

*[Amend CCZO Section 2.060 to give Director authority to make decisions in land division actions]*

ARTICLE XI LAND DIVISION:  
Subdivisions, Partitions, Replats and Property Line Adjustments

Section 11.010 Purpose.

Pursuant to Oregon Revised Statutes (ORS) Chapters 92, 197 and 215, any person desiring to divide land within any part of the County which falls outside of incorporated cities shall seek approval from the County for such land division. The County shall review and approve proposed land divisions in order to provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the Comprehensive Plan regarding patterns for the development and improvement of the County; provide for public utilities and the open space or areas necessary for recreation, safety and health; provide for the orderly development of centers of population; and promote the public health, safety and general welfare.

Section 11.020 Definitions.

*[Rely on definitions set forth in CCZO Section 1.030. Add CCZO definitions if land divisions not included therein.]*

*[“CCZO” means the Curry County Zoning Ordinance.]*

- 1) “Division” means the Curry County Planning Division, Department of Public Services.
- 2) "Minor Amendment" means a change which:
  - a) Does not increase the number of lots or parcels created by the subdivision or partition;
  - b) Does not enlarge the boundaries of subdivided or partitioned area;
  - c) Does not change the general location or amount of land devoted to a specific land use; or
  - d) Includes only minor shifting of the established lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces.
- 3) "Major Amendment" means any change which is not a minor amendment.
- 4) “Negotiate” means any activity tentative to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.
- 5) “Partition” means either an act of partitioning land or an area or tract of land partitioned.
- 6) “Partitioning land” means dividing land to create not more than three parcels of land within a calendar year, but does not include:
  - a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
  - b) Adjusting a property line as property line adjustment is defined in this section;
  - c) Dividing land as a result of the recording of a subdivision or condominium plat;

- d) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the Curry County Comprehensive Plan and ORS Sections 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
  - e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Director. If the property line adjustment is approved, it shall be recorded in the County deed records.
- 7) “Property line” means the division line between two units of land.
  - 8) “Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.
  - 9) “Replat” means 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.
  - 10) “Sale” or “sell” includes every disposition or transfer of land or an interest or estate therein.
  - 11) “Subdivide land” means to divide land to create four or more lots within a calendar year.
  - 12) “Subdivision” means either an act of subdividing land or an area or a tract of land subdivided.
  - 13) “Utility easement” means an easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.
  - 14) [*“Planned Unit Development” is a development for multiple uses of all or a portion of the land and facilities. Examples are a condominium, subdivision type development where there are common areas such as parks, recreational areas and facilities, etc. for the use of the owners or occupants rather than the general public; trailer or mobile parks. The intent of a Planned Unit Development is to develop land for residential, business, commercial, industrial, or other uses in a manner which creates an attractive healthful, efficient and stable environment. From CCLDO Article 4.*]

Section 11.030            Delegation of Powers.

The Board hereby delegates to the Director [*Planning Commission*] its lawful functions with respect to land divisions pursuant to this Article 11. In addition, the Board grants authority to the Director to approve and sign subdivision plats in lieu of the Board Chairperson or Vice Chairperson. [*ORS 92.044 & .046 allows director to have authority for tentative approval of partitions and subdivision and plat approval under 92.100(1)(e)*]

Section 11.040 Required Approval.

- 1) Approval Required. No plat or replat of a subdivision, partition or property line adjustment shall be recorded or have any validity unless and until it has been approved by the County as provided for in this Article.
- 2) Subdivisions. No person shall sell any lot in any subdivision until the associated subdivision plat has been approved by the County and duly recorded with the County Clerk. A person may negotiate to sell any lot in a subdivision upon approval of a tentative plan by the Director pursuant to this Article.
- 3) Partitions. A person may negotiate to sell any parcel in a partition prior to the County's approval of the tentative partition plan, but no person may sell any parcel in a partition until such approval is obtained.
- 4) Permits. The County shall refrain from issuing any permit or approval for any application other than approval pursuant to this Article, including building, road access and septic installation permits for any parcel or lot not complying with this Article.

Section 11.050 Minimum Standards for All Land Divisions.

- 1) Form of Applications and Appeals. Applications and appeals made pursuant to this Article shall be made on forms provided for the purpose or as otherwise prescribed by the County.
- 2) Compliance with ORS Chapter 92. All divisions of land shall conform to state regulations in ORS Chapter 92, Subdivisions and Partitions.
- 3) Conformity with the Comprehensive Plan. All divisions of land shall conform with the Curry County Comprehensive Plan and with the comprehensive plan for a city within the County, if the subject property is within a city urban growth boundary but outside the city limits.
- 4) Conformity with Zoning Chapter. All divisions of land, regardless of the number of lots or parcels, shall conform in all respects with the applicable regulations and specifications of [CCZO] this ordinance, including but not limited to, [CCZO] Section 4.050, Access Management.
- 5) Road Standards & Relation to Adjoining Road System. A subdivision, replat or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions, replats or partitions, or for their proper projection when adjoining property is not subdivided, replatted or partitioned, and such streets shall meet the minimum requirements for roads set forth in Curry County Code Article 3.
- 6) Adequate utilities. All lots and parcels created through land division shall have adequate public utilities and services such as sewer, gas, electrical, water, police and fire protection, schools and telephone. These systems shall be located and constructed to prevent or minimize flood damage and to avoid impairment of the utility system.
- 7) Water. No subdivision, replat or partition shall receive final approval unless the County has received and accepted:
  - a) A certification by the owner or superintendent of a publicly or privately owned domestic water supply system, that water is available to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition;

- b) A performance assurance and guarantee that a domestic water supply system will be installed to the boundary line of each and every lot or parcel depicted in the proposed partition or subdivision; or
  - c) Where a community or public water supply system is not available, a statement signed by the applicant that water service will not be provided to any lot or parcel depicted in the partition or subdivision. In a residential subdivision or partition, the proposed source of domestic water, whether off or on site, spring, well, or other source, shall be included in the statement.
- 8) Sewer. No subdivision, replat or partition shall receive final approval unless the County has received and accepted:
- a) A certification by the owner or superintendent of a publicly or privately owned sewage disposal system that sewerage service is available to the boundary line of each and every lot depicted in the proposed subdivision or partition;
  - b) A performance assurance and guarantee that a sewage disposal system will be installed by or on behalf of the applicant to the boundary line of each and every lot depicted in the proposed subdivision or partition; or
  - c) Where no community sewerage service is available, the Department of Environmental Quality or the County Sanitarian shall approve the proposed methods of sewage disposal.
- 9) Utility and Watercourse Easements.
- a) Utility Easements. The dedication of easements for the placement of overhead or underground utilities, including, but not limited to, electric power, communication facilities, sewer lines, water lines and gas lines shall be required where necessary. Utility easements shall be clearly labeled for their intended purpose on all plats and may be located along or centered on parcel or lot lines or elsewhere as determined necessary by the County in accordance with ORS 92.044(7).
  - b) Watercourses. When a partition or subdivision is traversed by a watercourse, such as a drainage way, channel or stream, the County may require a storm water or drainage easement conforming substantially to the lines of the watercourse and such design and development as may be deemed necessary to accommodate reasonable anticipated future development within the drainage area.
- 10) Duplication of Names. The name of a proposed subdivision shall not duplicate or be so similar as to be confused with the name of any other subdivision within the County. A street name shall not duplicate the name of any other street within the County.
- 11) Partial Development. If a proposed subdivision or partition area includes only part of the tract owned by the applicant, the Director may require a sketch of the tentative layout or streets in the remainder of that tract.
- 12) Natural Hazard Areas. Any area identified in the Comprehensive Plan as being subject to various natural hazards shall not be divided or used for development except under special consideration and restriction. All divisions of land within natural hazard areas shall meet the applicable standards provided in [CCZO] Sections 3.250-3.253 and the Curry County Flood Damage Prevention Ordinance.

*[Possible Additional Provisions]*

13) *Floodplain, Park, and Open Space Dedications.* Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the County may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the County's **adopted trails plan or pedestrian and bikeway plans, as applicable**. The County shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or stormwater management requirements, and assist in obtaining any floodplain permit that may be required. DLCD 4.3.110(J)

14) *Blocks/Units of Land.*

- a) *In subdivisions with an average lot size of less than one (1) acre, no block shall be longer than eight hundred (800) feet between street lines. In other urban subdivisions, block lengths will be individually evaluated. The width of blocks shall be adequate to allow two tiers of lots, unless exceptional conditions render this requirement undesirable, as determined by the Director. In evaluating block length and width requirements, the Director should consider the following factors:*
  - i) *The distance and alignment of existing blocks and streets adjacent to and in the vicinity of the subject property;*
  - ii) *Topography;*
  - iii) *Lot size; and*
  - iv) *Local and through traffic needs to serve the area.*
- b) *Each side lot line shall be at right angles to the adjacent street line or radial to a curved street line, unless the Director determines that variation from these requirements is necessitated by unusual circumstances such as topography and site location.*
- c) *Lots with double frontage shall be avoided, except where the Director determines that such lots are essential to provide separation of residential development from major traffic arterials or adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no rights of access, may be required along the line of lots abutting a traffic arterial or other incompatible use. Such area shall be considered the rear portion of the lot. Douglas 4.100*

15) *Public Access Ways.* Within urban growth boundaries and rural community centers, the applicant shall dedicate to the public access ways ten (10) to twenty (20) feet in width to connect to cul de sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, beaches, shopping areas, employment centers, transit stops or other public areas, of such design and location as reasonably required to facilitate public use and provide safe and convenient pedestrian access. Lincoln 1.3230(14)

16) *Control Strip. The County may require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:*

- a) *To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.*
- b) *To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.*
- c) *To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer. The proportional road construction costs must be computed by a licensed engineer and approved by the Department of Public Services. The agreement must be recorded and will not be valid after a period of 10 years.*
- d) *To prevent access to land unsuitable for development.*
- e) *To prevent or limit access to roads classified as arterials and collectors. Lane 13.050(6)*

17) *Parks & Open Space. In a subdivision of ten (10) acres or more, the Commission may require the applicant to provide up to five percent (5%) of the subdivision area for park and recreation purposes. These areas shall be of a design and location acceptable to the Director, based on the suitability of the area for park and recreation purposes. Lincoln 1.3230(12)*

#### Section 11.060            Application Procedure for Subdivisions, Partitions & Replats.

- 1) **Two-Step Approval Procedure.** Applications for a subdivision, partition or replat require a two-step approval process: (1) tentative plan approval and (2) final plat approval.
- 2) **Tentative Approval Process.**
  - a) The property owner or authorized agent shall submit an application and required fee to the Director for tentative plan approval.
  - b) The required fee must be paid in U.S. currency, check or money order at the time of filing. Failure to pay said fee at the time of filing is a jurisdictional defect which will result in the application being rejected.
  - c) Upon determination that the application is complete, the Division shall provide notice to the persons described in [CCZO] Section 2.070(2). The notice shall include the information described in [CCZO] Section 2.080(2) and any other information required by law.
  - d) The Director shall follow the administrative procedure described in [CCZO] Sections 2.090-2.100 in determining whether to approve, deny or at the Director's discretion, refer the application to the Commission for consideration.
  - e) Notice of a decision of the Director to approve or deny an application shall be provided in accordance with [CCZO] Section 2.110.
- 3) **Multiple Land Use Actions.** In the event a zone change or conditional use permit is required in addition to land division approval, the applicant shall first submit the zone change or

conditional use permit application to the Division for approval. If approved, the Director shall then proceed with consideration of the application for a partition, subdivision or replat.

- 4) Time Period for Tentative Approval. Approval of a tentative plan for a partition, subdivision or replat shall be valid for *[twenty-four (24)]* months after the date of approval of the tentative plan; provided that, if the approved tentative plan provides for phased development, the approval shall be valid for the time specified for each phase. If the Division has not received a valid request for final approval or time extension prior to the expiration date of the tentative approval, the tentative plan approval shall expire.
- 5) Time Extension of Tentative Approval.
  - a) The property owner or authorized agent may submit an application and required fee to the Division to extend the time to file a request for final approval.
  - b) The required fee must be paid in U.S. currency, check or money order at the time of filing. Failure to pay said fee at the time of filing is a jurisdictional defect which will result in the request being rejected.
  - c) The Director may grant an extension if:
    - i) The applicant makes a written request for an extension of the tentative plan approval period; and
    - ii) The Division receives the request and required fee prior to the expiration of the tentative plan approval period.
  - d) The Director shall notify the applicant in writing of his decision to approve or deny the extension request. The Director's decision is the final decision regarding the extension and is effective on the date it is made. It cannot be appealed.
  - e) A time extension shall be for a period of *[one (1)]* year. Not more than *[three (3)]* time extensions of a tentative approval may be granted.
- 6) Final Plat Approval Process.
  - a) The property owner or authorized agent shall submit an application, required fee, final plat and all required submissions to the Division for approval prior to expiration of the tentative approval time limit.
  - b) The required fee must be paid in U.S. currency, check or money order at the time of filing. Failure to pay said fee at the time of filing is a jurisdictional defect which will result in the application being rejected.
  - c) Upon determination that the application is complete, the Director may refer the application to affected cities, districts, local, state or federal agencies for comments.
  - d) Within thirty (30) days of determining an application complete, or such longer period as mutually agreed to by the Director and the applicant, the Director shall approve or deny the final plat. The Director may grant an approval if:
    - i) The final plat substantially conforms with the approved tentative plan;
    - ii) The applicant has satisfied all conditions of approval;

- iii) The final plat meets the minimum standards for all land divisions in Section 11.050, the final plat format standards in Section 11.100 and the final plat information requirements in Section 11.110;
- iv) The applicant has submitted all submissions required for final approval in Section 11.190.
- e) The Division shall notify the applicant in writing of the Director's decision. The Director's decision is the final decision of the County and is effective on the date it is made. It cannot be appealed.

Section 11.070 Tentative Plan Submission Requirements.

- 1) The applicant shall submit the following information to the Division:
  - a) A complete application containing the information required by this Article and addressing the appropriate criteria for review and approval.
  - b) Three (3) copies of all supporting material and eight (8) copies of the tentative plat. All supporting material submitted shall be sized 8 1/2" x 11" or other size approved by the Division. The tentative plat shall clearly indicate that the map is a tentative plat.
  - c) Evidence that the land division meets the minimum standards provided in Section 11.050.
  - d) A statement describing the availability of public utilities and services such as sewer, gas, electrical, water, police and fire protection, schools and telephone. The statement shall indicate the proximity of such services in addition to giving an estimate of the capacity of the service to effectively absorb the increased demand reasonably anticipated as a result of the land division.
  - e) A vicinity map showing the general area and the names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
  - f) Drawings and supplementary material showing the existing sewers, septic test holes, drainfield areas, water mains, water sources, culverts, drainage ways, power poles, permanent buildings and other utilities or structures within the tract or immediately adjacent thereto, together with other important features such as section lines, political subdivision boundary lines and school district boundaries.
  - g) Proposed plan for draining surface water from the development and a description of any effects on adjacent properties.
  - h) Any existing or proposed deeds, conveyances, development plans or other documents pertaining to the dedication of public facilities, homeowner's associations, covenants, conditions and restrictions, easements and agreements (e.g., for access, common areas, parking, etc.) and common improvements recorded or proposed to be recorded prior to filing the final plat.
  - i) Water rights statement if recorded or proposed to be recorded prior to filing of the final plat.
- 2) The submitted tentative plat shall contain the following:
  - a) Proposed name of the subdivision, if applicable.
  - b) North arrow, drawing date and the scale required by the County Surveyor.

- c) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner or landscape architect responsible for designing the subdivision or partition.
- d) Tract designation or other property description according to the real estate records of the County (Township, Range, Section, Tax Lot Number(s), and Assessor's Tax Account Number(s)).
- e) Boundary line (accurate in scale) of the tract to be divided and the approximate acreage of the property.
- f) The name and exact location and dimensions of existing and proposed streets intersecting the boundary of the tract.
- g) All recorded and proposed easements, along with the following information:
  - i) The specific location and size by dimensions or description.
  - ii) If previously recorded, the County Clerk's recording reference.
  - iii) Purpose or type of easement and whether it is a public or private easement and, if private, state who benefits from the easement. Any public or private easement to be created, or any other restriction made, shall be noted in the declaration. Public easements shall include language in the declaration which dedicates the easement to the use of the public.
- h) Proposed blocks, numbered in consecutive order.
- i) Proposed lots or parcels, approximate dimensions, size and boundaries. Residential lots and parcels shall be numbered consecutively. Parcels and lots that are to be used for other than residential purposes shall be identified with letter designations.
- j) Sites, if any, for residences other than single family dwellings.
- k) Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
- l) Zoning classification and Comprehensive Plan map designation.
- m) The location of existing or proposed bicycle and/or pedestrian facilities if required for the area.
- n) Unusual topographic or geologic features and potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
- o) Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the County or natural resource regulatory agencies as requiring protection.

[Section 11.080 *Planned Unit Development. From CCLDO Article 4.*

1. *In the case of a Planned Unit Development, the tentative application shall also contain the following:*
  - a) *Location and dimensions of all proposed and existing structures together with the name and address of any architect, engineer or designer designing the same.*
  - b) *Housing or use densities.*

- c) *Location and size of all parking areas.*
- d) *Landscaping, walls and fences.*
- e) *If the proposed development requires a zone change or a conditional use, evidence of conformity with the requirements of the County zoning ordinances.*
- f) *Proof that structures comply with applicable building, health, fire and safety codes.]*

Section 11.090 Amendments to Tentative Plans.

The Director may approve a minor amendment to an approved tentative subdivision or partition plan. A major amendment to an approved tentative subdivision or partition tentative plan shall be deemed a new application requiring new tentative plan approval and applicant and the required application fee.

Section 11.100 Final Plat Format.

- 1) The plat shall substantially conform to and contain the same information as the approved tentative plan.
- 2) Except as provided in Section 11.130 Exceptions, the plat shall be prepared by a professional land surveyor registered with the State of Oregon and comply with the applicable requirements of ORS Chapter 92, ORS 209.250 and the County Surveyor.
- 3) All plats shall be drawn using archival quality black ink, be on archival quality drafting material, be 18” by 24” in size *[with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor]* and be suitable for binding and copying purposes. The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval.
- 4) A 1-inch margin shall be left on all sides of the plat, clear of any writing or drafting.

Section 11.110 Plat Information Requirements.

- 1) All final plats must contain the following information:
  - a) Notation as to recording data for the water rights statement affecting the plat if recorded prior to filing;
  - b) Necessary signatures of the owners and mortgagees, and signature line and date for the approval of the Director, County Sanitarian and County Roadmaster if required by the Director as a condition of approval, *[Chairman/Vice Chairman of the Board]*, County Surveyor, County Assessor and County Treasurer;
  - c) A graphic designation of all areas being reserved for common use and the conditions, covenants and restrictions being imposed thereon. The conditions, covenants and restrictions shall be approved by the Director prior to final plat filing and, if recorded prior to final plat filing, the recording number shall be referenced on the final plat; and
  - d) *[A designation of all areas covered by water and the location, width and direction of flow of all watercourses;]* and
  - e) Any additional information, including a designation of any special notice, requirement or restriction, required by the County as a condition of approval.

[Section 11.120

*Planned Unit Developments. From CCLDO Article 4.*

*Before final approval of a Planned Unit Development the applicant must furnish proof of compliance with all applicable laws pertaining to condominiums and joint ownership and use.]*

Section 11.130            Exceptions.

- 1) Parcels with an area in excess of ten (10) acres outside an urban growth boundary need not be surveyed, monumented or comply with ORS 92.050 (5), (7) and (8). Plats for such parcels shall show the approximate acreage of each unsurveyed parcel and have the words “unsurveyed” placed in bold letters adjacent to the parcel number.
- 2) *[Parcels in excess of eighty (80) acres need not be shown on a partition plat. Optional provision under ORS 92.025]*

Section 11.140            Performance Assurance.

- 1) The County may accept, in lieu of the completion of road, utility or other improvements required by a tentative approval, a performance assurance executed by the applicant for the purpose of guaranteeing the completion of such improvements.
- 2) The form of assurance and guarantee shall be subject to the approval of the Board.
- 3) Any performance assurance provided pursuant to this section shall require the completion of the guaranteed improvements within a specified time period. Such time period may be extended at the discretion of the Board.

Section 11.150            Performance Guarantee Required.

- 1) When a performance assurance is required under Section 11.140, the applicant shall provide one of the following to guarantee performance:
  - a) An irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon;
  - b) A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the County in writing that it may be terminated; or
  - c) Cash.
- 2) The amount shall be a sum determined by a registered professional engineer, subject to any change deemed necessary by the County, as necessary to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

Section 11.160            Submissions Required for Final Approval.

- 1) The applicant shall submit the following with the request for final approval of a subdivision, partition or replat:
  - a) A plat and one exact copy. The plat shall meet the requirements of this Article, unless an exception is provided for by Section 11.130.
  - b) Copies of deeds, conveyances, development plans or other recorded documents pertaining to the dedication of public facilities, homeowner's associations, covenants, conditions and restrictions, easements and agreements (e.g., for access, common areas, parking, etc.) and common improvements recorded and referenced on the plat.

- c) Required certifications, performance assurances and guarantees or statements regarding water and sewer services.
- d) As-built certifications for all required utilities or a performance assurance and guarantee regarding the same.
- e) Certification from the County Road Department that all streets and roads proposed by the applicant have been completed to County requirements, or a performance assurance and guarantee regarding the same.
- f) Confirmation that all public streets and roads are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and utility easements.
- g) A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property issued not more than thirty (30) days prior to the date the final plat is submitted for final approval. Such report shall also identify all easements of record.
- h) A copy of filed survey of the perimeter boundaries of the subject property, complying with ORS 209.250, or a statement from the County Surveyor waiving such requirement. Such survey must be filed not less than 30 days prior to the granting of final approval.
- i) Such other information as is deemed necessary by the Director to verify conformance with the conditions of tentative approval.

Section 11.170          Filing and Recording.

- 1) Upon the granting of final approval, the Director shall sign the plat and its exact copy.
- 2) After signing, the Division shall deliver the plat and its exact copy to the County Surveyor. The surveyor shall review the plat for conformance with the requirements of this Article and ORS Chapter 92 and Section 209.250.
- 3) Upon approval of the County Surveyor, the applicant shall circulate the plats to the following officials for signature:
  - a) The County Treasurer, whose signature shall certify that all taxes on the property have been paid;
  - b) The County Assessor, whose signature shall certify that the plat is signed by the owner or owners of record;
  - c) For partition plats that dedicate land for public road purposes and all subdivision plats, the Director [*Chair or Vice Chair of the Board*] whose signature shall certify that the plat is approved. [*ORS 92.100(1)(e allows the director to sign)*]; and
  - d) The County Sanitarian and/or County Roadmaster if required by the Director as a condition of approval.
- 4) Upon signing by the required county officials, the applicant shall deliver the plats to the County Clerk for recording.
- 5) The signature of the Director on a final plat shall be valid for a [*ninety-day*] period. Any final plat not recorded within [*ninety (90)*] days after the date of final approval shall become null and void and the County Clerk shall refuse to accept the same for recording.

Section 11.180                      Development Phasing.

- 1) The Director may allow an applicant to plat subdivisions or partitions in multiple phases. Plans for phase development shall be set forth as a part of the tentative plan application and be accompanied by time limitations for each phase. The first phase may be completed as a partition or subdivision, depending upon the number of parcels or lots created in the phase. Subsequent phases must be completed as subdivisions. When submitted for final approval, each phase must conform in all respects to the conditions of tentative approval.

*[Possible additional provisions:*

- i) DLCD 4.3.110(C) – lot size/shape required to facilitate future development of tract, required to submit tentative sketch with disclaimer that is nonbinding*
- ii) Douglas 4.100(4)(a) - lot size/shape required to facilitate future development & (e) submit redevelopment plan, future development required to be consistent with plan, inconsistent development requires approval of an amendment*
- iii) Lane 13.050(4)(c) – may require special development recommendations/restrictions on location of buildings to be matter of public record when it is necessary to ensure that redivision takes place in conformity with this Article.]*

- 2) The applicant must submit an explanation of why the phasing is necessary and how it can be completed within the proposed time limitations with the tentative plan application.

*[Section 11.190                      Disclosure Statement. From CCLDO 6.0410*

- 1) Upon the offering for sale of any subdivision or partition, the property owner shall ensure that a copy of a disclosure statement is given to every prospective purchaser. The original of the disclosure statement shall be approved by the Director and become a part of the permanent record of the application.*
- 2) The disclosure statement shall include the following:*
  - a) Name and address of the developer.*
  - b) A statement of the uses for which the property is prepared and offered by the developer.*
  - c) A statement of the zoning of the property and the uses permitted in that zone.*
  - d) A statement describing access to the property, ownership of the access, and the party responsible for maintaining the access.*
  - e) A statement describing common areas and facilities, if any, and any restrictions on their use.*
  - f) A statement describing existing water and sewer facilities.*
  - g) A statement describing any restrictions established by the County.*
  - h) A statement describing any known or potential hazards on the property such as geologic hazards, erosion and flooding, etc.*
  - i) A statement indicating any ownership rights retained by previous owners such as mineral rights, unsurveyed easements, airspace reservations, etc.]*

Section 11.200 Property Line Adjustments

- 1) No person shall relocate or eliminate all or a portion of a common property line without review and approval of an application by the County.
- 2) The application procedure for a property line adjustment is as follows:
  - a) The property owner or authorized agent must submit an application on a form proscribed by the Division and the required fee. The application shall be complete, contain the information required herein and address the appropriate criteria for review and approval of the request. The required fee must be paid in U.S. currency, check or money order at the time of filing. Failure to pay said fee at the time of filing is a jurisdictional defect which will result in the application being rejected.
  - b) Upon determination that the application is complete, the Director may refer the application to affected cities, districts, local, state or federal agencies for comments.
  - c) Within *[forty-five (45)]* days of determining an application complete, or such longer period as mutually agreed to by the Division and the applicant, the Director shall approve or deny the application.
  - d) The applicant shall be notified in writing of the Director's decision. The Director's decision is the final decision of the County and is effective on the date it is made. It cannot be appealed. *[See ORS 92.190(3) – county may use own procedures as long as requires recording and survey.]*

Section 11.210 Property Line Adjustments - Required Information.

- 1) The applicant shall submit a tentative map drawn to scale identifying:
  - a) All existing and proposed property lines and dimensions;
  - b) Footprints and dimensions of existing structures (including accessory structures);
  - c) Location and dimensions of driveways and public and private streets within or abutting the subject lots or parcels;
  - d) Location of sensitive lands and significant vegetation;
  - e) Existing fences and walls; and
  - f) Any other information deemed necessary by the Director or designee for ensuring compliance with CCZO and the Curry County Code.
- 2) The applicant shall submit the proposed deed to be recorded after approval, which shall contain:
  - a) Conveyances in accordance with the proposed property line adjustment;
  - b) Names of affected parties,
  - c) Description of the adjusted line,
  - d) References to original recorded documents, and
  - e) Signatures of all parties with proper acknowledgment.

- 3) If there is existing development on the parcels, the applicant must submit evidence that the County Sanitarian has been consulted with and that the proposed action will comply with any requirements of that division, including that all sanitation and building setbacks will be maintained after the proposed action.
- 4) Unless otherwise exempted, a survey complying with ORS 92.060(3) and ORS 209.250 must be filed with the County Surveyor. The applicant must provide three copies of a map of the survey to the Division. A survey is not required for a property line adjustment when the abutting properties are each greater than ten (10) acres, or for property transferred through a property line adjustment described in ORS 92.010(9)(e).
- 5) The applicant must submit evidence from the County Treasurer that all taxes on the subject properties have been paid.
- 6) The applicant must submit a large (18' X 20") assessor map showing the subject properties.

Section 11.220 Property Line Adjustments - Time Limit on Approval.

- 1) The approval of a property line adjustment shall be effective for a period of one (1) year from the decision date, during which time it must be recorded.
- 2) The approval shall lapse if:
  - a) The property line adjustment is not recorded within the prescribed time limit;
  - b) The property line adjustment has been improperly recorded with the County due to failure to satisfactorily complete all conditions of approval; or
  - c) The final recording of the plat and conveyance document is a departure from the approved plan.

Section 11.230 Property Line Adjustments - Approval Criteria.

- 1) The Director shall approve or deny a request for a property line adjustment based on the following criteria:
  - a) Parcel Creation. No additional parcel or lot is created or removed as result of the property line adjustment;
  - b) Lot standards. Except as provided in this section, all lots and parcels conform to the applicable land use zone standards described in [CCZO] Article 2. Where the original lots or parcels do not conform to applicable land use zone standards, any proposed property line adjustment shall not increase the degree of non-conformity.
  - c) Exceptions. Notwithstanding the requirements in subsection (b) above, the Director may approve a property line adjustment in which:
    - i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or
    - ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

- d) Resource Land. On land zoned for exclusive farm use, forest use or mixed farm and forest use, a property line adjustment permissible under subsection (c) may not be used to:
  - i) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
  - ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
  - iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
- e) Access and Road Authority Standards. All lots and parcels must conform to the standards and requirements of [CCZO] Section 4.050, Access Management and the minimum requirements for roads under Curry County Code Article 3.
- f) No public street or road is vacated as a result of the property line adjustment.

Section 11.240 Property Line Adjustments - Filing Requirements & Effective Date.

- 1) Upon approval of a property line adjustment, the Director shall sign the approved plat and its exact copy.
- 2) After signing, the Division shall deliver the plat and its exact copy to the County Surveyor for approval.
- 3) Upon approval of the County Surveyor, the applicant shall deliver the signed plat and conveyance document (e.g. deed or covenant) to the County Clerk for recording.
- 4) A property line adjustment is effective when the map is filed by the County Surveyor and the County Clerk records the conveyance document. If no map is required, then the property line adjustment is effective when the County Clerk records the approved conveyance document.
- 5) A recorded property line adjustment shall have no affect on existing easements.

Section 11.250 Variances.

The applicant may request a variance to the standards required in this Article. Variances will be granted pursuant to the requirements in [CCZO] Article 8.

Section 11.260 Appeals.

- 1) Appealable Decisions. Director decisions to approve or deny tentative plats for partitions, subdivisions and replats may be appealed to the Board.
- 2) Procedure for Appeals.
  - a) In order to appeal a person must:

- i) File an appeal notice in the form provided by the Director and pay any required fee no later than ten (10) days following the date of the notice (postmarked date) of the Director's decision, and
  - ii) Be the applicant or have presented testimony to the County regarding the matter either orally or in writing.
- b) Within five (5) days of receiving an appeal complying with subsection (a) above, the Division shall schedule the matter for public hearing before the Board. The hearing shall be held on a date in compliance with the timing requirements of subsection (3) below. The hearing shall be conducted in accordance with [CCZO] Sections 2.140-2.160.
- c) Upon receiving an appeal complying with subsection (a) above, the Division shall provide notice in accordance with [CCZO] Sections 2.070(1), (3)-(6) and 2.080(1).
- 3) The Board shall hold a public hearing and take action on the appeal within 120 days of the filing of the original application unless such time limitation is extended with consent of the applicant or as otherwise provided by statute.
- 4) The Board may affirm, reverse or modify the Director's decision and may reasonably attach conditions necessary to carry out the Comprehensive Plan. The Board shall make all decisions based on the findings and conclusions in the record.
- 5) The Division shall send notice of the Board's decision to all parties to the appeal and shall, at the same time, file a copy of the final order in the records of the County.

Section 11.270            Enforcement.

In addition to and not in lieu of any other enforcement mechanism authorized by law, when the Director or designee determines that a person has failed to comply with any provision of this Article, the Director may prepare a report describing the nature thereof, the legal description of the property and the name of the owner. Upon review of the report, and concurrence by the Office of Legal Counsel, the Director shall record the report, with a statement that no building permits will be issued for the described property with the County Clerk. The Division shall promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the failure to comply ceases to exist or is changed, the Director shall record an appropriate statement setting forth the current status of the property with regards to compliance. Nothing in this section shall be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this Article, the CCZO and the Curry County Code.