

SUBDIVISION ORDINANCE

Jackson County, Oregon

JACKSON COUNTY

S U B D I V I S I O N O R D I N A N C E

Ordinance No. #1

An ordinance adopting regulations for the subdivision of land.

WHEREAS, the Board of County Commissioners of Jackson County, Oregon; pursuant to Oregon Revised Statutes Chapter 92, 92.010 through 92.990 deems it necessary for the orderly development of Jackson County, and to provide for the public health, safety and general welfare of the people of Jackson County, Oregon and;

WHEREAS, prior to the submission hereof to the Board of County Commissioners this Ordinance was referred to the County Planning Commission which Commission, pursuant to Oregon Revised Statutes Chapter 215, 215.010 through 215.990, thereupon considered the same and made and filed with the Board of County Commissioners its report and recommendations thereupon; and the Board of County Commissioners having considered the provisions thereof and the report and recommendations of the Planning Commission thereupon; all as provided by law:

NOW THEREFORE, the Board of County Commissioners of Jackson County, Oregon doth by Resolution and Order:

ORDAIN THE FOLLOWING:

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SECTION 1. PURPOSE OF ORDINANCE

1.1 This Ordinance is enacted for the purpose of adopting subdivision regulations for the County of Jackson, State of Oregon.

With the adoption of subdivision regulations, the following objectives should be accomplished:

- a. Protecting property values.
- b. Furthering the health, safety, and general welfare of the people of the community.
- c. Provide uniform standards for the subdivision of land in Jackson County as provided in Oregon Revised Statutes 92.010, 92.990, 215.150, and 215.170, and Chapter 756.
- d. Land descriptions will be simplified and made more certain.
- e. Necessary streets, utilities, and public areas may be extended without expensive land purchases.

1.2 The Planning Commission of the County of Jackson, State of Oregon, hereinafter referred to as the Planning Commission, shall act as an Agency to the Board of County Commissioners with respect to subdivisions as provided in Oregon State Laws, as referred to in Section 1.1 of this Ordinance.

1.2.1 Scope of Regulations. Subdivision plats and streets or ways created for the purpose of partitioning land shall be approved by the Planning Commission in accordance with these regulations. A person desiring to subdivide land, or to partition land by creation of a street or way, shall comply with the requirements of this ordinance, state law and the comprehensive plan for Jackson County under preparation or as adopted.

1.3 It shall be unlawful to subdivide land, other than for agricultural purposes without approval of Planning Commission, as hereinafter setforth.

SECTION 2. DEFINITIONS

2.1 Alley. A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

2.2 Easement. A grant of the right to use a strip of land for specific purposes.

2.3 Development Plan or Master Plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the county including adjustments made from time to time to meet changing conditions or unanticipated problems and conditions affecting the public or land owners.

2.4 Lot. A portion of a subdivision intended as a unit for transfer of ownership or for development.

2.5 Lot, Corner. A lot of which at least two adjacent sides abut for their full length upon a street.

2.6 Lot, Reversed Corner. A corner lot, the side street lines of which is substantially a continuation of front lot line of the first lot to its rear.

2.7 Lot, Through. A lot having frontage on two parallel or approximately parallel streets.

2.8 Owner. The individual, firm, association, syndicate, partnership, corporation, having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations, and while used in this ordinance in the masculine gender and singular number it shall be deemed to mean the feminine gender and plural number.

2.9 Plat or Map. Includes a preliminary or final map, diagram, drawing, replat, or other writing containing all the descriptions, location, specifications, dedication provisions, and information concerning a subdivision.

2.10 Shall. Means mandatory.

2.11 Street. A right-of-way which provides vehicular and pedestrian access to adjacent properties. It shall include the term, street, highway, throughfare, parkway, road, avenue, boulevard, place, and other such terms.

2.12 Street, Arterial. A street used primarily for through traffic, and to some extent for access to abutting properties.

2.13 Street, Collector. A street used to some extent for through traffic, and to some extent for access to abutting properties.

2.14 Street, Dead-end or (cul-de-sac). A short street having one open end to traffic and being terminated by a vehicular turn-around.

2.15 Street, Frontage. A minor street parallel to and adjacent to a major street providing access to abutting properties and protection from through traffic.

2.16 Street, Half. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street shall be in another subdivision.

2.17 Street, Minor. A street used exclusively for access to abutting properties.

2.18 of the Ordinance is hereby repealed. (7-26-72)

2.18.1 Subdivide Land. To partition a parcel or contiguous parcels of land under the same ownership into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future.

2.19 Subdivision. An act of subdividing land or a tract of land subdivided as defined in this section. No tract of land shall be subdivided by metes and bounds.

2.20 Subdivider. Any individual, firm or group who undertakes the subdivision of a lot, tract, or parcel of land for the purpose of transfer of ownership or development and including changes in street and lot lines.

Section 2.21 of the Ordinance is hereby repealed. (7-26-72)

2.22 Transfer of Ownership. Includes lease of land for the purpose of building development.

2.23 Way. Any parcel of land or easement not offered for dedication to the public, and which is used or intended to be used for access to a lot or parcel. A private road.

SECTION 3. PRE-APPLICATION PROCEDURE:

3.1 Pre-Application Procedure. When a landowner or subdivider desires to subdivide a parcel of land, it is recommended that he or his agent call at the planning office with a sketch of the proposed development. The Planning Commission office shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed state highways and county roads, and public utilities. On reaching conclusions informally with the Planning Commission Staff regarding the general program and objectives, the subdivider shall cause to be prepared a Preliminary Map together with improvement plans and/or other supplementary material as specified in the Preliminary Map.

SECTION 4. PRELIMINARY MAP:

The preliminary map shall show the following information:

4.1 Vicinity Map at a scale of 1"=400' showing the relationship to the nearest major highway, or county road.

4.2 Name of Subdivision. The name of subdivision shall not duplicate, be similar to, or resemble in pronunciation the name of any other subdivision in Jackson County, neither shall there be a numerical suffix or prefix attached to any name of any subdivision, or to the addition of any subdivision. No plat of a subdivision addition shall be permitted unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. Plat of addition must continue the block numbers of the plat of the same name last filed.

4.3 Location of the subdivision by Section, Township, and Range.

4.4 Size of map shall be 18" x 24".

4.5 Scale shall be 1" = 100', unless otherwise directed by the Planning Commission.

4.6 Date, Northpoint, approximate boundary lines of tract, bearings, distances, and approximate acreage enclosed.

4.7 Streets on abutting subdivision. Location, name, width, and surface condition, alleys and rights-of-way on abutting subdivision.

4.8 Streets in Subdivision. Location, width, and approximate grades of all roads, streets, highways, and ways in the subdivision and along the boundaries thereof shall be approved by the County Surveyor.

4.9 Street names shall be approved by the Planning Commission.

4.10 Lots. Approximate dimensions of lots, minimum lot size, and proposed lot and block numbers.

4.11 Easements. Approximate width, location and purpose of all existing easements on and known easements abutting the tract.

4.12 Utilities on or abutting the subdivision.

4.13 Existing uses of the property including the location and use of all existing structures to remain on the property after platting.

4.14 Proposed use of the Property including sites, if any, for multi-family dwellings, shopping center, churches, industry, parks and playgrounds or other public or semi-public uses.

4.15 Ground Elevations. If in the opinion of the Public Works Director or the Planning Commission ground elevations are required due to unusual circumstances such as possible low areas subject to inundation, storm water overflow or other condition; a contour map shall be prepared. The interval of ground slopes shall be as follows.

- (a) 1' - 0" contour intervals for ground slopes less than 5%
- (b) 2' - 0" contour intervals for ground slopes between 5% and 10%
- (c) 5' - 0" contour intervals for ground slopes exceeding 10%

4.16 Sewage Disposal and Water Supply

Refer to Section 8, Design Regulations.

4.17 Water Courses on and abutting the Property. Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the approximate location, width, and direction of flow of all water courses. Areas subject to flood hazard by water courses may be referenced to Federal, State, County, or other public records.

4.18 Wooded Areas. Show in general outline any areas, which are wooded.

4.19 Name and address of the Owners and/or Subdividers.

4.20 Name, address and number of the Registered Engineer, or licensed land surveyor, if any, who prepared the map of said subdivision.

4.21 Improvements. Statement of the subdivision improvements to be made or installed, and the time such improvements are contemplated to be started and/or completed.

4.22 Deed Restrictions. Outline of proposed deed restrictions.

4.23 Written Statement. Such of the foregoing information as may not practicably be shown in the maps may be shown on forms provided, or in separate statements accompanying the preliminary map. Supplemental economic and environmental impact statements may also be required by the Planning Commission.

4.24 Submission. The original tracing and seven (7) copies of the Preliminary Map of the proposed subdivision together with supplementary material shall be filed with the Planning Commission with application for Conditional Approval. The Planning Commission's authorized administrator shall supply one copy of the aforesaid map and material to the following, who shall within 15 days approve or disapprove the Preliminary Map:

- a. County Engineer and Surveyor
- b. County Health Department
- c. Assessor
- d. State Highway Department (if necessary)
- e. Irrigation District (if necessary)
- f. Planning Commission Files
- g. One copy will be returned to the owner or subdivider

4.25 Conditional Approval. Approval of a Preliminary Map shall not constitute approval of the Final Map for record. Rather it shall be a guide to the preparation of the Final Map which will be submitted for approval of the Planning Commission and for recording upon fulfillment of the requirements. The Planning Commission shall determine whether the proposed subdivision is in conformity with this Ordinance, whether the proposed lots will have proper and sufficient access to public streets, proper drainage, water facilities, and sewage disposal. Following review of the Preliminary Map and supplemental material, as submitted or modified, the Planning Commission shall within a reasonable time, but not exceeding 15 days, give approval, conditional approval, or disapproval and state the reasons and conditions for such action.

4.26 Notice of Action by Planning Commission. The action of the Planning Commission shall be noted on two copies of the map. One copy will be retained in the files of the Planning Commission, the other will be returned to the subdivider, noted thereon Approval or Disapproval. In the event of disapproval the reason shall be stated in writing. Such action shall be transmitted to the subdivider within 20 days after the filing of the Preliminary Map and supplemental material.

4.27 Dedication of Areas. The Planning Commission may suggest to the subdivider, where deemed necessary, the advisability of dedicating suitable areas for parks, playgrounds and school, and other public sites that will be required for the use of the population which is intended to occupy the subdivision under the plan of proposed property uses therein. The Planning Commission, on advise of a school district, may require the subdivider to set aside suitable areas for school sites for purchase within three years. If such areas are set aside the school district shall be required to pay a substantial sum for purchase option on the property, the amount to be set by an appraisal board.

SECTION 5. FINAL MAP:

5.1 Information Required. In addition to the map and supplemental data for the Preliminary Map, the Final Map shall also show the following:

- a. Dimensions. The length of all arcs, radii, tangent, bearings, and lengths.
- b. Lot Lines. All lot lines with dimensions in feet and hundredths and with bearings and angles in degrees and minutes.
- c. Streets. Name and right-of-way width of each street or other right-of-way.
- d. Easements. Location, dimensions, and purpose of any easement.
- e. Numbering. Blocks should be numbered consecutively throughout the tract and lots throughout each block. Block numbers may be enclosed within a circle, but lot numbers shall not be enclosed within any design.
- f. Site Purpose. Land reserved for public use shall be indicated on the plat.
- g. Set back lines. If required by State or District regulation, code, or by County resolution, or by deed restriction.
- h. Monuments. Monuments are to be of a type prescribed by and installed in accordance with Oregon State Law (ORS 92.060).
- i. Certification, by a civil engineer or land surveyor registered by the State of Oregon.
- j. Legal description of the tract boundaries.
- k. Map shall be signed by fee owner or owners.
- l. Notarized signatures of the owners dedicating streets rights-of-way, and any other areas for public use without any reservation or restriction whatsoever.

m. Deed Restrictions. A copy of the protective deed restrictions shall be written on the face of the map or shall be recorded with the map.

5.2 Drawings. The final map shall be drawn in black India ink on good quality, white, cold pressed, double mounted drawing paper. The size of the map shall be 18" x 24" with muslin extending 3" at the left end for binding purposes. No part of the drawing shall be nearer to the edge than 1". Space for certificates, notarizations, dedications, easements, recordation, and all other requirements as set forth in this ordinance, and by State Law shall be shown on the Final Map, or may be shown on separate sheet of same material as hereinabove specified. Signatures shall be made in black India ink, as prescribed by Oregon State Law.

5.2.1 Tracing. From this drawing there shall be made an exact tracing of the plat and certificates. Tracing shall be made on linen tracing cloth, shall be made in India ink, and of size as specified above for original drawing.

5.2.2 Scale. Scale of original plat and tracing shall be at 1" = 100', unless otherwise authorized by the Planning Commission.

5.2.3 a. Monuments. In narrative form what monuments or other evidence was found or used to establish proof of ties to determine the boundaries of the subdivision. Corners of adjoining subdivisions shall be identified by lot and block numbers, subdivision's name and place of record, or other proper designation.

b. Bearing and lot length. Data must show the bearing and length of every block line, and boundary line. Where the line of a lot changes from a typical direction the bearing shall be shown. Dimensions of lots shall be given in feet and hundredths of a foot. Distances of the entire perimeter of the subdivision shall also be shown. Bearings and lengths of straight lines, radii and arc length for all curves as may be necessary to determine the location of curves and tangent points shall be shown. No lot shall be dimensioned to contain any part of an existing or proposed public right-of-way.

c. Flood Water. The final map shall show by drawing or reference the line of high water in case the subdivision is adjacent to a stream, channel or any body of water and shall also show any area subject to periodic inundation by water within the subdivision.

d. Filled Areas. Show any area which has been or will be filled in the development of the subdivision.

e. Streets. Show the side lines of streets, their total width, width of portion being dedicated and width of existing dedications, and the width of any railroad right-of-way.

f. Easements. Show easements by dotted lines.

g. City Boundary Line. Show city boundary lines crossing, or adjacent to, the subdivision.

h. Area of Dedications. Show boundary lines of any parcel offered for dedication.

i. State Law Data. Show any and all other data required by Oregon State Law.

5.2.4 Time Limit. Final map shall be prepared in conformance with the approved, or conditionally approved preliminary map and shall be filed for approval within six months from date of approval of the preliminary map. An extension of time may be granted by the Board of County Commissioners upon recommendation by the Planning Commission, provided that written request has been made by the subdivider within six months after action on the preliminary map, such request to be made to the Planning Commission.

5.2.5. Filing. The original drawing, and tracing, of the final map together with any and all supplementary data shall be filed with the Planning Commission, together with a checking fee of \$16.00, made payable to Jackson County. Supplementary data shall include the instrument prohibiting traffic over the side lines of a major highway, freeway or parkway when, and if the same is required under "Design Regulations" in this ordinance, together with estimates of construction costs in the subdivision.

5.2.6 Certificates. State Law and this Ordinance require certification of the final map by the following:

1. County Planning Commission
2. County Assessor
3. County Sheriff
4. County Surveyor
5. County Clerk
6. Board of County Commissioners

In addition there shall be the following certificates shown on final map.

a. A certificate signed and notarized by all parties having a record title interest in the land subdivided, except that the signatures of parties owning the following types of interests may be omitted. Rights-of-way easements, none of which can mature into a fee. Land patented by United States or State of Oregon may be recorded without the consent of these entities.

b. Dedication Certificate signed and notarized, offering for dedication parcels of land shown on final map and intended for public use, except those intended for exclusive use of lot owners, licenses, visitors, and tenants.

c. A certification by the City Engineer and/or Planning Commission of an incorporated city when portion of a subdivision is within the boundary of an incorporated city, or wherein there is no city planning commission by the City Council, or other legally constituted entity of the city.

d. A certification by the officers of an Irrigation District where any portion of a subdivision is within such district. All irrigation districts meet once a month on or about the first Tuesday of each month.

e. A certification by the officers of an irrigation district when subdivision, or portion thereof, is on land subject to irrigation rights.

f. Certification by the County Health Officer that he has approved the use of individual wells and sewage disposal facilities within the subdivision. In the event that the approval is based upon community water or sewers, the certificate shall so state.

5.3 Action on Final Map. Upon receipt of the final map and other data the Planning Commission shall transmit the same to the County Surveyor, and other County Departments, who shall examine the same to determine if same substantially represents the approved preliminary map. Each County Department shall within 15 days approve or disapprove the final map. If any County Department shall have cause to disapprove the final map, the same shall notify the Planning Commission for the reasons thereof. The Planning Commission shall notify the subdivider in writing the reasons for disapproval. If the final map is in conformity with the requirements of State Law, this ordinance, and the approved preliminary map, then the certification signatures shall be attached to the final map, and shall be returned to the Planning Commission for signatures of the Chairman and Secretary of the Planning Commission. Upon receiving the approved final map the Planning Commission shall, within 5 days, submit same to the

County Clerk, who shall in turn submit same to Board of County Commissioners. At its first regular meeting, or within 5 days following the filing of the map, the Board of County Commissioners shall approve or disapprove the final map. If the Board shall determine that said map is not in conformity the reasons shall be specified and the County clerk shall notify the subdivider and the Planning Commission. Within 30 days the subdivider may file an amended map altered to meet approval of the Board of Commissioners. Such amended map shall be submitted to the Planning Commission. The Planning Commission shall, within 5 days resubmit said amended map to the County Clerk who in turn shall resubmit same to Board of County Commissioners, following same procedure as herein before stated.

If the Board of County Commissioners shall approve the final map together with any accompanying data, the subdivider shall record the final map with the County Clerk.

5.4 Time Limit for Recording Final Map. Unless the final map is recorded by the first day of the sixth month after the date of final approval by the Commission, it shall be resubmitted to the Commission which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

SECTION 6. IMPROVEMENTS.

6.1 Estimates of Improvement Costs. The subdivider shall supply estimates of costs for all improvement work. Estimates shall be approved by the Public Works Director.

6.2 Sureties

6.2.1 Personal Surety. The final plat shall be approved before installing improvements.

A cash bond or personal surety shall be made to the effect that improvements will be installed in compliance with County requirements. Bond or surety shall be posted with the County Clerk, made payable to Jackson County, on or before ten (10) days prior to offering any property for sale. If personal surety is the method selected by subdivider, the said subdivider shall file an undertaking with two sureties in a sum equal to the amount of the estimated cost of the improvements. With the undertaking the subdivider shall also file the affidavits of the sureties from which affidavits it must appear that such sureties are qualified, and when taken together they are worth double the amount of the sum specified in the undertaking, over and above all debts and liabilities and property exempt from execution.

6.2.2 Corporate Surety. Corporate surety may be furnished in lieu of personal surety, in companies or company licensed by the State of Oregon.

6.2.3 Intent. It is the purpose of Sub-Sections 6.2.1 and 6.2.2 to permit a subdivider to offer the property for sale before the improvements are installed.

6.3 Improvements by Units. Upon approval of the final map, the subdivider may outline that portion of a subdivision which will be developed first. Improvements shall be not less than one block in length. For the purpose of this ordinance a block is assumed as 300 linear feet. Variance of this distance and approval for improvements by units shall be made by the Planning Commission. Subdivider may provide personal surety or corporate surety as provided in 6.2.1 and 6.2.2 for that portion of the improvements which will be developed first. Upon release of personal or corporate surety on that portion first developed, such surety may be transferred to the next portion of such subdivision to be developed, subject to the amount of the estimated costs of the improvements as approved by the Public Works Director. If the next unit for development requires greater surety, such surety must be provided before approval for the improvements is given. It is the intent of this paragraph to provide for orderly development of a tract without requirement that the entire tract be developed at time of approval of the over-all plan. In such a contingency, breakdown of costs shall be in the amount of the estimated costs of the improvements on proportionate basis to the whole. It is the purpose of this section to permit orderly development of subdivisions by local subdividers without financial hardship upon such subdividers.

6.4 Unlawful Sale of Property. It shall be unlawful to sell any lot within a subdivision or unit thereof prior to posting a cash bond or sureties as setforth in Section 6.2.

6.5 Time Limit. If for any reason no improvements have been made in the subdivision, or units thereof, within a period of three (3) years, the subdivider shall notify the Planning Commission before proceeding thereafter with improvements.

6.6 Forfeiture. If at the termination of three (3) years, provided that any portion of the subdivision or unit thereof has been sold, the improvement work has not been completed, the County shall have the right to complete construction of the improvements in the amount of the bond or sureties, at the expense of the subdivider and/or the co-signers of such sureties.

6.7 Standards of Improvements. All streets, roads, or ways dedicated to the public use together with road surfacing, drainage ditches, culverts, and other related structures shall be installed in accordance with county road standards, and as setforth in Section 8, Design Regulations.

6.8 Certification of Improvements. If the work has been completed in conformance with the requirements of this ordinance and County Road Specifications, the Public Works Director shall so certify and the Surety Bond shall be released.

6.9 County Road Specifications. Specifications for installing roads and streets to meet County Road System requirements may be obtained from the office of the Public Works Director.

6.10 Portion of Subdivision within a City. Where any portion of the subdivision is within the incorporate limits of a city, the improvements shall be installed in accordance with the specifications and requirements of said incorporated city, and shall be approved and certified as to acceptance by the City Engineer of that city. The surety shall also apply to the improvements within the portion of said city.

SECTION 7. CREATION OF WAYS:

7.1 The procedure for approval of a way shall be as follows:

- a. On or before the 15th day of each month, there shall be submitted to the Planning Director five copies of a map with the following information:
 1. The size and scale of the drawing shall be approved by the Planning Director.
 2. Date, north point, and location of the development by township, range, section and tax lot number or legal description.
 3. The location of the way, its width and approximate grades.
 4. Lot lay-out showing approximate size and relationship to the proposed way.
 5. Name and address of all record owners and and of the person who prepared the map.

- b. A way may be approved by the Planning Commission only when all of the following conditions are found to exist.
 1. The way will not be injurious to or prevent the orderly development of other property in the immediate area.
 2. The way intersects or connects with a public road.
 3. The maximum number of parcels served by a way does not exceed four parcels regardless of the size unless an exception is granted by the Planning Commission.
- c. When a way has been approved, two copies of the map shall be marked with the date and conditions, if any, of approval. One copy shall be returned to the developers and the other retained in the Planning Commission files. Use of the way shall be subject to all conditions and requirements set forth by the Planning Commission at the time of approval.

7.2 No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the Planning Commission.

SECTION 8. DESIGN REGULATIONS:

8.1 General. The design regulations shall conform to State Law, and this ordinance, and shall include the following:

a. Street and highway design shall conform both in width and alignment to any adopted or proposed master plan, and such design shall conform to any proceeding affecting the subdivision which shall have been initiated by County, State, or City.

b. The layout of subdivisions shall be considered in relation to existing and planned streets, to topographical conditions, to public safety and convenience, and shall have an appropriate relation to the proposed uses of the land to be served by such streets.

c. The term "street" as defined in this ordinance shall be interpreted to include, street, highway, freeway, avenue, road, and way.

8.2 Streets.

8.2.1 Where a subdivision adjoins unsubdivided land, streets which, in the opinion of the Planning Commission, should be continued in the event of the subdivision of the adjoining land, shall be provided to the boundary lines of the tract.

8.2.2 Resubdivision Approval. No existing subdivision shall be resubdivided without approval by the Planning Commission.

8.2.3 Large Land Parcels. Land subdivided into large parcels may require an arrangement of lots and streets to permit a resubdivision into smaller lots in conformity with the street and lot requirements specified in this ordinance.

8.2.4 Intersection of Streets. Streets shall intersect one another at as nearly a right angle as is practicable in each specified case.

8.2.5 Half Streets. Half streets may be approved when essential to reasonable development of the subdivision, and when in conformity with other requirements of this ordinance, and when the Planning Commission finds it practicable to require dedication of the other half when the adjoining property is subdivided.

8.2.6 Subdivision of Adjoining Land. To give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to boundary of property, and such resulting dead-end street may be approved without a turn-around, provided that control of access across such dead-end shall be vested in the County. In all other cases a turn-around of minimum 50' radius shall be required.

8.2.7 Grades, Curves, and Cross Section of Streets.

- a. Grades, curves, and cross section of any street together with right-of-way widths shall conform to County road standards.
- b. Street improvements shall conform to County road specifications.
- c. Engineering and installation of improvements as specified in subsections 8.2.7 a and b, shall be approved by the Public Works Director.

8.2.8 Frontage on Major Highways. Where a subdivision abuts or contains an existing or proposed arterial highway, the Planning Commission may require frontage streets, reverse frontage lots, screen planting contained in non-access reservation along rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

8.2.9 Reserved strips or street plugs controlling access to public way will not be approved unless such strips are necessary for protection of the public welfare, or of substantial property rights, or both. Such lands shall be subject to control of the County and shall be removed from taxation.

8.2.10 Intersecting Corner. Where a major street or highway intersects streets in the subdivision, the property lines at each block corner shall be rounded with a curve of a radius of not less than 20'. All other street corners shall have a radius of not less than 10'.

8.2.11 Street Name. No street name shall be used which shall be the same as existing streets, or confused with names of existing streets, except where such streets are a continuation of an existing street. Street names shall be approved by Planning Commission.

8.2.12 Alleys. Where lots are proposed for commercial or industrial traffic, alleys at least 20' in width shall be required at the rear thereof. Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement.

8.2.13 Street and Highway Widths. Streets and highways not shown on any master street and highway plan, or not affected by proceedings initiated by the Board of County Commissioners, or approved by the Board of County Commissioners upon initiation by other legally constituted bodies shall not be of less width than those set forth hereunder, except where it can be shown by the subdivider to the satisfaction of the Planning Commission, that the topography and future traffic development is such as to unquestionably justify a narrower street. Approval of street or highway classification shall be made by the Planning Commission. Where topographical requirements necessitate either cuts or fills for the proper grading of streets, additional right-of-way width may be required to allow all cut and fill slopes to be within the right-of-way.

8.2.14 Minimum right-of-way widths, curb to curb widths, surfacing widths, and sidewalk widths shall be determined by the following Table I unless otherwise shown or specified:

T A B L E I

SUBURBAN

LOCALE	Right-of-Way	Surface or Curb to Curb Width	Curb Width (See 7.2.15)	Sidewalk Width (See 7.2.15)
Major Highway for Multi-family	80 ft.	40 ft.	6 in.	5 ft.
Major Highway for Commercial & Industrial	86 ft.	56 ft.	6 in.	10 ft.
Secondary Streets	60 ft.	36 ft.	6 in.	4 ft.
Hillside & dead-end Streets	60 ft.	26 ft.	6 in.	4 ft.
Split level Streets	variable	18 ft.	6 in.	4 ft.
<u>RURAL</u> all roads	60 ft.	* Min: 30 ft.	6 in.	4 ft.

* includes 22 ft. surfacing and 4' shoulder each side.

State Highway minimum width of right-of-way and surfacing shall be in accordance with requirements of State Highway Department.

8.2.15 Sidewalk, Curbs and Gutters. Where the subdivider intends to install sidewalks, curbs and gutters the same shall be installed to grades, layout and location approved by the Public Works Director. Within a ½ mile radius beyond the limits of any incorporated city where sidewalks and/or curbs and gutters may be required by said city the same shall be installed in accordance with the specifications of said incorporated city.

8.2.16 Future Major Highways. The Planning Commission may require up to 80' right-of-way where a street may become a major street or highway at some future date.

8.2.17 Service Roads and Off-Street Parking. When the fronts of any lots for commercial use front on any major street or highway, the subdivider shall be required to dedicate a service road to provide access to and from such lots, or if approved by the Planning Commission dedicate for public use an area adjacent to such lots for off-street parking purposes. When residential lots front on a highway, the subdivider shall dedicate a service road at the front of lots as part of such freeway or highway. In addition to any requirements for a service road, the Planning Commission may require adequate off-street parking areas for lots proposed for commercial use.

8.2.18 Split-level Streets, shall be two 18 feet surfaced sections with sufficient room for proper slope in between.

8.2.19 Hillside Streets. The Planning Commission may require planting on slopes of hillside and split level streets to prevent erosion.

8.3 Easements. Subdivider may be required to grant easements not to exceed five feet in width for public utilities, sanitary sewer, and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips, as may be necessary. Dedication of easements shall be to the County for the purpose of installing utilities, planting strips, and for other purposes as may be deemed necessary by the Planning Commission.

8.4 Lot Lines. Side lines of lots, so far as possible, shall be at right angles to the street which the lot faces or radial if the street is curved. No lot shall be divided by a city boundary. All lots shall have street frontage. Lots shall be a minimum 60' width, 100' length, with minimum area of 6,000 square feet, for residential subdivisions. Lot size for commercial and industrial development shall be in accordance with the proposed uses thereof.

8.5 Walkways. Subdivider may be required to dedicate walkways across long blocks or provide access to school, park or other public areas.

8.6 Water Supply. Subdivisions shall be served with an adequate water supply. Subdivider shall determine and state the method of water supply. Subdivisions within a water district or within an area supplied by a city water system shall have supply approved by, and installed in accordance with the requirements of the governing body having jurisdiction thereof.

8.7 Sewage Disposal. Subdivisions shall be served with adequate sewage disposal. Sewage disposal shall meet with the regulations of the State Board of Health and this ordinance.

8.7.1 Individual Sewage Disposal. In areas not served by a sanitary sewer system it is recommended that the subdivider consult with the Planning Commission staff prior to submission of the preliminary plat, as the soil types, soil structure, soil depth, topography, water table, water wells and drainage will determine the minimum lot area requirements.

8.7.2 County Health Department. A parcel of ground being planned as a subdivision will be surveyed for individual sewage disposal by the County Health Department upon request of the Planning Commission. A report of the Health Department's findings together with recommendations will be made to the Planning Commission.

8.7.3 Subdivision Adjacent to Sanitary Sewer System. A subdivision adjacent to a sanitary sewer system, wherein it shall be permissible to connect thereto, shall have the sewer system in the subdivision and connections to existing sewerage transmission lines installed in accordance with, and approved by, the governing entity of said sewer system.

8.7.4 Alternate Sewage Disposal. Where conditions are such that individual sewage disposal system cannot be used because of adverse soil type, structure, depth, or water table, drainage, or topography for lots up to five (5) acres in area; the subdivider may install sanitary sewerage disposal facilities in order to develop the subdivision. Such sanitary sewerage disposal facilities shall comply with recommendations and requirements of the State Board of Health.

8.8 Drainage. Such grading shall be done and structures provided by subdivider as are deemed essential by the Public Works Director. Subdivider shall show how such requirements may be accomplished.

8.9 Water Courses. A subdivision traversed by a water course, or channel or stream shall be provided with a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such width or construction, or both, as will be adequate for the purposes. Parallel streets may be required therewith.

8.10 Irrigation District Requirements. Where any portion of a subdivision is within bonded acreage of an Irrigation District it shall be unlawful to destroy, alter, abandon, or reconstruct any irrigation canal, ditch, or lateral except by authority and under the direction of the Irrigation District.

8.11 The subdivider, his engineer, and his contractor shall design and complete all improvement work in accordance with this ordinance and to the satisfaction of the Public Works Director.

SECTION 9. VARIATIONS AND EXCEPTIONS:

9.1 Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done, provided that such variation or exception will not be detrimental to the public health and welfare, and further provided that such variation will not have the effect of nullifying the intent and purpose of the master plan, or of this subdivision ordinance.

9.2 Large Scale Development. Planning Commission may modify the standards of this ordinance in the case of a plan and program for a new town, large industrial area development, a complete community, or a large scale shopping center. In granting variance and modification the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of this ordinance or requirements so varied or modified.

SECTION 10. APPEAL:

10.1 Appeal to Planning Commission. Appeal may be made to the Planning Commission from any decision, determination, or requirements made by a County Department. Such appeal shall setforth in detail the action and the grounds by which the subdivider deems himself aggrieved. Notice shall be received at the Planning Commission Office 15 days prior to the regular meeting of the Commission.

10.2 Report. A written report shall be submitted to the Planning Commission by the department whose decision or requirement is upon appeal.

10.3 Appeal to Board of County Commissioners. Appeal may be made to the Board of County Commissioners from any decision, requirement or determination of the Planning Commission by filing notice thereof in writing with the County Clerk within 10 days after such decision or requirement is made. Such notice shall setforth in detail the action and the ground by which the subdivider deems himself aggrieved.

10.4 Report. County Clerk shall report the filing of such notice to the Planning Commission. A written report shall be submitted to the Board of County Commissioners by the Planning Commission wherein such decision or requirement is upon appeal.

SECTION 11. VALIDITY:

11.1 If any article, section, sub-section, clause or sentence in this ordinance shall for any reason be held invalid by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, sub-section, clause or sentence to which it applies.

SECTION 12. PENALTIES:

12.1 Any person, firm, corporation, partnership, or co-partnership who willfully violates any of the provisions, or fails to comply with any of the mandatory requirements of this Ordinance, is in violation of Oregon Revised Statutes 215.190 and subject to the penalties provided therefrom contained in Oregon Revised Statutes 215.990 and any amendments thereto, except that nothing herein contained shall be deemed to bar any legal, equitable, or summary remedy to which the County of Jackson, or other political subdivision, or any person, firm, corporation, partnership or co-partnership may file a suit in the court of proper jurisdiction in the State of Oregon in and for the County of Jackson restrain or enjoin any attempted or proposed subdivision or sale in violation of this Ordinance.

SECTION 13. ENACTMENT:

13.1 This Ordinance shall be and is hereby declared to be in full force and effect from the date of passage.

13.2 County of Jackson, State of Oregon, on this 1st day of May, 1959.

Earl M. Miller

S/S County Judge

Chester H. Wendt

S/S County Commissioner

R. A. James

S/S County Commissioner

Amended as of July 26, 1972.

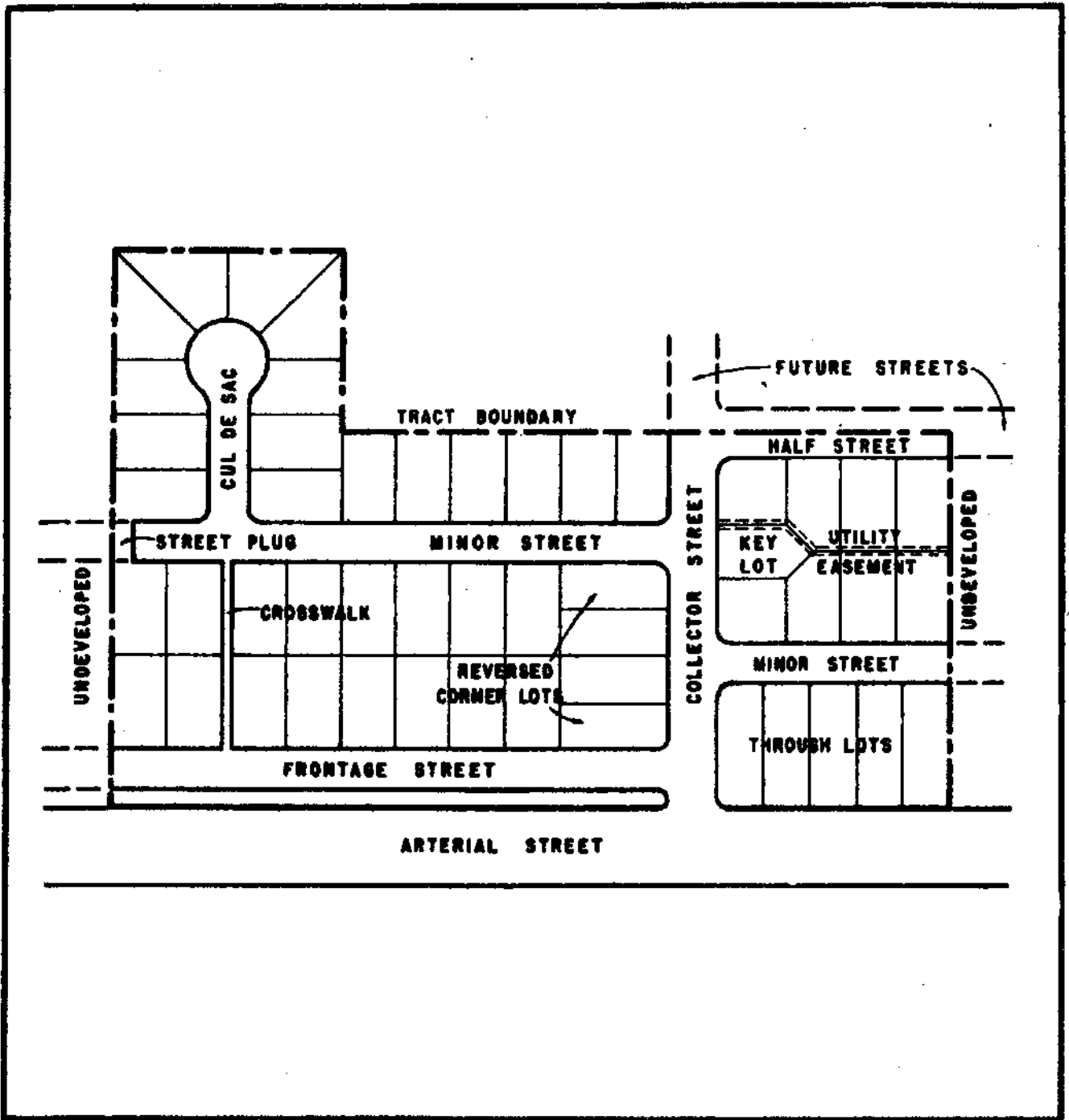


DIAGRAM OF DEFINITIONS