

THURSDAY, OCTOBER 23, 1958

BEFORE THE JOSEPHINE BOARD OF COUNTY COMMISSIONERS OF THE
STATE OF OREGON

IN THE MATTER OF THE ADOPTION OF	}	
REGULATIONS FOR SUBDIVIDING LAND	}	
IN JOSEPHINE COUNTY, OREGON, OUTSIDE	}	
THE AREA OF INCORPORATED TOWNS AND	}	ORDER
CITIES AND THE PARTITIONING OF LAND	}	
BY THE CREATION OF STREETS OR WAYS	}	
IN SAID AREA.	}	

THIS MATTER HAVING COME on before the Board of County Commissioners (hereafter Board) pursuant to an Order of the Court setting Thursday evening, October 23, 1958, at the hour of 8:00 o'clock p.m. in the Board room in the court house in Grants Pass, Oregon, as the time and place for the holding of a public hearing on the adoption of certain regulations proposed and recommended by the Josephine County Planning Commission for the subdividing of land in Josephine County, Oregon, outside the area of incorporated towns and cities, and the partitioning of land by the creation of streets or ways outside said area; and

IT APPEARING to the court that notice of said hearing was published in the Grants Pass Daily Courier, a newspaper of general circulation in Josephine County, Oregon, for once a week for two successive weeks prior to the time of holding said hearing; and

IT APPEARING further to the court that no one has appeared to object to the adoption of said regulations; and

IT APPEARING further to the court that the court has the authority under ORS 215.150 and ORS 92.042 and ORS 92.044 to adopt said regulations; and

IT APPEARING further to the court that heretofore the Josephine County Planning Commission has been created and its members appointed in accordance with the provisions of ORS 215.020 and ORS 215.030; and the court being now fully advised in the premises;

IT IS ORDERED that the following regulations for the subdividing of land outside the area of incorporated cities and towns in Josephine County, Oregon, and the partition of land by the creation of streets or ways outside said area be, and the same hereby are, adopted.

SUBDIVISION REGULATION FOR JOSEPHINE COUNTY

October 23, 1958

A REGULATION PROVIDING SUBDIVISION STANDARDS AND PROCEDURES,
ADOPTED BY THE JOSEPHINE COUNTY BOARD OF COMMISSIONERS:

Section 1. Definitions. As used in this ordinance the masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

(1) Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

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

(3) Easement. A grant of the right to use a strip of land for specific purposes.

(4) Lot. A parcel of land intended as a unit for transfer of ownership or for development.

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

(6) Through Lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.

(7) Pedestrian Way. A right-of-way for pedestrian traffic.

(8) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and includes any trustee, receiver, assignee, or other similar representative thereof.

(9) Planning Commission. The Planning Commission of the county.

(10) Plat. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record.

(11) Right-of-way. The area between boundary lines of a street or other easement.

(12) Roadway. The portion or portions of street right-of-way developed for vehicular traffic.

(13) Sidewalk. A pedestrian walkway with permanent surfacing.

(14) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designations.

(a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(c) Collector. A street supplementary to the arterial street system and a means of inter-communication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.

(d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.

(e) Half Street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

(f) Marginal Access Street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties; but protected from thru traffic.

(g) Minor Street. A street intended exclusively for access to abutting properties.

(15) Subdivide Land. To partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

(16) Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this section.

Section 2. Scope of Regulations. As authorized by law including ORS Chapter 92 and ORS 215.150 and ORS 215.170, all subdivision plats and all streets or ways created for the purpose of partitioning land shall be approved by the Planning Commission in accordance with these regulations. These regulations apply to all land within the unincorporated territory of the county. A person desiring to subdivide land or desiring to partition land by creation of a street or way shall submit preliminary plans and final documents for approval as provided in this resolution and the state law.

PRELIMINARY PLAT

Section 3. Preparation of Preliminary Plat. The subdivider shall prepare a preliminary plat together with improvement plans and other supplementary material as may be required to indicate the general program and objectives of the project. The preliminary plat need not be a finished drawing but shall show all pertinent information to scale.

Section 4. Partial development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout or streets in the unsubdivided portion.

Section 5. Scale. The preliminary plat shall be drawn on a sheet 18" x 24" in size or a multiple thereof at a scale of 1" equals 100 feet or, for areas over 100 acres, 1" equals 200 feet.

Section 6. General information. The following general information shall be shown on the preliminary plat:

- (1) Proposed Name of the Subdivision. This name must not duplicate nor resemble the name of another subdivision in the county and shall be approved by the Planning Commission.
- (2) Date, northpoint and scale of drawing.
- (3) Appropriate identification clearly stating the map is a preliminary plat.
- (4) Location of the subdivision by section, township and range and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.
- (5) Names and addresses of the owner or owners, subdivider and engineer or surveyor.

Section 7. Existing Conditions. The following existing conditions shall be shown on the preliminary plat.

- (1) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract; easements, railroad rights-of-way and other important features, such as section lines and corners, city boundary lines and monuments.
- (2) Contour lines related to some established bench mark or other datum as approved by the County Surveyor and having the following minimum intervals:
 - (a) One foot contour intervals for ground slopes less than 6%.
 - (b) Two foot contour intervals for ground slopes between 5% and 10%.
 - (c) Five foot contour intervals for ground slopes exceeding 10%.
- (3) The location of at least one temporary bench mark within the plat boundaries.
- (4) Location and direction of all water courses.
- (5) Natural features, such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- (6) Existing uses of the property, including location of all existing structures to remain on the property after platting.

Section 8. Proposed Plan of Land Partitioning. The following information shall be included on the preliminary plat:

- (1) Streets, showing location, widths, names, approximate grades and approximate radii of curves. The relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission, or if there is no complete development plan, as suggested by the County Engineer to assure adequate area traffic circulation.
- (2) Easements, showing the width and purpose.
- (3) Lots, showing approximate dimensions, minimum lot size, proposed lot and block numbers.
- (4) Sites, if any, allocated for multiple family dwellings, shopping centers, churches, industry, parks, schools, playgrounds, public or semi-public buildings or other special use.

Section 9. Explanatory Information with Preliminary Plat. Any of the following information which may be required by the Planning Commission and which may not be shown practicably on the preliminary plat shall be submitted in separate statements accompanying the preliminary plat.

(1) A vicinity map showing all existing subdivisions, streets and unsubdivided land ownerships adjacent to the proposed subdivision, and showing how proposed streets may be extended to connect to existing streets.

(2) Proposed deed restrictions in outline form.

(3) Approximate center line profiles showing the finished grade of all streets as approved by the County Engineer including extensions for a reasonable distance beyond the limits of the proposed subdivision.

(4) The proposed plan, if any, for delivering irrigation water to the lots in the subdivision.

Section 10. Submission of Preliminary Plat. The subdivider shall file 7 prints of the preliminary plat and required explanatory information with the secretary of the Board at least 10 days prior to the Planning Commission meeting at which consideration of the plat is desired.

Section 11. Preliminary Review of Proposal. Within 2 days after being submitted by the subdivider, the secretary shall furnish a print to the County Engineer, a print to the County Surveyor, a print to the County Planning Office, a print to the County Health Department, a print to the irrigation district provided development is within its boundaries, and a print to the state highway department provided development is adjacent to a state highway and access to the highway is desired by the subdivider. These agencies will be given at least 7 days to review the plan, suggest revisions and return the plans to the County Planning Office.

Section 12. Tentative Approval of Preliminary Plat. Within 40 days from the first regular Planning Commission meeting following submission of the plat, the Planning Commission will review the plan and the reports of the agencies listed above and may give tentative approval to the preliminary plat as submitted or as it may be modified or, if disapproved, shall express its disapproval and its reasons therefore. The action of the Planning Commission shall be noted on 2 copies of the preliminary plat, including reference to any attached documents describing any conditions. A copy shall be returned to the subdivider and the other retained by the Planning Commission.

FINAL PLAT

Section 13. Time Limit for Final Plat. The official plat must be prepared and submitted within 6 months following the tentative approval given on the preliminary plat by the Planning Commission and it shall incorporate the recommendations made by the commission. If the subdivider wishes to proceed with the subdivision after the expiration of the 6 months period following the tentative approval of the preliminary plat by the Planning Commission, he must

re-submit his preliminary plat to the Planning Commission and make any revisions considered necessary to meet changed conditions.

Section 14. Information on Final Plat. In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- (1) The date, scale, northpoint (generally pointing up), legend, and controlling topography such as creeks, highways and railroads.
- (2) Legal description of the tract boundaries.
- (3) Name and address of the owner, 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) All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - (b) Adjoining corners of all adjoining subdivisions.
 - (c) Township, section and donation land claim lines within or adjacent to the plat.
 - (d) Whenever the county has established the center line of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
 - (e) All other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- (5) Tract boundary lines, right-of-way lines and centerlines of streets, and lot and block lines with dimensions, bearings and debearings. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. Error of closure shall be within the limit of one foot in 5,000 feet. No ditto marks shall be used. Lots containing 1 acre or more shall show total acreage to nearest hundredth.
- (6) The location of additional monuments including bench marks which are to be set upon completion of improvements.
- (7) The width of the portion of streets being dedicated, the width of any existing rights-of-way, and the widths each side of the center line. For streets on curvature, all curve data shall be based on the street center line and in addition to centerline dimensions shall indicate thereon the radius and central angle.
- (8) All easements denoted by 5 dotted lines clearly identified and, if already of record, its recorded reference. If any easement is not definitely located of record, a statement of such easement, the widths of the easement, and the lengths and bearings of the line thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

- (9) Lot numbers beginning with the number “T” in each block.
- (10) Block numbers beginning with the number “T” and continuing consecutively without omission or duplications throughout the subdivision. The number shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (11) Land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case to be distinguished from lots intended for sale.
- (12) Any building setback lines to be made a part of the subdivision restrictions.
- (13) The following certificates which may be combined where appropriate:
 - (a) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map.
 - (b) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map and intended for any public use except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.
 - (c) A certificate signed by the engineer or the surveyor responsible for the survey and final map. The signature of such engineer or surveyor is to be accompanied by his seal.
 - (d) Provisions for all other certifications now or hereafter required by law.
- (14) Construction must comply with Health Regulations. ***[Note: Subsection (14) added May 6, 1965].***

Section 15. Supplemental Information with Final Plat. The following data shall accompany the final plat:

- (1) 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 interests in the premises.
- (2) Sheets and drawing 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, and showing the error of closure, if any.
 - (b) The computation of all distances, angles, and courses shown on the final map.
 - (c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- (3) A copy of any deed restrictions applicable to the subdivision.

(4) Written proof that all taxes and assessments on the tract are paid for the current tax year.

(5) A certificate by the County Engineer certifying that the subdivider has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the preliminary plat.

(b) A bond or certified check has been posted, which is available to the county and in sufficient amount to assure such completion of all required improvements.

Section 16. Submission of Final Plat. The subdivider shall file the original hard copy drawing, the tracing and 5 prints of the final plat and any supplementary information with the secretary of the Board at least 10 days prior to the Planning Commission meeting at which consideration of the plat is desired. The secretary shall promptly submit the plat to the County Surveyor.

Section 17. Approval of County Surveyor. The County Surveyor shall examine the final plat and the supplementary information to determine that the subdivision as shown is substantially the same as it appeared on the approved preliminary plat, that there has been compliance with all provisions of the law and of this ordinance, and that the plat is technically correct. The County Surveyor may make such checks in the field as he may desire to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose. If the County Surveyor shall determine the full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made for such purposes, and shall afford the subdivider an opportunity to make such changes or additions. If the County Surveyor shall determine that full conformity has been made, he shall so certify and shall transmit the plat to the Planning Commission with 9 days after receiving plat.

Section 18. Approval of Planning Commission. Upon return of the final plat by the County Surveyor, the Planning Commission shall determine whether it conforms with the preliminary plat and with all changes permitted and all requirements imposed as a condition to its acceptance. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made for such purpose, and shall accord him an opportunity to make the same. If the Planning Commission shall determine that the plat conforms to all requirements, it shall approve the same, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the Planning Commission. The approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the public of the dedication of any street or other easement or way shown on the plat.

Section 19. Filing of Final Plat. Approval of the final plat by the county as provided by this regulation shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the final plat to the County Assessor and the county governing body for signatures as required by ORS 92.100. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required approving signature has been obtained.

APPROVAL OF STREETS AND WAYS

Section 20. Creation of Streets. The creation of all streets shall be in conformance with requirements for subdivision.

(1) Exception. As an exception, the Planning Commission ~~shall~~**may** approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

(a) The establishment of the street is initiated by the Board and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is an isolated ownership of 1 acre or less.

(c) The tract in which the street is to be dedicated is an isolated ownership of such size and as such special existing physical conditions as make it impractical to develop more than three lots.

(d) The tract or tracts of land in which the street is to be dedicated can be divided into three or more parcels of 5 acres or larger. Application for approval shall include a copy of the deed to the proposed right-of-way and a road location survey executed by a registered engineer or land surveyor, said survey to include the following:

- (i) Courses and distances along the centerline.
- (ii) All right-of-way widths.
- (iii) A tie to an established subdivision or government corner.
- (iv) A profile showing existing ground and ultimate finished road grade.
- (v) All creeks, natural drainages and irrigation works on right-of-ways or adjacent thereto.
- (vi) All structures, utilities or fences on right-of-way or adjacent thereto.
- (vii) The basis of bearings.
- (viii) Monumentation with 5/8 inch diameter rods or equal, of termini of road, changes in course, and beginning and end of all curves on the right-of-way lines.

(e) The location, width, and grade of the proposed street shall conform to the standards established for streets in a subdivision and shall be reviewed by the County Engineer, who will determine whether or not the proposed street meets these minimum standards and will make a recommendation to the Planning Commission.

(f) The Planning Commission may require as a condition of approval any of the design standards adopted in the subdivision regulations that are applicable when creating right-of-ways to partition land.

(g) The deed to the proposed street shall stipulate that the county will not be obligated to accept the street for maintenance as a county road, but at the discretion of the Board of County Commissioners when the street is improved to an acceptable standard may be approved as a county road. [*Note: Subsection 20(1) was changed on December 1, 1963, by amending "shall" to "may" in (1) and adding subsections (d) through (g).*]

(2) Deed. In those cases where approval of a street is to be without full compliance with the regulations applicable to subdivision, a copy of the proposed deed shall be submitted to the secretary of the Board at least 5 days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Sections 22-28 of these regulations, shall be approved with such conditions as are necessary to preserve these standards.

Section 21. Creation of Ways. Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street in a subdivision or as provided in Section 20 of these regulations with the following exceptions:

(1) Any such easement providing access to a parcel of land used for agriculture, horticulture, grazing or timber growing and where said parcel exceeds 5 acres in size shall be approved by the Planning Commission.

(2) A private easement or way to be established by deed without compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into 2 parcels may be provided with access. If the existing lot is large enough so that 3 or more parcels meeting the lot size minimums of these regulations may be created, and 2 or more of such parcels would not have frontage on an existing street, this exception will not apply. A copy of the proposed document to create the easement shall be submitted to the secretary of the Board at least five days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility access as well as vehicular access is indicated, shall be approved.

DESIGN STANDARDS

Section 22. Principles of Acceptability. In all respects, the subdivision shall be in conformity with any development plans or preliminary plans made in anticipation thereof and shall be in conformity with the requirements of state laws and the standards established by this ordinance.

Section 23. Streets. When streets are required, they shall be constructed to meet the following design standards:

(1) General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by such streets. Where location is now shown in a development plan, the arrangement of streets in a subdivision shall either:

(a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(b) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(2) Minimum Right-of-Way Widths. Unless otherwise indicated on a development plan the width of streets shall not be less than the minimums shown in the following table:

<u>TYPE OF STREET</u>	<u>MINIMUM RIGHT-OF-WAY</u>
Alley	20 feet
Radius for turn around at end of cul-de-sac	50 feet
Minor street or residential streets (disconnected streets not to exceed 1800 feet in length)	50 feet
Collector streets and continuing residential streets	60 feet

(3) Other Roads and Streets. Arterial county roads, businesses and industrial streets, secondary or primary state highways, shall have right-of-way widths as designated on development plans or complying with appropriate standards for such facilities.

(4) Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights or both, and in such cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the county under the following conditions approved by the Planning Commission:

(a) That a permit or license be granted to the property owner upon the presentation of a plan of development recommended by the County Engineer. That the license would be final and require no further action unless the plan of development is violated at which time the license would be revoked. The license should only be issued if the development plan does not obstruct the orderly development of the road system.

(b) That the property owner, if dissatisfied, may appeal the decision of the County Engineer to the County Commissioners. The County Commissioners will include representatives of the County Planning Commission on all such deliberations.

(c) It is further recommended that the County Commissioners instruct the County Engineer to make public notification of the extension of street plugs. *[Note: Subsection (4) changed by deleting and adding language in (4) and by adding (a) through (c) on July 22, 1968].*

(5) Alignment. All streets other than minor streets or cul-de-sacs shall, as far as practical, be in alignment with existing streets by continuations of the center lines thereof. The staggering of street alignment resulting in "T" intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction. In no event shall this distance be less than 100 feet.

(6) Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision, and the resulting dead-end streets may be approved without a turn-around. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

(7) Intersection Angles. Streets shall be laid out so as to intersect at 90 degrees except where topography justifies a lesser angle, but in no case less than 60 degrees, unless there is special interchange design. Streets shall have at least 50 feet of tangent adjacent to the intersection unless topography justifies a lesser distance. When intersections of other than 90 degrees are unavoidable, the right-of-way lines along the acute angle shall have a minimum corner radius of 12 feet. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than 12 feet.

(8) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

(9) Half Streets. Half streets while generally not acceptable may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

(10) Cul-de-Sacs. A cul-de-sac shall be as short as possible and shall in no event be more than 400 feet long nor serve more than 18 single family dwellings. All cul-de-sacs shall terminate with a circular turn around.

(11) Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area, and, if near a city, to the pattern in the city, and shall be subject to the approval of the Planning Commission.

(12) Grades and Curves. Grades shall not exceed 6 percent on major or secondary arterials, 10 percent on collector streets, or 12 percent on any other street. In flat areas allowance shall be made for finished street grades having a minimum slope of ½ percent. Center line radii of curves shall not be less than 300 feet on primary arterials, 200 feet on secondary arterials or 100 feet on other streets and shall be to an even 10 feet.

(13) Streets Adjacent to Railroad Right-of-Way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be made for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between such streets and the railroad. Such distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

(14) Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(15) Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corner of necessary alley intersections shall have a radius of not less than 12 feet.

(16) Unit Ownership. The provisions contained in ORS 91.505 - 91.675 entitled "Unit Ownership" are incorporated into and made a part of this ordinance. *[Note: Subsection (16) added July 22, 1968].*

Section 24. Blocks. Blocks shall be designed so that they meet the requirements of this Section.

(1) General. The lengths, widths, and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access, circulation, control and safety of street traffic, and limitations and opportunities of topography.

(2) Sizes. Blocks shall not exceed 1200 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1800 feet.

(3) Easements. Where necessary, easements shall be acquired and platted as follows:

(a) Utility lines – Easements for sewers, drainage, water mains, electric lines or other public utilities shall be dedicated wherever necessary. Such shall be a minimum of 12 feet in width, and centered on rear or side lot lines except for tie back easements which shall be six feet wide by 20 feet long along lot side lines at change of direction points of easements.

(b) Water Courses – Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to water courses may be required.

(c) Pedestrian Ways – In any block over 750 feet in length a pedestrian way with a minimum width of 10 feet shall be provided through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than 1200 feet two pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety.

(d) Flood Level – The Planning Commission may request that subdivision plats of land subject to flooding shall indicate the approximate crest (flood level) of water during the 1955 flood. The indication will be a dotted line with notations that the land was flooded during the December 1955 flood. *[Note: Subsection (d) added at an unknown time].*

Section 25. Lots. Lots shall be designed so that they meet the requirements of this Section.

(1) Size and Shape. The lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall have a minimum average width of 60 feet. Lots shall have an average depth of not less than 100 feet and not more than 2½ times the average width. Corner lots shall have a minimum average width of 65 feet to permit appropriate building setback from and orientation to both streets. These minimum standards shall apply with the following exceptions:

(a) Where there are unusual topographic conditions, curved or cul-de-sac streets or other special conditions, modifications which meet the intent of the width and depth requirements may be granted by the Planning Commission.

(b) In areas that are not available to existing sewer trunk lines, minimum lot sizes shall be greater than the minimum herein specified if necessary because the soil structure is

adverse to sewage disposal by septic tanks. Such lot sizes shall conform to the requirements of the County Health Department considering problems of water supply and sewage disposal.

(c) Where property is zoned or deeded for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(2) Access. The subdividing of the land shall be such that each lot shall abut upon a public street.

(3) Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent non-residential activities or to overcome specific disadvantage of topography and orientation. A planting screen easement of at least 10 feet and across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use.

(4) Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face or on curved streets they shall be radial to the curve.

Section 26. Large Lot Subdivision. In subdividing tracts into large lots which at some future time are likely to be re-subdivided, whether required for sanitation purposes or otherwise, the Planning Commission may require that the blocks shall be of such size and shape, be so divided into lots and contain such building site restrictions as will provide for the extension and opening of streets at such intervals as will permit a subsequent division of any parcel into lots of normal size.

Section 27. Building Lines. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plat or included in the deed restrictions.

Section 28. Public Open Spaces. Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use.

IMPROVEMENTS

Section 29. Improvement Requirements. The following improvements shall be installed at the expense of the subdivider in accordance with the provisions as established by the Board:

- (1) Streets, including drainage.
- (2) Sidewalks in any special pedestrian ways.
- (3) If any portion of any land proposed for development is subject to overflow, inundation or flood hazard by storm waters, an adequate system of storm drains, levees, dykes and pumping systems shall be provided.

Section 30. Improvement Standards. The general standards for public improvements shall be as follows:

(1) The subdivider shall rough grade the entire street width to provide a roadway subbase for a permanent road and to provide for drainage. The road design shall be according to county standards as approved by the County Engineer. Engineering data on grades, cross sections and drainage shall be provided by the County Engineer. Fills shall not contain organic matter, shall be of firm material and be compacted and allowed to settle before base rock is applied.

[Note: a new Subsection (1) was inserted on December 13, 1963; following existing subsections renumbered].

(2) The subdivider shall construct the road as shown on the plan and profile plat submitted by the subdivider's engineer or surveyor and approved by the County Engineer. All constructed embankments shall not contain organic matter, shall be of firm material and be compacted before based rock is applied. The subdivider shall also place a minimum compacted depth of 3" of crushed rock 20 feet in width on all of the streets shown on the plat. Said crushed rock shall not exceed 1½" in maximum size and shall be of uniform consistency capable of producing a tight compacted base.

(3) Other street improvements installed at the subdivider's option, such as curbs and permanent surfacings shall be constructed in accordance with county standards for such improvements as approved by the County Engineer.

(4) Pedestrian ways shall have sidewalks of Portland cement concrete installed in the center, five feet wide, and in accordance with County Engineer design. If installed at the subdivider's option, other sidewalks shall be of the same quality and dimensions and shall have the inside edge one foot from the property line.

(5) If the subdivider elects to plat lots too small for satisfactory individual septic tank disposal systems, taking into account both water supply and waste disposal, public sanitary sewers and adequate provisions for sewage treatment shall be provided by the subdivider.

EXCEPTIONS, VARIANCES AND ENFORCEMENT

Section 31. Exception in Case of Large Scale Development. The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a complete community, a neighborhood unit, a large-scale shopping center or large industrial area development providing the modifications are not detrimental to the public health, safety and welfare and providing the Planning Commission determines there is provision for adequate public spaces and improvements for circulation, recreation, light, air and service needs of the developed tract and its relation to adjacent areas and for such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Section 32. Variance Application. When necessary, the Planning Commission may authorize conditional variances to the requirements of these regulations. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions

of this section, it shall be necessary that the Planning Commission shall find the following facts with respect hereto:

- (1) That there are special circumstances or conditions affecting said property.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extraordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the vicinity in which said property is situated.

Section 33. Action on Variances. The Planning Commission may review and grant variances as provided in this Section.

(1) In granting necessary variances the Planning Commission shall substantially secure the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience and general welfare. Such conditions as are necessary for this purpose shall be specified in granting the variance.

(2) In granting any variance under the provisions of this section, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The Secretary of the Commission shall keep such findings on file as a matter of public record.

Section 34. Appeals. Appeals may be made as provided in this Section.

(1) An appeal may be made to the Board from any decision, determination or requirement of the Planning Commission by filing notice thereof in writing with the county within ten days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and the ground upon which the subdivider deems himself aggrieved.

(2) The Board following the filing of said appeal shall set a time for a hearing on the appeal to be held within 30 days thereafter, and such hearing, may for good cause, be continued by order of the Board. Upon the hearing of said appeal the Board may overrule or modify the decision, determination or requirement appealed from and enter any such order or orders as are in harmony with the spirit and purpose of these regulations and such disposition of the appeal shall be final.

Section 35. Validity. If any provision of these regulations shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining portion.

Section 36. Penalties for Violation. Any person offering to sell, contracting to sell or selling land contrary to the provisions of these regulations shall be punishable as provided by law including ORS 92.990.

IT IS FURTHER ORDERED that a certified copy of this order and the regulations adopted hereunder be filed for record with the County Clerk for Josephine County, Oregon.

DATED this 23rd day of October, 1958.

Attest:

Josephine Board of County
Commissioners

Ben W. Coutant
County Clerk

By Raymond A. Lathrop
County Judge

SEAL

By B. E. Davidson
County Commissioner

APPROVED BY THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE JOSEPHINE COUNTY
PLANNING COMMISSION, ON THE 11TH DAY OF SEPTEMBER, 1958.

JOSEPHINE COUNTY PLANNING COMMISSION

BY JENS PETERSON CHAIRMAN

BY EDWARD R. GROSH SECRETARY