.

### **5. Signing**

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

- a. The applicant/developer shall be responsible for the construction and installation of required permanent signing. The County will maintain required permanent signing where placement of such signs is within public maintained right of way.

- b. 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 4.430     Alternate Standards for Subdivisions and Partitions Accessing Designated Collector Streets in Tri City**

Based upon policy provisions for Tri City in the Comprehensive Plan, alternate road standards may be applied to identified streets in Tri City. Furthermore, a street improvement reimbursement shall be required as a condition of approval for any subdivision or partition accessing identified streets in Tri City.

1. Alternate Street Standards: The following standards are in addition to or, where applicable, an exception from the improvement standards contained in §4.100, 4.410, 4.420 and 4.425. If a conflict exists, then the following provisions shall control. These alternate street standards may apply to new subdivisions or partitions that either access a County maintained collector street in Tri City, or that accesses one or more of the following Tri City streets: Klimback Street, Gael Lane, Woodcrest Drive, Meadow Lane, Aker Drive, and Celestial Way.
  - a. New local streets with direct access onto one of the streets identified in this Section (whether or not the street is constructed to its ultimate standard), or with direct access onto any County maintained collector street in Tri City, may be constructed using alternate street standards specified in the following chart. If built conforming to the alternate standards, the new local street shall be privately maintained in perpetuity by a homeowners association or similar entity.
  - b. If the property divider prefers the benefits of having the new local street be accepted into the County Maintenance System, then the street shall be built in conformance with the design standards specified in the Land Use & Development Ordinance for urban local streets.
  - c. Road improvement designs under this Section shall be approved by the County Engineer.
  - d. Local streets that exceed 1500 ADT do not qualify for the alternate street standards in this Section and shall be developed using the design standards for urban local streets in Section 4.410 of this Ordinance.

Alternate Street Standards for Certain Local Roads in Tri City

<u>TYPE OF STREET</u>	<u>RIGHT OF WAY</u>	<u>ROADBED</u>	<u>TRAVELED WAY</u>	<u>SHLDER</u>	<u>SIDEWALK IN R-O-W</u>	<u>PARKWAY STRIP</u>
<u>LOCAL STREET UP TO 800 ADT</u>	50'	28'	12'	2'	N/A	N/A
<u>LOCAL STREET 800-1500 ADT</u>	50'	28'	12'	2'	one side	N/A

2. Street Improvement Reimbursement Plan: Douglas County is initiating a Street Improvement Test Project, whereby the County will construct six streets in Tri City. The public cost for street improvements would be paid back through the development review process as property developers create new lots or parcels accessing one of the six identified streets. The purpose of the *Street Improvement Test Project* is to enhance mobility and improve the urban setting in Tri City, and to facilitate and stimulate new urban development.

- a. Under provisions of the Comprehensive Plan, the County will construct the following six streets in order of priority, with each street construction project to begin at Old Pacific Highway and end at the planned minor collector street which runs parallel to, and east of, Old Pacific Highway.

Highest priority for development: Klimback Street  
Gael Lane

Medium development priority: Woodcrest Drive  
Meadow Lane  
Aker Drive  
Celestial Way

- b. A street improvement reimbursement shall be required as a condition of approval for subdivisions or partitions accessing the listed streets. The reimbursement paid by the property developer shall be in proportion to the number of lots or parcels being created.

- (1) The developer of a subdivision, partition, or planned development that will gain access to one of the streets listed in this Section, shall reimburse the County for the cost of improving twelve (12) feet of roadway for each lot or parcel created. The reimbursement shall be paid at 80% of the public cost.

- (2) The public cost for each constructed street shall be calculated by the County Engineer, and shall include all costs including design work, right-of-way acquisition, and construction.

## — Supplemental Provisions —

### **SECTION 4.450    Variances**

1. Where unusual practical difficulty would result from strict compliance with this chapter, variances from the requirements of the Chapter may be granted so that substantial justice may be done, provided that the public interest is protected. The approval of a variance is an Administrative Action subject to the provisions of Chapter 2 of this ordinance.
2. A variance to the requirements of this chapter may be approved where all of the following criteria are found to exist:
  - a. Unique circumstances, such as lot size, shape or topography, apply to the property which do not apply generally to other properties in the same zone or vicinity.
  - b. The variance is necessary for the preservation of a property right of the applicant.
  - c. The variance would conform with the purposes of this ordinance and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict with the Comprehensive Plan.
  - d. The variance requested is the minimum variance necessary to make reasonable use of the property.
  - e. The variance is not the result of a self-created hardship.
3. When reviewing access or road standard requirements, criteria a, c, d and e of Subsection 2 of this section only shall apply.
4. The Approving Authority may grant a variance to the requirements of this ordinance with respect to access, street widths, dead-end streets, easements, area and lot dimensions, and other quantitative requirements, in conjunction with approval of a planned development preliminary plan pursuant to Chapter 5 of this ordinance.

### **SECTION 4.475    Administrative Variances for Rural Road Standards.**

1. An Administrative Variance from regulations covering the Rural Road Standard requirements of §4.100.5.b.(3)(b) & (c) may be authorized as a use permitted with standards up to a maximum of 30% of the requirement upon written consent from all property owner(s) who own property fronting the subject road. A pre-application conference and fee shall be required. Property owner consent shall be obtained by the applicant and submitted the Planning Department on forms provided by the County. Properties that front on the subject road shall be identified by the Planning



Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified owner of record. If no negative comments are received within 12 days, the request shall be granted.

2. If property owner consent cannot be obtained, the request shall be processed pursuant to the Administrative Action process of §2.060.1 up to a maximum of 30% of the requirement, by the Director, upon findings that:
  - a. Approval of the variance will not negatively impact adjacent or abutting properties.
  - b. An affirmative recommendation is received from the County Engineer.
3. An Administrative Variance is void if it conflicts with any restrictive covenant applicable to the property at the time such variance is granted.

#### **SECTION 4.500 Remedies, Penalty and Enforcement on Violation**

1. Where application is made for approval of the creation of lots or parcels which were improperly formed without the approval of the governing body, the application may be considered and approved for the creation of lots or parcels notwithstanding that less than all of the owners of the existing legal lot or parcel have applied for the approval.
2. Violation of any provision of this ordinance is punishable upon conviction under the provisions of ORS 92.990(1).
3. In addition to the criminal penalties provided for by Subsection 2 of this section, Douglas County may seek equitable relief for violations of this chapter.

#### **SECTION 4.550 Repeal and Transferal Provisions**

1. The Douglas County Subdivision Regulations adopted February 9, 1972, are repealed upon the effective date of this ordinance.
2. Actions approved under the provisions or regulations repealed by Subsection 1 of this section shall continue to be governed by the terms and conditions of such approval.
3. Violations of the provisions of regulations repealed by Subsection 1 of this section shall be deemed violations of this chapter.