

## **CHAPTER 5 - LAND DIVISIONS**

### **ARTICLE 50 - BASIC PROVISIONS**

#### **50.010 - PURPOSE**

The purpose of this Chapter is to provide standard procedures and requirements for dividing land which are consistent with Oregon statutes and requirements. The provisions contained in this Chapter shall apply to all land divisions regardless of the Zone, or the number or use of the proposed parcels or lots.

#### **50.020 - TYPES OF LAND DIVISIONS**

A. In order to achieve the purposes set forth above, the following land division procedures are established: (Land uses and applications are established in Chapters 4 and 6)

1. Subdivision Procedure;
2. Land Partition Procedure;
3. Re-platting Procedure;
4. Property Line Adjustment Procedure;
5. Planned Unit Development.

B. In addition to the tentative plan, all land divisions shall be required to comply with the standards set out in the following:

1. Final Plat;
2. Monumentation.

#### **50.030 - GENERAL PROCEDURES**

A. The Planning Director shall develop forms to be used for all applications set out in this Chapter.

- B. The burden of proof is on the applicant to complete the forms and to substantiate the information presented on the application forms.
- C. The Planning Director may reject applications which are not complete.
- D. When a development proposal involves several different applications for the development of land, the applications may be processed concurrently as a package using the highest level of review procedure required by the different applications. The decision on the development proposal shall address each application.
- E. The Planning Director may require separation of applications where:
  - 1. The cumulative package is too complex for a single hearing; or
  - 2. Consolidation of the applications is not administratively feasible.
- F. Where application is made to the Planning Director for approval of the creation of lots or parcels which were improperly formed without the approval of the governing body, the County may consider and approve an application 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.
- G. If property has been divided in violation of the standards of this Code, a Notice of Violation shall be recorded with all appropriate County Departments. The Notice of Violation, when recorded, shall be deemed to be constructive notice of the violation to all successors with an interest in such property.
- H. Whenever it becomes discovered that real property has been divided in violation of this Code, the County shall notify the current owner of record, by certified mail, of the County's intent to record a Notice of Violation. The notice shall describe the real property and shall provide an opportunity to the owner to present evidence to refute the alleged violation. The notice shall also describe the suspected violation and explain why the subject property is not lawful under the provisions of this Code.
- I. The Notice of Intention described in Section 50.030(H), shall provide the owner at least 30 days, but not more than 60 days, to present evidence showing a violation has not occurred. If evidence is presented and it is determined that there is no violation, a clearance letter shall be mailed to the owner of record.

- J. If it is determined by the County that after examining evidence submitted by the owner, a violation does exist or if the owner fails to respond to the notice within the time specified in Section 50.030(I), the County shall record the Notice of Violation with all appropriate County Departments.
- K. Certificate of Compliance:
1. Any property owner may request a determination as to whether real property complies with the County Subdivision and Land Development Code adopted pursuant to the provision of the Oregon Revised Statutes, Chapter 92. The County shall make a determination of compliance and shall provide a Certificate of Compliance for recording with all appropriate County Departments of the determination. The Certificate shall describe the property and shall state that the division of such property complies with the Grant County Land Development Code;
  2. If a property owner requests a Certificate of Compliance and the County determines that the real property does not comply with the provisions of the Grant County Land Development Code, the County shall issue a Conditional Certificate of Compliance. The County may, as a condition of granting such a certificate, impose conditions that would bring the property into compliance with the provisions of the Land Development Code;
  3. A Final Plat of a subdivision, planned unit development, partition, re-plat, or property line adjustment shall constitute a Certificate of Compliance when recorded with all appropriate County Departments.

#### **50.040 - APPLICATION REQUIREMENTS**

A complete application will have some of the following information either answered on the application or as an attachment to the application as determined by the person conducting the pre-application conference:

- A. Proof of ownership;
- B. A completed application form which includes the signature(s) of the land owner and the applicant;
- C. A Power of Attorney;

- D. A Statement of Understanding which is signed;
- E. All required fees;
- F. The tentative plan map which meets the requirements of Section 51.060 or 52.060 or 55.060, drawn to scale and legible; the number of copies required may be reduced during the pre-application conference;
- G. A copy of the assessors map showing the subject parcel and the adjacent tax lots;
- H. A copy of the assessors map indicating the ownership of all abutting land that appears under the same legal name as the parcel proposed for development;
- I. A statement from the County Watermaster identifying what acreage has irrigation and water rights, and how many acres are covered under each right;
- J. A copy of an aerial photo of the property;
- K. A lot history to prove the parcel is a separate, legal parcel;
- L. State Highway Access Permit, as applicable;
- M. County Road Department Approach Permit;
- N. Copy of a long term access permit or agreement with a federal agency such as the Forest Service or the Bureau of Land Management;
- O. A letter or other approval from the appropriate federal and state agencies if the property is located within a scenic easement;
- P. A map of the soils on the property including soil numbers;
- Q. A copy of any concurrent land use applications including resource and non-resource dwellings, and variances;
- R. Other information deemed necessary or helpful for the type of application.

**50.050 - EXCLUSION OF PROPERTY**

All property held under contiguous ownership at the beginning of the calendar year, other than existing platted lots or authorized lots, shall be considered as one unit for subdividing or partitioning purposes. A developer may exclude, subject to the standards of this Section, a portion of the contiguous property from the subdivision or partition for purposes of preparation of the tentative plan. The exclusion, however, will be calculated as a lot or parcel for the purpose of determining whether the proposed development constitutes a subdivision or a partition. No exclusion shall be permitted unless the following conditions exist:

- A. The area to be excluded from the tentative plan is greater than one acre in size;
- B. The excluded area is being reserved for future development and will not be immediately developed, or has already been developed;
- C. The excluded area will not be provided access by the creation of any new street or road in the subdivision or partition.

## **ARTICLE 51 - SUBDIVISIONS**

### **51.010 - PURPOSE**

The purpose of the subdivision procedure is to ensure that the division of land into lots for subsequent use and development is conducted in an orderly manner and in compliance with this Code and Oregon law.

### **51.020 - SUBDIVISION RESTRICTIONS**

No person, agent, or corporation shall divide or sell any lot located in any subdivision or convey any interest in a lot in any subdivision until the plat of the subdivision has been acknowledged and recorded with the recording officer of the County. If any change is made to the subdivision inconsistent with the accepted tentative subdivision plat, or if any improvements required by this Code are not complete, the Director may rescind acceptance of the subdivision.

### **51.030 - APPLICATION**

All applications for tentative approval of the proposed subdivision shall meet the requirements of Section 50.040 as determined in the pre-application conference and shall be accompanied by at least 12 prints of a tentative plan furnished by the subdivider.

### **51.040 - REVIEW PROCEDURE**

- A. Subdivisions which do not meet the criteria set out in Section 51.040(B), shall be reviewed and a decision rendered under the Type II Review Procedure as established in Section 22.040 of this Code.
  
- B. Subdivisions which meet the following criteria shall be reviewed and a decision rendered under the Planning Commission Review Procedure as established in Article 24 of this Code:
  - 1. The proposed subdivision will create 10 or more lots; or
  - 2. The proposed subdivision will create a through and/or connecting street or road;  
or
  - 3. The general topography of the property proposed for a subdivision has a slope of 15% or greater; or

4. The proposed subdivision is located in a known and mapped hazard area including, but not limited to flood hazard and a water hazard area.

#### **51.050 - REVIEW CRITERIA**

In addition to the requirements of Chapters 7 and 8, the following information will be reviewed in order to determine if the subdivision complies with County standards:

- A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;
- B. The proposed development conforms with the Official Street Map and/or any potential street extensions, and will not prohibit the extension of streets or roads;
- C. The existing and required infrastructure and public facilities and services are adequate to serve the proposed development;
- D. The carrying capacity of the subject property is adequate for the proposed density of development;
- E. All lots created shall conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;
- F. The lots are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;
- G. The proposed development will not conflict with legally established easements or access within or adjacent to the lot configuration resulting from the subject property;
- H. The proposed development is compatible with the existing land use pattern in the area;
- I. Any development located in an area subject to flooding, water hazard, earth movement or fire, shall present a solution to mitigate the hazard as a condition of approval.

#### **51.060 - TENTATIVE PLAN REQUIREMENTS**

The tentative plan of a subdivision shall be at a scale so that all survey and mathematical information, and all other details, will be clearly and legibly shown. The tentative plan shall show all of the following information:

- A. The proposed name of the subdivision;
- B. North arrow, scale and date of application;
- C. Names and addresses of the owner(s), and any participating engineer, surveyor, land planner, and/or landscape architect;
- D. The tract designation or other description according to the real estate records of the Grant County Assessor;
- E. The boundary lines (accurate in scale) of the tract to be subdivided;
- F. A topographic map with contour intervals, based on the overall difference in elevation in the proposed subdivision as listed in the following chart (all figures are in feet):

<b>DIFFERENCE IN ELEVATION</b>	<b>CONTOUR INTERVAL</b>
9 TO 25	2
26 TO 50	5
51 TO 100	10
101 TO 200+	10 open / 20 timber

- G. The location, width, and names of streets or public ways within the tentative plan including existing buildings, railroad right of ways, and other important features such as section lines, political subdivisions or corporation lines, and school district boundaries;
- H. Approximate location of existing septic systems, sewer mains, water mains, drainage structures, irrigation and mining ditches, fire hydrants, culverts, underground utilities, and improvements within the tract or immediately adjacent, including existing structures;
- I. All parcels of land intended to be dedicated for public use or reserved by deed for the use of all property owners in the proposed subdivision including the purpose of any conditions or limitations of the deed reservation;
- J. The name of new streets, the approximate grades of all streets proposed and/or existing in the subdivision, and the approximate widths and locations of any proposed easements for drainage, sewerage, and public utilities;



- K. Typical cross sections of proposed streets, showing the location of all proposed utility improvements within the street right of way and adjacent easements at a scale which will clearly show the details, if required by the County Road Department;
- L. Approximate location of all areas subject to inundation or storm water overflow, and the location, width, and direction of flow of all watercourses and natural drainage;
- M. Proposed lots, approximate dimensions, square footage or acreage designation, and lot numbers;
- N. Appropriate information clearly stating the map is a tentative plan;
- O. Proposed source of water supply; if it is not a municipal source, the estimated volume of water available, including data on the proposed location and type of all storage facilities;
- P. If a domestic water supply as proposed by the developer includes drilling wells, information on the feasibility of well drilling. The information will be provided even if the developer is not required by the Review Body to drill the wells;
- Q. The proposed method of sewage disposal:
  - 1. If the development is to be served by a community sewer system, information must be submitted regarding the location of lines and the feasibility of collection;
  - 2. If treatment is to be accomplished by an existing municipal or public sewage facility information must be submitted regarding the ability of the existing facility to accommodate the projected increased load;
  - 3. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon Department of Environmental Quality;
  - 4. If the development is to be served by a community collection and storage system, data shall be submitted regarding the location of all proposed lines, holding tanks, storage facilities, and pumping facilities. Information regarding the proposed removal and disposal of the sewage, the location of the pumping facility, eventual treatment, and the method of transport shall also be provided;

5. If the development is to be served by subsurface sewage disposal, then some combination of the following information shall be submitted: a site evaluation report from Department of Environmental Quality regarding the suitability of the soils for subsurface disposal, or a septic site evaluation for two or more lots with a minimum of 25% of the lots, or copies of any existing septic system permits.
- R. Identify the source of other public utilities;
  - S. Proposed deed restrictions, if any;
  - T. If the proposed subdivision is located within the boundaries of an irrigation district, identify the irrigation district involved and include copies of all appropriate easements;
  - U. The location of any environmental hazard, including areas unsuitable for building purposes, land subject to mass movement, erosion, or similar natural phenomena, the location of any flood hazard areas including base flood elevation data, the type and boundaries of the flood hazard area, and the boundaries of the regulatory floodway, if any;
  - V. A drainage plan showing existing and potential drainage, creeks, streams, ditches, and culverts;
  - W. An elevation map showing six to eight relative contours of the site before grading for the erosion control plan (a United States Geologic Survey contour map may be substituted if approved in the pre-application conference);
  - X. Comprehensive Plan and Zoning designation;
  - Y. A vicinity sketch meeting the following criteria:
    1. The sketch shall either be a separate drawing or be drawn on the cover sheet of the tentative plan at a scale suitable for reproduction by copying;
    2. Show all existing and adjacent subdivisions, streets, tract lines of acreage parcels, names of the recorded owners of parcels of land immediately adjoining the proposed subdivision, and between the subdivision and the nearest existing or proposed public road;

3. Show how streets and alleys in neighboring subdivisions or undeveloped property will be located to produce the most advantageous development of the entire neighborhood area.
- Z. Information required shall include the location and design of all proposed pedestrian and bicycle facilities, including access ways.

### **51.070 - PROCESSING**

- A. The request for a subdivision may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and be directed to submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be terminated. A portion of the fee may be retained to cover the cost of reviewing the application
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:
  1. The Review Body shall submit a copy of the tentative plan for review by any agency or legal entity as required by law;

2. The tentative plan and vicinity sketch shall be reviewed by the Subdivision Review Committee. The Subdivision Review Committee shall submit their recommendations to the Review Body for inclusion in the final decision;
  3. The Review Body will include the comments and alternatives of all reviewing parties in the file;
  4. The Planning Director may refer the subdivision to a formal hearing if the development will have a substantial impact on the area or if enough comments raising substantive issues based on the review criteria are received during the comment period;
  5. The Review Body and the Subdivision Review Committee shall evaluate the Review Criteria set out in Section 51.050 in reaching a decision on approval of the tentative plan;
  6. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation upon the tentative plan;
  7. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan, and Articles 56 and 57 of this Code;
  8. Approval of the tentative plan shall be binding upon the developer and Grant County for the purpose of the preparation of the final plat or final map.
- F. A final action granting approval of a tentative plan may be appealed to the County Court within 12 days consistent with the provisions of Article 33.
- G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Planning Department consistent with Grant County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the County Court.

#### **51.080 - CONDITIONS AND IMPROVEMENTS**

- A. As special conditions of approval for the tentative plan, the Review Body may require information or development beyond the standards or criteria specified in this Code if

determined the information or development is needed to protect the public health, safety, and welfare of the neighborhood or the community. In order to impose special conditions, the Review Body in its findings shall:

1. Identify and describe the circumstances resulting from the development which create the threat to the public health, safety, and welfare of the neighborhood or the community; and
  2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.
- B. The conditions may include, but shall not be limited to:
1. The provision of domestic water on each or some of the lots;
  2. Paving of streets or ways;
  3. Construction of sidewalks or pedestrian paths;
  4. Control of erosion;
  5. Extension of streets to existing maintained roads;
  6. Road Approach Permits.
- C. The Review Body may require the following:
1. Dedication of lands for public parks, school sites, or other purposes;
  2. Off site improvements, to be completed by the developer, when necessary to mitigate impacts resulting from the development based on the property development standards set out in this Code or in other documents adopted by reference in this Code.
- D. After approval of the tentative plan by the Review Body, but prior to any construction within a subdivision, the developer shall submit to the County Roadmaster the following information, as appropriate:
1. A plan and profile on Federal Aid sheets showing the following:

- a. Width of the proposed dedication throughout the length of the proposal;
  - b. Centerline alignment showing P.C. (point of curvature) and P.T.(point of tangency) stationing on all curves, necessary curve data, and bearings of tangents;
  - c. Ground line and grade line profile on the centerline of the proposed street or road;
  - d. Vertical curve data showing P.I. (point of intersection) elevations and stations, length of vertical curve and tangent;
  - e. Earthwork distribution (only when the developer proposes to bond or provide other financial guarantee for construction of roads for approval of the subdivision plat);
  - f. Location and material type for waste or borrow areas;
  - g. Typical road section(s);
  - h. Drainage and culvert design and location, and typical ditch section.
2. Cross Sections:
- a. Shall be platted on 10 x 10 standard cross-section paper;
  - b. Computed cross-section printouts may be submitted in lieu of plotted cross-sections;
  - c. Shall show proposed widened cuts or fill if these are needed for material balance.
3. Sheets and drawings showing the following:
- a. Traverse data including the coordinates of the boundary of the subdivision, and ties to section corners and donation land claim corners showing the error of closure, if any;
  - b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

4. Provisions for road construction, installation of utilities, and scheduling of work will be provided by the developer prior to construction;
  5. Sewer plans meeting requirements of any Grant County service districts in which the subdivision is located, and approval of the Oregon Department of Environmental Quality.
- E. After approval of the tentative plan, but prior to any construction, the developer shall submit to the County, plans and profiles of any proposed water distribution system showing the location of any valves, fire hydrants, or storage facilities, meeting requirements of the Oregon Health Division. If required by the Review Body, water systems shall be designed to provide fire flow capacity meeting standards established by the State Fire Marshall.

#### **51.090 - MODIFICATION**

The Review Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

- A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and facts to justify the modification; and
- B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Review Body.

#### **51.100 - TIME LINE**

An approved tentative plan is valid for two years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed under Article 14 and a final plat is not submitted for approval then the tentative plan shall become null and void.

#### **51.110 - TIME EXTENSION**

A one year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

- A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;
- B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be affected;
- C. Additional one year extensions may be authorized where applicable criteria for the original decision have not changed;
- D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

**51.120 - SURVEY REQUIREMENTS**

Subdivisions shall be surveyed in accordance with the requirements for the setting of monuments as contained in Article 57 of this code and applicable State Laws. A final plat shall be prepared by a surveyor licensed by the State of Oregon.



## **ARTICLE 52 - LAND PARTITION**

### **52.010 - PURPOSE**

The purpose of the land partitioning procedure is to ensure that the division of lands into parcels for subsequent use and development is conducted in an orderly manner and in compliance with this Code and Oregon law.

### **52.020 - PARTITION RESTRICTIONS**

No person, agent, or corporation shall divide or sell any parcel or convey any interest in a parcel in any partition until the plat of the partition has been acknowledged and recorded with the recording officer of the County. If any change is made to the partition, inconsistent with the recorded partition map, or if any improvements required by this Code are not complete, the Director may rescind acceptance of the partition. All property held under contiguous ownership at the beginning of the calendar year shall be considered as one unit for partitioning purposes.

### **52.030 - APPLICATION**

All applications for tentative approval of a tentative plan for a partition shall set forth in detail all necessary information under Section 50.040 as discussed in the pre-application conference, and shall be accompanied by five copies of a tentative map for the proposed partition. If a road is being created, 10 copies shall be submitted.

### **52.040 - REVIEW PROCEDURE**

Partitions shall be reviewed and a decision rendered under the Type II Review Procedure as established in Section 22.040 of this Code.

### **52.050 - REVIEW CRITERIA**

In addition to the requirements of Chapters 7 and 8, the following information will be reviewed in order to determine if the partition complies with County standards:

- A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;
- B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads;

- C. The existing and required infrastructure and public facilities and services are adequate to serve the proposed development;
- D. The carrying capacity of the subject property is adequate for the proposed density of development;
- E. All parcels created shall conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;
- F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;
- G. The proposed development will not conflict with legally established easements or accesses within or adjacent to the parcel configuration resulting from the subject property division or development;
- H. The proposed development is compatible with the existing land use pattern in the area;
- I. Any development located in an area subject to flooding, water hazard, earth movement, or fire shall present a solution to mitigate the hazard as a condition of approval.

**52.060 - TENTATIVE PLAN REQUIREMENTS**

The tentative plan for partitions shall include the following information on the map or attached to the map on supplemental sheets, as applicable:

- A. North arrow, scale, and date;
- B. Names and addresses of the owner and/or partitioner;
- C. The tract designation or other description according to the real estate records of the Grant County Assessor;
- D. The location, width and name of streets or public ways adjacent to the subject property, railroad right of ways, and other important features such as section lines, political subdivisions or corporation lines, and school district boundaries;
- E. Parcel boundary lines and approximate dimensions, with parcel numbers;
- F. The approximate area of each parcel;

- G. Identification that the map is a tentative plan of a partition;
- H. The name and address of any participating engineer, surveyor, and/or land use planner;
- I. Show the location of existing buildings or structures together with distances in feet from existing structures to existing parcel lines; show new parcel lines created by the proposed partition. This information shall be provided for all partitions in all Zones;
- J. The location of any flood hazard areas including base flood elevation data, the type and boundaries of the flood hazard area, and the boundaries of the regulatory floodway, if any;
- K. Location, width, and direction of flow of natural drainages, water courses, irrigation ditches, and mining ditches;
- L. The location of an environmental hazard, including areas unsuitable for building purposes, land subject to mass movement, erosion, or similar natural phenomena;
- M. A drainage plan showing existing and potential drainage, creeks, streams, ditches, and culverts;
- N. An elevation map showing six to eight relative contours of the site before grading for the erosion control plan (a United States Geologic Survey contour map may be substituted if approved in the pre-application conference);
- O. Comprehensive Plan and Zoning designations;
- P. Indicate where the Airport Overlay is, if applicable;
- Q. The name of new streets, the approximate grades of all proposed or existing streets, and the locations of any proposed easements for drainage, sewage, and public utilities;
- R. Typical cross sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at a scale which will clearly show the details, if required by the County Roadmaster;
- S. The proposed method of sewage disposal including the preliminary location of septic system(s). Include copies of any existing septic system permits;

**52.070 - PROCESSING**

- A. The request for a partition may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and be directed to submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be terminated. A portion of the application fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:
  - 1. The Review Body shall submit a copy of the tentative plan for review by any agency or legal entity required by law;
  - 2. The Review Body will include the comments and alternatives of all reviewing parties in the file;
  - 3. The Review Body shall evaluate the Review Criteria set out in Section 52.050 in reaching a decision on approval of the tentative plan;
  - 4. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation upon the tentative plan;

5. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan, and Articles 56 and 57 of this Code;
  6. Approval of the tentative plan shall be binding upon the developer and Grant County for the purpose of the preparation of the final plat or final map.
- F. A final action granting approval of a tentative plan may be appealed to the County Court within 12 days consistent with the provisions of Article 33.
- G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Planning Department consistent with Grant County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the County Court.

#### **52.080 - CONDITIONS AND IMPROVEMENTS**

- A. As special conditions of approval for the tentative plan, the Review Body may require information or development beyond the standards or criteria specified in this Code if it determines the information or development is needed to protect the public health, safety, and welfare of the neighborhood or the community. In order to impose special conditions, the Review Body in its findings shall:
1. Identify and describe the circumstances resulting from the development which create the threat to the public health, safety, and welfare of the neighborhood or the community; and
  2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.
- B. Such conditions may include, but shall not be limited to the following:
1. The provision of domestic water on each or some of the parcels;
  2. Paving of streets or ways;
  3. Construction of pedestrian access;

4. Control of erosion;
5. Extension of streets to existing maintained roads;
6. Off site improvements to be completed by the developer, when necessary to substantially mitigate impacts resulting from the development, based on the property development standards set out in this Code or in other documents adopted by reference in this Code;
7. County Road Department Access Permits for new road approaches.

#### **52.090 - SURVEY REQUIREMENTS**

- A. When a partition creates one or more parcels of 10.00 acres or smaller, all parcels 10 acres or smaller shall be surveyed in accordance with the requirements for the setting of monuments as contained in Article 57 of this Code and applicable State Laws.
- B. Partitions where all parcels are greater than 10.00 acres shall be exempt from the requirement to survey if the parcels can be described by aliquot part or in some manner that a surveyor could definitely locate the boundary of the parcel. If this is not possible, a survey will be required. This exemption does not waive the requirement that a final plat be prepared by a surveyor licensed by the State of Oregon.

#### **52.100 - MODIFICATION**

The Review Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

- A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and
- B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Review Body.

#### **52.110 - TIME LINE**

An approved tentative plan is valid for two years from the date of approval. During that time, improvements must be installed or suitably guaranteed and a final plat prepared. If the

improvements have not been installed and a final plat is not submitted for approval then the tentative plan shall become null and void.

**52.120 - TIME EXTENSION**

A one year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

- A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;
- B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be affected;
- C. Additional one year extensions may be authorized where applicable criteria for the original decision have not changed;
- D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

## **ARTICLE 53 - RE-PLATTING**

### **53.010 - PURPOSE**

The purpose of this Article is to provide a procedure to plat the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

### **53.020 - RE-PLATTING RESTRICTIONS**

- A. Re-platting is the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision.
- B. No person, agent, or corporation shall divide or sell any lot or parcel located in any re-plat, except according to the provisions of a recorded re-plat map. If any change is made to the re-plat, inconsistent with the accepted tentative plan map, or if any improvements required by this Code are not complete, the Director may rescind acceptance of the re-plat.
- C. A re-plat shall not serve to vacate any public street or road.

### **53.030 - APPLICATION**

Whenever recorded lots or parcels are further divided or the lot configuration is changed, an application conforming to the requirements of Section 50.040 together with five copies of a tentative map for the proposed re-plat shall be submitted to the Planning Director. If the number of lots or parcels to be re-platted is four or more, or the lots or parcels do not abut a maintained county road, 10 copies shall be submitted.

### **53.040 - REVIEW PROCEDURE**

Re-plats shall be reviewed and a decision rendered under the Type II Review Procedure as set out in Section 22.050.

### **53.050 - REVIEW CRITERIA**

In addition to the requirements of Chapters 7 and 8, as applicable, the following information will be reviewed in order to determine if the re-plat complies with County standards:



- A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;
- B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads;
- C. The existing and required infrastructure, roads and public facilities and services are adequate to serve the proposed development;
- D. The carrying capacity of the subject property is adequate for the proposed density of development;
- E. Adjustments to nonconforming lots or parcels shall not result in greater nonconformity or render substantially conforming lots or parcels more nonconforming;
- F. The lots or parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;
- G. The proposed development will not conflict with legally established easements or accesses within or adjacent to the parcel or the new parcel configuration resulting from the partitioning of the subject property;
- H. The proposed development is compatible with the existing land use pattern in the area;
- I. Any development located in an area subject to flooding, water hazard, earth movement, or fire shall present a solution to mitigate the hazard as a condition of approval.

**53.060 - TENTATIVE PLAN REQUIREMENTS**

- A. A tentative plan meeting the requirements of Section 52.060 shall be required if the re-plat will decrease the number of lots or parcels remaining, if the lots or parcels abut a maintained county road or if the number of lots or parcels is less than 4.
- B. A tentative plan meeting the requirements of Section 51.060 shall be required if the re-plat will increase the number of lots or parcels, the lots or parcels do not abut a maintained county road, or the re-platting of four or more lots or parcels is proposed.

**53.070 - PROCESSING**

- A. The request for a re-plat may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and directed submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be terminated. A portion of the application fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.
- E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:
  - 1. The Review Body shall submit a copy of the tentative plan for review by any agency or legal entity as required by law;
  - 2. The Review Body will include the comments and alternatives of all reviewing parties in the file;
  - 3. The Review Body shall evaluate the Review Criteria set out in Section 53.050 in reaching a decision on approval of the tentative plan;
  - 4. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation upon the tentative plan;

5. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan and Articles 56 and 57 of this Code;
  6. Approval of the tentative plan shall be binding upon the developer and Grant County for the purpose of the preparation of the final plat or final map.
- F. A final action granting approval of a tentative plan may be appealed to the County Court within 12 days consistent with the provisions of Article 33.
- G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Planning Department consistent with Grant County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the County Court.

#### **53.080 - CONDITIONS AND IMPROVEMENTS**

- A. As special conditions of approval for the tentative plan, the Review Body may require information or development beyond the standards or criteria specified in this Code if it determines the information or development is needed to protect the public health, safety, and welfare of the neighborhood or the community. In order to impose special conditions, the Review Body in its findings shall:
1. Identify and describe the circumstances resulting from the development which create the threat to the public health, safety, and welfare of the neighborhood or the community; and
  2. Articulate how the proposed special condition(s) are reasonably necessary to alleviate or mitigate the identified circumstances.
- B. Conditions may include, but shall not be limited to the following:
1. Provision of domestic water on each or some of the lots or parcels;
  2. Paving of streets or ways;
  3. Construction of sidewalks or pedestrian paths;

4. Control of erosion;
5. Extension of streets to existing maintained roads;
6. Off site improvements, to be completed by the developer, when necessary to substantially mitigate impacts resulting from the development, based on the property development standards set out in this Code or in other documents adopted by reference in this Code.

#### **53.090 - SURVEY REQUIREMENTS**

Re-plats shall be surveyed in accordance with the requirements specified in Section 51.090 and 52.120 of this code as applicable. A final plat shall be prepared by a surveyor licensed in the State of Oregon.

#### **53.100 - TIME LINE**

An approved tentative plan is valid for two years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed and a final plat is not submitted for approval then the tentative plan shall become null and void.

#### **53.110 - TIME EXTENSION**

A one year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

- A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;
- B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be affected;
- C. Additional one year extensions may be authorized where applicable criteria for the original decision have not changed;
- D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

## **ARTICLE 54 - PROPERTY LINE ADJUSTMENT**

### **54.010 - PURPOSE**

The purpose of this Article is to standardize property line adjustment procedures and ensure that the requirements of this Code are met.

### **54.020 - PROPERTY LINE ADJUSTMENT RESTRICTIONS**

- A. A property line adjustment is the relocation of a common boundary of two abutting properties where an additional unit of land is not created and where the existing unit of land reduced in size complies with the zoning requirements for lot size.
- B. When one or both the lots being adjusted is smaller than the minimum lot size for the Zone in which lots or parcels are located, neither of the lots or parcels may be reduced to an area less than the original smallest lot or parcel. Further, if there is one parcel that is smaller than the minimum lot size required in the Zone before the adjustment, only one parcel smaller than the minimum lot size required in the Zone is allowed after the adjustment.
- C. No person, agent, or corporation shall adjust or sell any parcel located in any property line adjustment except according to the provisions of an accepted property line adjustment plan map. If any change is made to the adjustment, inconsistent with the accepted adjustment map, the Planning Director may rescind acceptance of the adjustment.
- D. Platted lots and parcels shall be reconfigured by re-platting. The process for re-platting is found in Article 53 of this Code.

### **54.030 – APPLICATION**

Whenever a common boundary between two lots or parcels is adjusted by relocation of the common boundary, an application meeting the requirements of Section 50.040 as discussed in the pre-application conference, and a tentative plan map shall be submitted to the Planning Director.

### **54.040 - REVIEW PROCEDURE**

Property line adjustments shall be reviewed and a decision rendered under the Type I Review Procedure as established in Section 22.030 of this Code.

**54.050 - REVIEW CRITERIA**

In addition to the requirements of Chapters 7 and 8, as applicable, the following information will be reviewed in order to determine if the property line adjustment complies with County standards:

- A. Both contiguous lots or parcels were lawfully created;
- B. The property line adjustment will not result in the creation of a new lot or parcel;
- C. The lots or parcels resulting from the property line adjustment conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;
- D. Adjustments to nonconforming lots or parcels shall not result in greater nonconformity or render substantially conforming lots or parcels more nonconforming;
- E. The property line adjustment will not conflict with any public or private easement.

**54.060 - TENTATIVE PLAN REQUIREMENTS**

The map shall be prepared indicating the proposed property line adjustment on a Grant County Assessor's Map.

**54.070 - PROCESSING**

- A. The request for a property line adjustment may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040 and the pre-application conference.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and be directed to submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be terminated. A portion of the application fee may be retained to cover the cost of reviewing the application.

- D. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:
1. The Planning Director will include the comments and alternatives of all reviewing parties in the file;
  2. The Review Body shall evaluate the Review Criteria set out in Section 54.050 in reaching a decision on approval of the tentative plan;
  3. Approval of the tentative plan shall be reduced to writing by the Review Body in the form of a final action and not by a notation on the tentative plan;
  4. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan and Articles 56 and 57 of this Code;
  5. Approval of the tentative plan shall be binding upon the developer and Grant County for the purpose of the preparation of the final plat or final map.
- E. A final action granting approval of a tentative plan does not require the exercise of judgment, is not considered a land use decision and may not be appealed as such.
- F. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan consistent with Grant County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the County Court.

#### **54.080 - SURVEY REQUIREMENTS**

- A. An adjusted property line created by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance shall be surveyed and monumented, and the survey shall be filed with the County Surveyor.
- B. Property Line Adjustments where all parcels are greater than 10.00 acres shall be exempt from the requirement to survey if the adjusted property line can be described by aliquot

part or in some manner that a surveyor could definitely located the adjusted property boundary. If this is not possible, a survey will be required. This exemption does not waive the requirement that a legal description sufficient for re-mapping purposes be prepared by a surveyor licensed by the State of Oregon.

#### **54.090 - ZONE BOUNDARY ADJUSTMENT**

- A. In conjunction with an application for a property line adjustment, the Planning Director has the authority to allow the adjustment of a Zoning boundary without requiring a Zone change application if the following criteria are satisfied:
1. The adjustment is in conjunction with a movement of a property line; and
  2. The adjustment will not adversely impact adjoining properties; and
  3. The adjustment will not alter the stability of the overall land use pattern in the area; and
  4. The adjustment will not provide for an increase in residential lots or density;
  5. The adjustment will not create a significant increase in area for industrial or commercial uses.
- B. A request for a Zone boundary adjustment may be initiated by a property owner, or an authorized agent, by filing an application with the Planning Director in conjunction with the application for a property line adjustment. The following shall apply:
1. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed zone boundary adjustment;
  2. The Planning Director may request other drawings or material essential to an understanding of the proposed adjustment and its relationship to the surrounding properties.
- C. The application shall be reviewed as a Type I Review Procedure in Section 22.030. The review shall be done concurrently with the review for the property line adjustment.
- D. If the request meets the purpose and criteria for a Zone boundary adjustment, the Planning Director may approve the request setting forth reasons and conclusion in written form as required in Section 22.030(B).



- E. An application for a Zone boundary adjustment cannot be approved if the corresponding application for the property line adjustment is not approved and a final plat approved and filed.

**54.100 - TIME LINE**

An approved tentative plan is valid for two years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed and a final plat is not submitted for approval then the tentative plan shall become null and void.

**54.110 - TIME EXTENSION**

A one year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

- A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;
- B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be affected;
- C. Additional one year extensions may be authorized where applicable criteria for the original decision have not changed;
- D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

## **ARTICLE 55 - PLANNED UNIT DEVELOPMENT**

### **55.010 - PURPOSE**

The purpose of a Planned Unit Development, PUD, is to permit the application of new technology and greater freedom of design in land developments than may be possible under a strict interpretation of the provisions of this Code. The adoption of a PUD in combination with an existing Zone is designed to permit a greater flexibility in development of land, encourage variety in the development pattern, encourage mixed uses in a total area which could not otherwise be efficiently and aesthetically developed as an integrated whole, encourage developers to use a creative approach in land development, conserve natural land features, facilitate a desirable aesthetic use of open space, encourage public and private common open spaces, and allow flexibility and variety in the location of improvements on lots with diversity in the use of land. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. The plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan and Zone designation.

### **55.020 - PLANNED UNIT DEVELOPMENT RESTRICTIONS**

- A. No Development or Building Permits for required improvements may be authorized or issued within the PUD prior to final plat approval except in compliance with the following:
  - 1. Full compliance with all provisions of this Code including execution and filing of all required documents;
  - 2. Full compliance with the conditions imposed by the Planning Commission or by the Grant County Land Development Code;
  - 3. Full compliance with the approved tentative plan.
- B. No person, agent, or corporation shall adjust or sell any parcel located in any PUD except according to the provisions of a recorded final plat.
- C. The Planning Commission, on its own motion, may revoke any PUD approval for noncompliance with the conditions set forth in the order granting the approval, after first holding a public hearing and giving notice of the hearing.

### **55.030 – APPLICATION**

An applicant shall submit 10 copies of a tentative plan to the Planning Director together with a completed application meeting the requirements set out in Section 50.040 as discussed in the pre-application conference.

**55.040 - REVIEW PROCEDURE**

Planned Unit Developments shall be reviewed and a decision rendered by the Planning Commission as established in Article 24 of this Code.

**55.050 - REVIEW CRITERIA**

In addition to the requirements of Chapters 7 and 8, the following information will be reviewed in order to determine if the PUD complies with the following County standards:

- A. Compliance with the County Land Development Code and all applicable rules, resolutions, ordinances, codes, technical manuals, and policies of the County;
- B. The proposed development conforms with the Official Street Map and/or any potential street extensions and will not prohibit the extension of streets or roads in the County and/or adjacent City;
- C. The existing and required infrastructure and public facilities and services are adequate to serve the proposed development;
- D. The carrying capacity of the subject property is adequate for the proposed density of development;
- E. All lots created shall conform to the minimum lot size for the Zone the parcel is located in and to the requirements in Article 71 of this Code;
- F. The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets, or other existing or planned facilities;
- G. The proposed development will not conflict with legally established easements or access within or adjacent to the parcel configuration resulting from the subject property;
- H. The proposed development is compatible with the existing land use pattern in the area;
- I. Any development located in an area subject to flooding, water hazard, earth movement, or fire shall present a solution to mitigate the hazard as a condition of approval. If the

Commission finds that it is necessary and prudent for the protection of public safety and welfare to restrict development in the hazardous areas, the Commission may require, as a condition of approval, that those lands be dedicated to uses that minimize the aggravation of such hazards;

- J. There are special physical conditions or objectives of development satisfied by the proposal which warrant a departure from the requirements in this Code
- K. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, and the area around the development can be planned to be in substantial harmony with the proposed PUD;
- L. The plan can be completed within a reasonable period of time;
- M. In granting approval for PUD, the Commission shall be guided by the following:
  - 1. The applicant has, through investigation, planning and programming, demonstrated the soundness of the proposal, the ability to carry out the project as proposed, and that construction shall begin within two years of the conclusion of any necessary action by the governing body, or within a longer period of time as may be established by the Planning Commission;
  - 2. The proposal conforms with the Comprehensive Plan in terms of location and general development standards;
  - 3. The project will accrue benefits to general public in terms of need, convenience, service, and appearance sufficient to justify any necessary exceptions to the regulations of the zone;
  - 4. The project will satisfactorily take care of the traffic it generates by means of adequate off street parking, access points, and additional street right of way improvements;
  - 5. That the project will be compatible with adjacent developments and will not adversely affect the character of the area;
  - 6. No PUD shall be approved in any Zone if the housing density or the proposed development will result in an intensity of land use greater than permitted in the Zone.

**55.060 - TENTATIVE PLAN REQUIREMENTS**

The tentative plan shall be prepared in accordance with the requirements of Section 51.060. In addition, the applicant shall include the following information:

- A. Proposed land uses, approximate building locations, type of construction, if known, and housing unit densities;
- B. Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc;
- C. Proposed open space uses, showing proposed landscaped areas;
- D. Proposed grading and drainage pattern;
- E. Relation of the proposed development to the surrounding area and the Comprehensive Plan.

**55.070 – PROCESSING**

- A. The request for a PUD may be initiated by filing an application on forms provided by the Planning Department, and shall set forth in detail all necessary information under Section 50.040, 51.060 and the pre-application conference.
- B. A pre-application conference is required.
- C. Within 30 days from the date the application is received the application shall be reviewed against the standards set out in Section 50.040, 51.060 and the pre-application conference, to determine if all the necessary information is complete and of sufficient detail to describe the proposal. If the information or the tentative plan is not complete, the applicant shall be notified in writing detailing what information is missing, and directed submit the missing information or to place the information on the tentative plan. If the applicant does not submit the requested information or place it on the tentative plan map within the time specified in the letter, the application shall be terminated. A portion of the application fee may be retained to cover the cost of reviewing the application.
- D. Within five working days of receiving an application, the Planning Director shall check the wetlands maps located in the Planning Department, to determine if the site proposed for development may have a wetland located on it. If it is determined that a wetland may be located on the proposed site, the Planning Director shall notify the Division of State Lands (DSL) on forms provided by DSL. A copy of the letter shall be sent to the

applicant. The letter shall notify DSL and the applicant of the possible presence of a wetland and the potential need for state and federal permits.

- E. Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. The following shall apply:
1. The Planning Director shall submit a copy of the tentative plan for review by any agency or legal entity as required by law;
  2. The tentative plan and vicinity sketch shall be reviewed by the Subdivision Review Committee and recommendations for the project prepared. The Subdivision Review Committee shall submit their recommendations to the Hearing Body for inclusion in the final decision;
  3. The Planning Commission shall consider the tentative development plan at a meeting at which time the findings and recommendations of all reviewing parties shall be considered;
  4. In considering the plan, the Planning Commission shall review the proposal against the criteria set out in Section 55.050;
  5. The Planning Commission shall hold a public hearing and shall review the information and make a written recommendation to the County Court;
  6. The County Court shall review the recommendation of the Planning Commission and may schedule additional hearings on the application at its discretion;
  7. The County Court's decision shall be reduced to writing in the form of a final action consistent with the requirements in Section 31.130(C) and not by notation upon the tentative plan;
  8. Upon approval of the tentative plan, the applicant shall be directed to prepare a final plat in conformance with the tentative plan and Articles 56 and 57 of this Code;
  9. Any approved PUD shall be subject to all conditions imposed, and shall be excepted from other provisions of this Code only to the extent specified in the authorization;

10. Approval of the tentative plan shall be binding upon the developer and Grant County for the purpose of the preparation of the final plat or final map.
- F. The final action of the County Court may be appealed to LUBA consistent with the provisions of Article 33.
- G. Minor conditions may be imposed where necessary due to physical problems encountered during implementation of the tentative plan by the County Planning Department consistent with Grant County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other design standards contained in ordinances, codes, and technical manuals adopted by the County Court.

#### **55.080 - CONDITIONS AND IMPROVEMENTS**

The following standards are the basic requirements governing a PUD in an area in which it is permitted, in accordance with the Land Development Code:

- A. The standards set out in Chapters 7 and 8 including requirements for area, density, yards, off street parking, or other requirements based on the underlying Zone in which the PUD is proposed;
- B. The density of dwelling units shall not exceed that normally allowed by the Zone in which the proposed development is located. This provision is not to be confused with the ability of a developer to increase the density of dwelling units within a given area of the PUD through the retention of open space while maintaining the density ratio of acres per dwelling;
- C. Lands and structures not dedicated to the public, but reserved for use by owners or tenants and their guests (common areas) will be subject to a non profit corporation of owners organized under the laws of the State of Oregon. To comply with this provision, all of the following must be completed:
  1. A non profit corporation shall be established. The articles of incorporation shall provide that:
    - a. The corporation shall maintain the common areas;
    - b. The corporation shall pay taxes on common areas;

- c. The owners of each lot in the development shall have one vote as a shareholder in the corporation;
  - d. The corporation is responsible for carrying out the provisions of approval of this PUD specifying the name of the PUD and Grant County as the place the subdivision plat is recorded;
  - e. The corporation is responsible for carrying out the responsibilities of the non profit corporation (or any other entity, by any name) mentioned in the restrictive covenants (real covenants), however titled, referred to in Section 55.080(C)(2) of this Code;
  - f. Any shareholder shall be able to enforce any obligation of the corporation which the corporation neglects or refuses to carry out and reasonable attorney fees shall be awarded to the successful party;
  - g. None of the above provisions can be modified or repealed without the unanimous consent of all shareholders of the corporation, representing every lot of the subdivision after all lots have been sold by the original owner-developer-declarant.
2. There shall be filed in the County deed records, restrictive covenants (real covenants), however titled, which shall:
- a. Require, as a mutual benefit and burden of ownership of any lot in the PUD, the maintenance, perpetuation, and continuity of the non profit corporation mentioned in Section 55.080(C)(1), and the payment of a pro rata share of the taxes and maintenance costs for common areas by each lot owner. This shall be done through the corporation;
  - b. Specify other provisions as may be desired by the applicant-developer-declarant or required by the Hearing Body;
  - c. Specifically state that the covenants relate to the PUD, that the corporation mentioned in Section 55.080(C)(1), can enforce the covenants and any shareholder can require the corporation to enforce the covenants.
3. The Articles of Incorporation referred to in Section 55.080(C)(1) shall be approved in writing by the Planning Director and a certified copy, showing filing



with the Oregon Corporation Commission, will be presented to the Planning Director prior to, and as a condition of, final plat approval;

4. The covenants mentioned in Section 55.080(C)(2) shall be approved in writing by the Planning Director and shall be filed simultaneously with, and be a condition of final plat approval;
  5. The Planning Director may request the assistance of County Legal Counsel in a review of the Articles of Incorporation of covenants mentioned in Section 55.080(C)(1) and (2).
- D. In any development which is primarily designed for or occupied by dwellings, electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission;
- E. The Planning Commission may require easements necessary for orderly extension of public utilities to future adjacent developments;
- F. The tract or tracts of land included in a proposed PUD must be in one ownership or control, or subject of a joint application by all persons possessing recorded interest in the title to the tract;
- G. Areas of semi public uses within the PUD may be included as open space in calculating the allowable density for residential projects;
- H. The development program shall assure that unique or scenic natural features of the land are preserved, and that landscaping is provided for the common use areas when appropriate;
- I. The PUD shall not be used as a vehicle for a developer to avoid the normal requirements of this Code;
- J. In addition to the requirements of this Article, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this Article. These conditions may include, but are not limited to, the following:
1. Increasing the required setbacks;
  2. Limiting the height of buildings;

3. Controlling the location and number of vehicular access points;
  4. Establishing new streets, increasing the right of way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system;
  5. Increasing the number of parking spaces and improving design standards for parking areas;
  6. Limiting the number, size, location, and lighting of signs;
  7. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
  8. Requiring additional view obscuring screening or fencing;
  9. The Planning Commission may make requirements benefiting other factors relevant to the health, safety, and welfare of the community directly affected by the development.
- K. If the method of sewage disposal is to be by subsurface septic treatment, the developer shall provide the Planning Commission with site evaluation for 25% of the proposed lots and copies of any existing septic permits for the proposed development:
1. In addition, a report from a soil scientist shall be submitted describing the septic capability of the soils to support the proposed use;
  2. If any evaluations fail to meet septic system standards or the soil report reveals poor expectation of the capability of the soil to support the proposed use, site evaluations shall be required for all lots proposed for development;
  3. If subsurface disposal is inadequate or not in the interest of public welfare, the Planning Commission may require, as a condition of approval, that a community collection system or community sewer system be installed.
- L. The developer shall inform the Planning Commission of all known environmental hazards such as mud slides, areas subject to floodwater inundation, area subject to mass earth movement, erosive soils, areas unsuited subject to similar environmental hazards;

- M. After approval of the tentative plan by the Planning Commission, but prior to construction of any road or utility within a PUD, the developer shall submit to the County Roadmaster the following information as appropriate:
1. A plan and profile on Federal Aid sheets showing the following:
    - a. Widths of the proposed dedication through the length of the proposal;
    - b. Centerline alignment showing P.C. (point of curve) and P.T. (point of tangency) stationing on all curves, necessary curve data, and bearing of tangent;
    - c. Ground line and grade line profile on the centerline of the proposed street or road;
    - d. Vertical curve data showing P.I. (point of intersection) elevations and stations, length of vertices, curve, and tangent;
    - e. Earthwork distribution (only when the developer proposed to bond or provide other financial guarantee) for construction of roads following approval of the PUD;
    - f. Locations and material type for waste or borrow areas;
    - g. Typical road section(s);
    - h. Location of drainages, culvert design, and typical ditch section.
  2. Cross Section:
    - a. Shall be platted on 10 x 10 standard cross section paper. Computer cross section printouts may be submitted in lieu of platted cross sections;
    - b. Shall show proposed widened cuts or fills if these are needed for material balance.
  3. A time schedule showing construction commencement, rate of development, and approximate completion date for each phase of construction;
  4. The stages for development of private and public facilities planned;

5. Plans and profiles of proposed sanitary and/or storm water sewers, with grades, pipe sizes, and location of manholes indicated, meeting the requirements of any service district and the Oregon Department of Environmental Quality;
6. Plans and profiles of any proposed water distribution system showing pipes and the location of any valves, fire hydrants, or storage facilities, meeting the requirements of the Oregon Health Division. If required by the Hearing Body, water systems shall be designed to provide fire flow capacity meeting standards established by the State Fire Marshall;
7. Specifications for the construction of all proposed sewer and water lines and other utilities;
8. Grading plans and specifications as required by the County Roadmaster for areas other than streets and ways.

#### **55.090 - FINAL PLAT REQUIREMENTS**

A final plat shall be submitted and recorded in conformance with the tentative plan and the provisions of Article 56 of this Code. In addition to the information required in Article 56.050, the following information shall be shown on the Final Plat, where appropriate:

A. Land Use:

1. All areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, and otherwise dedicated or reserved to the public;
2. Open space that is to be maintained and controlled by the owners of the property and their successors in interest, which is available for the recreational and leisure use of the occupants and users of the PUD.

B. Circulation:

1. Location of any special engineering features needed to facilitate or ensure the safety or circulation pattern;
2. Location and dimensions of pedestrian walkways, malls, and foot, bicycle and horse trails that will be dedicated as part of the development.

C. Parking and Loading:

1. Location, arrangement, number, and dimension of automobile garages, parking spaces, the widths of aisles and bays, and angle of parking, when interests in spaces are transferred with units of development;
2. Location, arrangement, and dimensions of truck loading spaces and docks for commercial or industrial development;
3. A certificate conforming to ORS 92.070 with the seal of, and signed by, the engineer or surveyor responsible for the survey and final plat or final map;
4. A certificate signed by all parties having any recorded title interest or vested interest in the land, dedicating to the public all streets and roads without any reservation or restriction, other than reversionary rights upon vacation of any such street or road and easement for public utilities.

**55.100 - DEVELOPMENT PROGRAM**

In addition to the final plat, a development program shall contain the following information and supplemental reports, where appropriate:

- A. The location of all plantings, fences, and existing trees and vegetation areas to be retained in the development;
- B. The location of all buildings to be constructed in conjunction with the development, and the location of all existing buildings to be retained;
- C. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and their interest the premises;
- D. Table showing the overall density of the proposed residential development and showing density by dwelling types;
- E. Drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the public, including agreements by property associations, dedicatory deeds, or reservations of public open spaces.

**55.110 - MODIFICATION**

The Hearing Body may modify or alter an action on a previously approved tentative plan subject to compliance with all the following:

- A. A request for modification shall be submitted by the developer, in writing, setting forth the specific modification requested and the facts to justify the modification; and
- B. The request shall clearly indicate that the modification is reasonably necessary to mitigate physical circumstances not anticipated in the approval process and the request will not significantly alter the previous action of the Hearing Body.

**55.120 - TIME LINE**

An approved tentative plan is valid for two years from the date of approval. During that time, improvements must be installed and a final plat prepared. If the improvements have not been installed or suitably guaranteed and a final plat is not submitted for approval then the tentative plan shall become null and void.

**55.130 - TIME EXTENSION**

A one year extension of the tentative plan approval may be granted by the Planning Director if the following are met:

- A. The applicant must submit a request for an extension prior to the expiration date of the approval of the tentative plan;
- B. The Planning Director shall determine that the extension is necessary to complete conditions of approval and that no changes in ordinances, codes, or circumstances would cause the original approval to be effected;
- C. Additional one year extensions may be authorized where applicable criteria for the original decision have not changed;
- D. Approval of the extension is not considered a land use decision and is not subject to appeal as such.

## **ARTICLE 56 - FINAL PLAT**

### **56.010 - PURPOSE**

The purpose of this Article is to standardize the requirements for a final plat and to ensure that all final plats for all types of land divisions meet the standardized requirements.

### **56.020 - APPLICATION**

Within two years from the date of approval of the tentative plan for a subdivision, partition, re-plat, or planned unit development, the developer shall submit a copy of a final plat in conformance with the approved tentative plan to the County Planning Director, the County Assessor, and the County Surveyor. An exact copy mylar will also be submitted to the County Surveyor.

### **56.030 - REVIEW PROCEDURE**

Final plats shall be reviewed and a decision rendered under the Type I Review Procedure as established in Section 22.030 of this Code.

### **56.040 - REVIEW CRITERIA**

The final plat shall be reviewed to ensure compliance with the following criteria:

- A. The final plat conforms to the tentative plan approved by the appropriate Review or Hearing Body; and
- B. All conditions set out by the Review or Hearing Body have been met; and
- C. Any additional requirements have been met.

### **56.050 - FINAL PLAT REQUIREMENTS**

- A. Any final plat for a subdivision, planned unit development, partition, or re-plat submitted to the Planning Director shall be an accurate plat for official record prepared by a Land Surveyor licensed and registered by the State of Oregon, and shall conform to the provision of this Code, the applicable laws of the State of Oregon, and other requirements that the Review Body has approved:

1. All outstanding assessments shall be paid prior to recording the final plat, or proof shall be submitted that the assessments have been segregated.
- B. The final plat for a subdivision, partition, re-plat, or planned unit development, shall include dedications of streets, roads, or public parks and squares, and any other writings which were approved as part of the record, shall be made in permanent black india ink or silver halide permanent photocopy, upon four mil or thicker mylar or equivalent material, approved by the County Surveyor, that is 18 inches by 24 inches in size plus an additional 3 inch left margin suitable for binding.
1. The strength and permanency shall be so that the original drawing will be a permanent record as kept in the office of the County Clerk;
  2. All signatures on the original subdivision or partition plat shall be in permanent black india type ink;
  3. The plat shall be of a scale that is acceptable to the County Surveyor;
  4. The lettering of the approvals, any declarations, certificates, the affidavit, and all other information shall be a minimum height of 0.08 inches, will be clearly legible, and no part shall come closer to any edge of the sheet than one inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon three or more sheets;
  5. The final plat shall also be accompanied by an exact duplicate of the final plat certified by the surveyor preparing the plat, suitable for making prints, to be filed in the office of the County Surveyor.
- C. The final plat for the subdivision, planned unit development, partition, or re-plat shall show, in addition to the requirements of ORS and OAR, the following information which shall either be on the plat or shall accompany the plat:
1. The date, north arrow, scale, and name of the subdivision;
  2. Legal description of the exterior tract boundaries;
  3. Name of the owner or owners, subdivider, and engineer or surveyor;
  4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:



- a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division;
  - b. Corners of adjoining land divisions;
  - c. Other monuments found or established in making the survey of the land division, or required to be installed by provisions of this Code.
5. The exact location and width of streets and easements intercepting the boundary of the tract. Information required shall include the location and design of all proposed pedestrian and bicycle facilities, including access ways.
  6. Tract and lot or parcel boundary lines, street right of way and center-lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Approximate high water lines for any creek, lake, or other body of water, and the 100 year flood hazard. Tract boundaries and street bearings shall be shown to the nearest 01 second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used;
  7. The width of the portion of streets being dedicated and the width of existing right of ways. For streets on a curvature which are being dedicated, 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;
  8. Easements denoted by fine dotted lines, clearly identified whether public or private and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication. Private easements shall become effective when the plat is recorded;
  9. Lot or parcel numbers beginning with the number "1" and numbered consecutively;
  10. The area of each lot or parcel. For lots or parcels one acre or larger that have been surveyed, the area shall be shown to the nearest hundredth of an acre. If less than one acre, the area to the nearest square foot;
  11. 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;

12. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots or parcels intended for sale;
13. The following certificates which may be combined where appropriate:
  - a. A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the plat or final map, or signing an affidavit of consent to the declaration to be recorded at the same time the plat is recorded as per ORS 92.075.
  - b. A certificate conforming to ORS 92.070 with the seal of and signed by the surveyor responsible for the survey and final plat or final map;
  - c. A certificate or transfer deed signed by all parties having any proprietary interest in the land, dedicating to the public all streets and roads without any reservation or restriction other than reversionary rights upon vacation of any street or road and easement for public utilities;
  - d. Other certifications now or hereafter required by law.
14. Any parcel shown on a partition plat that is not required to be surveyed and monumented shall comply with the following:
  - a. The approximate acreage of each un-surveyed parcel shall be shown; and
  - b. Any un-surveyed parcel shall have the words “Un-surveyed” placed in bold letters adjacent to the parcel number; and
  - c. Un-surveyed parcels need not comply with ORS 92.050 (5) and (7) to (9).

D. In addition, the following data shall accompany the final plat:

1. A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and their interest in the premises;

2. A copy of any deed restrictions applicable to the subdivision or partition;
3. A copy of any dedication requiring separate documents;
4. A list of all taxes and assessments on the tract which have become a lien on the tract;
5. Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure, if any;
  - b. The computation of distances, angles, and courses shown on the plat;
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and street highway stationing.
6. A certificate by the County Engineer or designated official that the developer has complied with the improvement requirements of the tentative plan and Article 56 of this Code or a guarantee consistent with the requirements of Article 14 has been submitted and approved, which is sufficient to assure completion of all required improvements and monumentation;
7. One of the following provisions regarding water shall be received and accepted by the County prior to the approval of the plat:
  - a. A certification by a municipality owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat;
  - b. A bond, contract, or other assurance by the subdivider to the County that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line on each and every lot depicted in the proposed plat; and the amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any reasonable change in such amount as determined necessary by the County consistent with Article 14;

- c. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report.
8. One of the following provisions regarding sewage shall be received and accepted by the County prior to the approval of the plat:
- a. A certification by a municipality owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed subdivision plat;
  - b. A bond, contract, or other assurance by the subdivider to the County, consistent with the provisions of Article 14, that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed subdivision plat; and the amount of such bond, contract, or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the County considers necessary;
  - c. In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755(1)(b):
    - (1) A copy of any statement, signed by the subdivider and endorsed by the county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the Real Estate Commissioner in the public report made for the subdivision under ORS 92.385;
    - (2) If the making of a public report has been waived or the subdivision is otherwise exempt under Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective

purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot;

- (3) The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy to the Real Estate Commissioner and shall keep any such receipt on file in this state, subject to inspection by the Real Estate Commissioner, for a period of three years after the date the receipt is taken.

### **56.060 - PROCESSING**

- A. The Planning Director, after proper review and consideration, may approve the final plat by indicating approval on the original, and:
  1. The final plat will then be circulated by the developer to other agencies for their review and approval;
  2. For a planned unit development, the County Legal Counsel must review all legal documents which accompany the development;
  3. Signatures of the County Surveyor, the Assessor, an agent of any irrigation district in which the land is located, and other officials as applicable and/or required by law shall be placed on the final plat of record as proof of final approval;
  4. For partitions only the signatures of the Planning Director, County Assessor and County Surveyor are required;
  5. All final plats require securing any necessary signatures, submittal of deeds, and payment of all fees, ad valorem taxes, special assessments or other charges required by law;
  6. The final plat or map shall not be approved by the Planning Director and/or the County Court until the Planning Director and/or the County Court are satisfied that all applicable state and local regulations and conditions have been satisfied. The County Court shall sign all final plats or maps for subdivisions, planned unit developments, and land partitions if a road is dedicated to the public;

7. If the plat is not submitted to the County Court within 90 days of the Planning Director's approval, the approval of the Planning Director shall be null and void.
- B. Prior to review of a final plat of a subdivision, partition, re-plat, or planned unit development, the plat must be submitted to and approved by the County Surveyor:
1. The County Surveyor shall check the subdivision, partition, re-plat or planned unit development plat and shall determine that the plat complies with the applicable provisions of ORS and with the provisions of this Code;
  2. The County Surveyor may direct such changes to be made on the plat or at the site as are necessary to satisfy the requirements of ORS 92.050 or this Code;
  3. The subdivider shall pay fees in the amount specified in ORS 92.100(2) and (3) to the County Surveyor.
- C. After reviewing the final plat or final map, the Planning Director may reject the document by providing the subdivider with a summary of the reasons for taking such action:
1. This rejection shall be in the form of specification of elements of tentative plan approval that have not been completed in a satisfactory manner;
  2. The developer must resubmit a revised plat or map correcting all the deficiencies specified by the Planning Director in order to receive approval.
- D. After obtaining all required approvals and signatures, pursuant to ORS 92.120, the developer shall file the plat or map within 120 days with the County Clerk or the plat or map shall become null and void.
- E. Failure to file the document within 120 days will require re-submission of the tentative plan.
- F. At the time of filing such subdivision plat or partition plat, the person offering it for filing shall also file with the County Surveyor an exact copy thereof, made with permanent black India type ink or silver halide permanent photocopy upon a good quality of linen tracing cloth, or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The surveyor who made the subdivision or partition plat shall certify that the photocopy or tracing is an exact copy of

the subdivision or partition plat. The subdivider shall provide without cost the number of prints from such copy as may be required by the governing body of the County.

**56.070 - TIME LINE**

- A. If the approval on a final plat expires before the final plat is filed, the developer must resubmit a tentative plan in the same manner as a new tentative plan.
- B. Approval of a final plat or map by the County Court shall not be deemed to constitute or effect an acceptance for maintenance by the County of the dedication of any street or other proposed public way or area shown on the plat, unless agreed to by a separate order of the County Court.

**56.080 - GUARANTEES TO CONSTRUCT REQUIRED IMPROVEMENTS**

In lieu of the applicant actually constructing the required improvements and otherwise meeting the obligations referred to in this Code, the Review or Hearing Body may accept a guarantee, at its option, which is executed by the developer specifying the period in which compliance shall be completed. The guarantee will be made in writing specifying the exact terms of the items to be completed. The guarantee shall be in conformance with Article 14 of this Code.

## **ARTICLE 57 - MONUMENTATION**

### **57.010 - PURPOSE**

The purpose of this Article is to ensure that the procedures used to survey and set monuments for all land divisions are standardized.

### **57.020 - REVIEW PROCEDURE**

Monumentation shall be reviewed as a part of Final Plat requirements.

### **57.030 - MONUMENTATION REQUIREMENTS**

All subdivision, partition, re-plats, property line adjustment, and planned unit development plats designating land within Grant County shall, unless excepted in Sections 52.090(B), 53.090(B), and 54.080(B), be surveyed and all monuments erected shall comply with ORS 92 with the addition of the following:

- A. The initial point of all plats shall be on the exterior boundary of the plat and shall be marked with a monument, either of concrete, galvanized iron pipe, or an iron or steel rod:
  - 1. If concrete is used, it shall not be less than six inches by six inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently imbedded in the concrete;
  - 2. If galvanized iron pipe is used, it shall not be less than three-quarters of an inch inside diameter and 30 inches long; and if an iron or steel rod is used it shall not be less than five eighths of an inch least dimension and 30 inches long;
  - 3. The location of the monument shall be with reference by survey to a section corner, one quarter corner, one sixteenth corner, monumented lot corner or boundary corner of a recorded subdivision, partition, or condominium plat;
  - 4. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.
  
- B. In subdivision and planned unit development plats, the intersections, points of curves, and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerline of all streets and roads, and all points on the



exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods:

1. If concrete is used it shall be as described in Section 57.030(A)(1);
  2. If galvanized iron pipe is used it shall not be less than three-quarters of an inch inside diameter and 30 inches long;
  3. If iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and 30 inches long;
  4. In addition all P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod set at the intersection of the R/W line and a line perpendicular to the centerline tangent at the P.C. or P.T. point;
  5. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monument is impracticable.
- C. All lot or parcel corners, except lot corners of cemetery lots, shall be marked with monuments of either galvanized iron pipe not less than one half inch in diameter and two feet long, or iron or steel rods not less than 5/8 inch in least dimension and not less than 24 inches long. The County Surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable;
- D. Monuments shall be set with such accuracy that measurements may be taken between monuments within one tenth of a foot or within 1/10,000 of the distance shown on the subdivision, or partition plat, whichever is greater;
- E. All monuments on the exterior boundaries of a subdivision, shall be placed and such monuments shall be referenced on the plat before the plat is offered for recording;
- F. Interior monuments for the subdivision need not be set prior to the recording of the plat or final map if the registered professional land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in ORS 92.070(2), and if the person subdividing the land furnishes to the County a bond, cash deposit, or other security consistent with Article 14, guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in ORS 92.065;

- G. All monuments on the exterior boundary and all parcel corner monuments of partitions and property line adjustments shall be placed before the partition or property line adjustment is offered for recording;
- H. If the interior corners of a subdivision are to be monumented on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in the subdivision plat shall furnish to the County Surveyor, prior to the approval of the subdivision plat by the County Surveyor, a bond, cash deposit, or other security, consistent with the requirements of Article 14, in an amount equal to 120 percent of the estimated cost of performing the work for the interior monumentation;
- I. The County Surveyor may require that the setting of the interior corners of the subdivision be delayed, according to the provisions of this section, if the installation of street and utility improvement has not been completed, or if other conditions or circumstances justify the delay;
- J. The person subdividing the lands described in Section 57.030(H) shall pay the surveyor for performing the interior monumentation work and notify the County Surveyor of the payment:
  - 1. The County Surveyor, within three months after the notice, shall release the bond or other required security or return the cash deposit upon finding that the payment has been made;
  - 2. Upon written request from the person subdividing the land, the governing body may pay the surveyor from moneys within a cash deposit held by it for that purpose and return the excess of the cash deposit, if any, to the person who made the deposit;
  - 3. If the subdivider has not paid the surveyor within 30 days of the final approval of the interior monumentation, the County may pay the surveyor from moneys held in a cash deposit, if any, or require payment to be made from other security.
- K. In the event of the death, disability, or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision, or upon failure or refusal of the surveyor to set the monuments, the County Surveyor shall cause the monumentation to be completed and referenced for recording as provided in ORS 92.070. If another surveyor completes the interior monumentation, the surveyor shall submit an affidavit to the County Surveyor complying with ORS 92.070 (3) (b). The County

Surveyor shall note on the original, and on any exact copies filed in accordance with ORS 92.120 (3) the surveyor's name and business address.

1. Payment of the fees for completing the monumentation shall be made by the subdivider within 30 days of the completion of the work;
2. In the event that the subdivider fails to pay the fees within 30 days, the bond, cash deposit, or other security may be used to pay the fees; and when such cash or other securities are inadequate to cover the cost incurred by the County Surveyor, the balance due will constitute a lien on any lots in the subdivision that are still in the ownership of the subdivider when recorded pursuant to ORS 93.600 to 93.800.

#### **57.040 - FILING REQUIREMENTS**

- A. Except as otherwise provided in this section, all subdivision, and partition plats, designating the location of land within Grant County, offered for record, shall include on the face of the plat a surveyor's certificate together with the seal and signature of the surveyor having surveyed the land represented on the plat, to the effect that they have correctly surveyed and marked with proper monuments the lands as represented, that they placed a proper monument as provided in ORS 92.060 indicating the initial point of such plat, and giving the dimensions and kind of monument, and its location in accordance with ORS 92.060 (1), and accurately describing the tract of land upon which the lots and blocks or parcels are laid out. If the plat is a partition plat which contains parcels not surveyed, the surveyor's certificate shall so indicate.
- B. If the person subdividing or partitioning any land has complied with Article 57.030 (H) and Article 56.060 of this Code, the surveyor may prepare the plat for recording with only the exterior monuments referenced thereon as submitted for recording:

There shall be attached to any such plat a certification of the surveyor that the interior monuments for the subdivision will be monumented on or before the specified date in accordance with ORS 92.060, noting those monuments to be set on or before the specified date on the plat as approved by the Review or Hearing Body.

- C. After the interior corners for a subdivision have been monumented as provided in the certificate submitted under Section 57.040(B), the surveyor performing the work shall:
  1. Within five days after completion of the work, notify the person subdividing the land involved and the County Surveyor; and

2. Upon approval of the work under ORS 92.100 by the County Surveyor, submit an affidavit for recording stating that the subdivision plat has been correctly surveyed and marked with proper monuments at the interior corners of the subdivisions as noted on the original subdivision plat:
  - a. Any monument that cannot be set shall be separately noted and a reference monument shall be set;
  - b. The affidavit shall be approved by the County Surveyor before recording;
  - c. The surveyor who prepared the affidavit shall cause the affidavit to be recorded in the office of the County Clerk;
  - d. The County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor;
  - e. The County Surveyor shall note the monuments set and the recorder's information on the original subdivision and any true and exact copies filed in accordance with ORS 92.120 (3).
  
- D. The County Clerk, upon receipt of a plat copy filed pursuant to Section 57.040(C), shall record such copy and endorse the recording reference for the copy on the plat of the previously recorded subdivision.