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SUBDIVISION ORDINANCE

JOSEPHINE COUNTY

THE QUALITY OF TOMORROW
BEGINS WITH WHAT WE DO TODAY

AMENDED
MAR 31 '82

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

ORDINANCE NO. 78-4

AMENDED BY ORDINANCE 81-36

AN ORDINANCE PROVIDING FOR THE SUBDIVISION AND PARTITIONING OF LAND IN JOSEPHINE COUNTY, PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND PROVIDING PROCEDURES FOR ENFORCEMENT, AND DECLARING AN EMERGENCY.

JOSEPHINE COUNTY ORDAINS AS FOLLOWS:

CHAPTER I

GENERAL PROVISIONS

Section 1.01 Title.

This Ordinance shall be known as the Josephine County Subdivision and Land Development Ordinance.

Section 1.02 Purpose.

The purpose of these regulations is to protect the public health, safety, welfare and convenience and to provide for conformity to the Comprehensive Plan for Josephine County. This Ordinance provides for the proper width and arrangement of streets, ways and thoroughfares and their proper relation to the topography of the site and to existing or planned streets, ways or thoroughfares. This Ordinance also provides for public utilities and facilities, for adequate open space for light and air, for recreation, for the proper division of land, and for the development of property to appropriate densities.

Section 1.03 Interpretation.

The provisions of this Ordinance shall be liberally construed to effectuate the purposes set forth above. These provisions are declared to be minimum requirements fulfilling such objectives and where conditions herein imposed are less restrictive than comparative conditions imposed by any other provision of this Ordinance, by provision of any other local ordinance, resolution or regulation, or by provision of State Law of State Administrative regulation then the more restrictive shall govern.

Section 1.04 Severability.

The provisions of this Ordinance are severable. If any section, sentence, clause or phrase of this Ordinance is adjudged to be

invalid by a Court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 1.05 Editorial Revision.

The County Counsel or District Attorney may at any time direct such changes regarding currently maintained copies of this Ordinance and Amendments as the Legislative Counsel is authorized to perform regarding acts of the Legislature, pursuant to ORS 173.160, provided that such editorial revisions be directed by written memorandum filed with the County Clerk, subject to disapproval by the Planning Commission at its next meeting thereafter.

Section 1.06 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. Abutter. An individual, firm, association, syndicate, corporation or other legal entity having an interest in property bordering on a public road.

2. Alley. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

3. Block. An area of land within a subdivision which may be entirely bounded by streets, highways or ways (except alleys), and the exterior boundary or boundaries of the subdivision.

4. Board. The Board of County Commissioners of Josephine County.

5. Building Line. A line indicating the limit beyond which buildings or structures may not be erected.

6. Commission. The Planning Commission of the County or other legal body having jurisdiction, including where applicable the County Zoning Commission, Planning Director, or other body with legal jurisdiction.

7. Comprehensive Plan. The Plan adopted by the Board of County Commissioners for the guidance of growth and development of the County, which is prepared and adopted in conformance with ORS Chapter 215 and ORS Chapter 197.

8. County Road or Street. A public way which has been accepted by the Board of County Commissioners by dedication or deed or grant of right-of-way.

9. County Maintained Road or Street. A road or street and appurtenances which has been accepted for County maintenance by order of the Board of County Commissioners under the authority of ORS 369.551, or any other provisions of law.

10. Cul-de-sac. The vehicle turnaround portion of a dead end road.

11. Curb Line. The line separating the roadway from the planting strip or footway.

12. Design. The design of any street or alley alignment, grade or width, or the alignment or width of easements and right-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

13. Developer. A subdivider, or partitioner, or if not creating a subdivison or partition, a person who as a result of such subdivision or partition purposes to, or does develop the land, whether it be for public or private purposes.

14. Driveway. A way of access for a vehicle to serve a limited number of users from a public road or street, which is usually of narrow width and often in private ownership or subject to restricted public use.

15. Driveway Approach. A vehicle access constructed to standards adopted by the Board of County Commissioners from a public right-of-way to property which abuts a public street.

16. Easement. A grant of the right to use the property of another for a specific purpose; may be either appurtenant or in gross.

17. Flaglot. A unit of land created by a subdivision or partition and which includes a narrow projection to a public road, and which projection is commonly known as the "flagpole".

18. 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.

19. Lot. A unit of land that is created by a subdivison of land.

20. Major Paritition. A partition which includes the creation of a road or street.

21. Marginal Access Street. A minor street parallel and adjacent to a major arterial street, providing access to abutting properties, but protected from through

traffic.

22. Map. A final diagram, drawing, or other writing concerning a major partition.

23. Metes and Bounds. A description of a tract of land by a sequence of courses having a direction of travel around the perimeter of the tract, said courses being fixed by adjoiners, monuments, direction, distance, or all four.

24. Minor Partition. A partition in which all parcels have access by an existing public road or street, and which does not include the creation of a road or street.

25. Mortgage Lot. A parcel or lot created to provide security for the purchase price of that parcel or lot or improvements thereon, and which does not involve a transfer of legal title and possession.

26. Official Map. The map or maps upon which locations are located in detail and with exactness, so as to furnish the basis for property acquisition or building restrictions.

27. Owner. An individual, firm, association, syndicate, partnership, or corporation having any proprietary interest in land sought to be subdivided or partitioned under these regulations and other applicable law.

28. Parcel. A unit of land that is created by a partitioning of land, intended for lease, transfer of ownership, or development.

29. Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

30. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance. "Partition land" does not include the sale of a lot in a recorded subdivision, even

though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

31. Pedestrian Way. A right-of-way for pedestrian traffic.

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

33. Planning Commission. The Planning Commission for Josephine County, appointed by the Board of County Commissioners, or the Urban Area Planning Commission, appointed jointly by the Board of County Commissioners and the Council of the City of Grants Pass, or a Hearings Officer.

34. Planned Development. A self contained development, often with a mixture of building types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

35. Plat. A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.

36. Private Road. The entire width between the boundary lines of every way which provides for restricted use for the purpose of vehicular and pedestrian traffic, and which does not provide for the continuous unrestricted rights of the public in general to travel across.

37. Public Road. The entire width between the boundary lines of every way which provides for unrestricted and continuous public use for the purpose of vehicular and pedestrian traffic and the placement of utilities, and includes the terms "street", "highway", "drive", "lane", "place", "avenue", or other similar designation.

38. Right-of-way. The area between boundary lines of a street or road.

39. Road or Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of lands, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

40. Roadway. The portion or portions of street right-of-way developed for vehicular traffic.

41. Rural Roads. Any county road in an area not served by public sanitary sewers where division of land is limited to one acre size or larger.

a. Major Collector - A rural road providing service between traffic generators and larger towns or with routes of higher classification, as designated on the Functional Highway Classification maps of Josephine County as periodically revised.

b. Minor Collector - Rural roads spaced at intervals consistent with population density to collect and distribute traffic from/to local rural roads and bring all developed areas within a reasonable distance of a collector system as designated on the Functional Highway Classification Maps of Josephine County as periodically revised.

c. Local - A rural road providing access between residential roads and road systems of higher order or providing alternate cross linkage between roads of higher order but not serving as a collector.

d. Residential - A rural road providing direct access to abutting land and access to local rural roads or higher order road systems. The number of lots to be served shall be 60 or less.

e. Limited Residential - A rural road providing direct access to abutting land and access to local rural roads or roads of higher order. This is a road intended exclusively for access to abutting property where the number of lots is permanently restricted because one end terminates in a cul-de-sac without a street plug. In areas where the topography is gently rising, less than 15% side slopes, the number of lots served shall be 10 or less and the length is not to exceed 1300 feet. In areas where the terrain is steeper, more than 15% side slopes, the number of lots served shall not exceed 20 lots and the length shall not exceed 2600 feet.

42. Sidewalk. A pedestrian walkway with permanent surfacing.

43. Site Plan Committee. A technical review committee established pursuant to the authority delegated by the Board of County Commissioners in the Zoning Ordinances, normally consisting of the Planning Director or his assistants, the Director of Public Works or his assistants, the Building Safety Director or his assistants, the Director of the Health Department or

his assistants, and the Fire Marshall. Representatives of other agencies and the City of Grants Pass may be invited to participate as appropriate.

44. Street Plug or Reserve Stip. A narrow strip of land controlling access to a street or half street, title to which is held by the County and the control of which rests with the Board of County Commissioners for disposal according to their discretion consistent with these regulations.

45. Subdivide. To effect a subdivision, as applied to this Ordinance.

46. Subdivider. Any person, as defined herein, who undertakes proceedings to effect a subdivision of land, including changes in steet or lot lines, for the purpose of transfer of ownership or development.

47. Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership, at the beginning of such year. For purposes of this section, division within the calendar year of the original unit or contiguous units of land between those constituting single ownership at the beginning of such year shall constitute the creation of separate parcels.

48. Subdivision. Means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

49. Urban Streets. Any county road in an area served by public sanitary sewers where division of land is permitted to one acre size or smaller.

    a. Collector - An urban street providing land access, service and traffic circulation within residential neighborhoods distributing trips to and from arterials through the area to local streets, as designated on the Functional Highway Classification Maps of Josephine County, as periodically revised.

    b. Local - An urban street providing direct access to abutting land and access to higher order road system in Urban Street area.

    c. Minor - A dead-end cul-de-sac street without a possibility of extension, not longer than 500 feet from the intersection with a local or collector.

50. Way. A strip of land, whether public or private, providing access to some or all adjoining land ownerships.

Section 1.07 Compliance.

No land within the unincorporated territory of Josephine County shall be subdivided or partitioned, except as provided in this Ordinance, and no plat shall be filed or recorded until submitted to and approved by the Commission and Board of County Commissioners.

CHAPTER 2

BASIC PROVISIONS AND DESIGN STANDARDS

Section 2.01 Minimum Standards.

The requirements and standards set forth in this chapter are the minimum ones to which a subdivision or partition must conform before approval by the Commission, except as provided in Chapter 7 and Section 9.06 of this Ordinance.

Section 2.02 Conformity to the Comprehensive Plan and Official Map.

The subdivision or partition shall conform to and be in harmony with the Josephine County Comprehensive Plan Text and Comprehensive Plan Map of that portion of the County within which the subdivision or partition lies, and shall provide right-of-way dedication in conformance with an official map, adopted for that area.

Section 2.03 Relation to Adjoining Street System.

A subdivision or major partition shall provide for the continuation of the principal streets existing in adjoining subdivisions or of their proper projection when the adjoining property is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Commission, topographhic conditions make such continuation or conformity impractical, exception may be made. In cases where the Commission adopts a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan. Where the plat submitted covers only a part of the developer's tract, a drawing of the prospective future street system of the part submitted shall be considered in light of its conformity to the street system of the entire tract. Subdivisions or major partitions shall be created with streets that connect to an existing publicly maintained street, unless otherwise approved by the Planning Commission.

Section 2.04 Alignment.

As far as practical, streets other than limited residential or residential streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximatley the same direction but in no case shall it be less than 100 feet.

Section 2.05 Half Steets.

Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with the requirements of this Ordinance and when possible to require the dedication of the other half when the adjoining property is subdivided.

Whenever an existing half street is adjacent to land to be subdivided, the remaining half of the street shall be dedicated within such subdivision. Reserve strips and street plugs may be required to ensure the objectives of obtaining full-width streets.

Section 2.06 Future Extension of Streets.

Where necessary to give access to or permit a satisfactory future subdivision or partitioning of adjoining land, the Commission may require that streets be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions, the control of which shall rest with the Board of County Commissioners according to their sole discretion.

Section 2.07 Improvement Standards.

Road improvements shall be consistent with standards and specifications adopted by the Board of County Commissioners. Improvements shall be made by the developer prior to submission of the final plat or final map or by an agreement to improve roadways which shall be executed as provided in Section 5.06 of this Ordinance. Roads proposed for construction will be categorized by location:

Rural Roads or Urban Streets.

Design Standards for Rural Roads are provided in Table I.

Design Standards for Urban Streets are provided in Table II.

RURAL ROAD STANDARDS

	LIMITED RESIDENTIAL	RESIDENTIAL	LOCAL	MINOR COLLECTORS	MAJOR COLLECTO
Design Speed Minimum	20 mph	20 mph	30 mph	45 mph	50 mp
Recommended	25 mph	25 mph	35 mph	50 mph	55 mp
Lane Width Minimum	11 feet	11 feet	11 feet	12 feet	12 fe
Recommended	----	----	12 feet	12 feet	12 fe
Surface Type	oil mat	oil mat	oil mat-AC	oil-mat-AC	AC
Degree of Curve Maximum	57 degree	57 degree	40 degree	10 degree	8 deg
Recommended	40 degree	40 degree	30 degree	8 degree	6 deg
Stop Sight Distance					
Minimum	150 feet	150 feet	200 feet	315 feet	350 fe
Recommended	175 feet	175 feet	275 feet	350 feet	415 fe
Grade Maximum	15%	15%	12%	10%	8%
Shoulder Width	---	2 feet	4 feet	6 feet	8 fee
Shoulder Surface	gravel	gravel	oil mat AC	oil-mat AC	AC
Structure Width	28 feet	30 feet	32 feet	36 feet	40 fe
Vertical Clearance	16½ feet	16½ feet	16½ feet	16½ feet	16½ f
Load Design (Structure)	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20
Applicable Specifications	O.S.H.D.	O.S.H.D.	O.S.H.D.	O.S.H.D.	O.S.H
R/W Width Minimum	50 feet	50 feet	60 feet	60 feet	60 fe

TABLE I

Note: "Grades in excess of 8% shall be allowed on soils with erosion and/or drainage problems only if precautions are taken to insure protection of the soil.

URBAN STREET STANDARDS

Page 1

Design Features	Major Arterial	Minor Arterial	Collector	Local Collector
Right of way width	80 ft.-100 ft.	80 ft.	60 ft.	50 ft.
Number of Travel Lanes	2-4	2	2	2
Travel Lane Width	12 ft.	12 ft.	12 ft.	12 ft.
Minimum Curb to Curb Width	48 ft.	44 ft.	40 ft.	36 ft.
Median Left Turn Lane Width	14 ft.	14 ft.	12 ft.	N/A
Cul-de-sacs				
R/W Radius				
Curb Radius	N/A	N/A	N/A	N/A
Surface Type	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C
Design Speed				
Minimum	45 mph	45 mph	40 mph	30 mph
Recommended	50 mph	50 mph	45 mph	40 mph
Horizontal Curves				
Maximum	8°	10°	12°	22°
Recommended	6°	8°	10°	14°
Stopping Sight Distance (Wet, level pavement)	350 ft.	350 ft.	315 ft.	275 ft.
Grade-Maximum	8%	10%	10%	15%
Intersection Gradients (Within 100 ft. of intersection)	2%	2%	2%	4%
Vertical Clearance-Minimum	16 1/2 ft.	16 1/2 ft.	16 1/2 ft.	16 1/2 ft.
Load Design	HS 20-44	HS 20-44	HS 20-44	HS 20-44
On-Street Parking	Restricted/ Limited	Restricted/ Limited	Restricted/ Limited	Limited
Sidewalk-Width	5 ft.	5 ft.	5 ft.	5 ft.
Bikeway[1] -Width	5 ft.-8 ft.	5 ft.-8 ft.	5 ft.-8 ft.	5 ft.-8 ft
Applicable Specifications	APWA	APWA	APWA	APWA

1. If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.

URBAN STREET STANDARDS

Page 2

Design Features	Residential	Minor Residential	Hillside[2]
Right of Way width	50 ft.	50 ft.	40 ft.[3]
Number of Travel Lanes	2	2	2
Travel Lane Width	12 ft.	12 ft.	12 ft.-14 ft.
Minimum Curb to Curb Width	36 ft.	30 ft.	24 ft.-28 ft.
Median Left Turn Lane Width	N/A	N/A	N/A
Cul-de-sacs			
R/W Radius	45 ft.	45 ft.	45 ft.[5]
Curb Radius	38 ft.	38 ft.	38 ft.
Surface Type	A.C. or P.C.C.	A.C. or P.C.C.	A.C. or P.C.C.
Design Speed			
Minimum	30 mph	25 mph	15 mph
Recommended	N/A	N/A	N/A
Horizontal Curves			
Maximum	57°	57°	57°
Recommended	40°	N/A	N/A
Stopping Sight Distance (Wet, level pavement)	200 ft.	150 ft.	75 ft.
Grade-Maximum	15%	15%	15%
Intersection Gradients (Within 100 ft. of intersection)	10%	10%	10%
Vertical Clearance-Minimum	16 1/2 ft.	16 1/2 ft.	16 1/2 ft.
Load Design	HS 20-44	HS 20-44	HS 20-44
On-Street Parking	Allow	Allow	Restricted
Sidewalk-Width	5 ft.	5 ft.-One Side	5 ft.-One Side
Bikeway[1] -Width	N/A	N/A	N/A
Applicable Specifications	APWA	APWA	APWA

1. If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.

2. Hillside street standards shall apply only to non-collector residential streets serving a limited residential area where potential development would not necessitate upgrading or widening the paved surface.

   Hillside development is defined as development in areas where the slope of the terrain makes standard street installation infeasible due to engineering, financial or aesthetic considerations. Aesthetic considerations relate to excessive cuts and fills on slopes.

3. Not including slope easements where required.

Section 2.09 Major Partition Roads.

When five (5) or less rural lots or parcels are to be served by a public road, the developer may elect to construct to a lesser standard as provided in this Section. Such roads will not be accepted for maintenance by the County Board of Commissioners, unless improved to maintenance standards and specifications for Rural Roads.

If the road cannot be extended to serve ultimately more than five (5) lots or parcels, the sub-grade may be constructed to only a single lane width. If the road potentially could be extended to serve more than five (5) lots or parcels the sub-grade shall be constructed to a double lane width to allow future improvement to a Rural Road standard. Design standards for major partition roads are provided in Table III with partitions over 5 lots or parcels requiring rural residential design standards; however, gravel surfacing may be limited to one lane only with gravel surface turnouts intervisible or 800 feet maximum, 50 feet in length plus 25 foot tapers.

If a road is to be improved to the minimum standards herein set forth, rather than the normal standards for Rural Roads, there shall be submitted to the Planning Commission, prior to approval, a provision which shall include the following terms:

1. That the agreements for maintenance and improvement shall be enforceable by any abutter or the County on its own motion.

2. That the property owners abutting the road, their successors or assigns, shall maintain the road, either equally or in accordance with a special formula, such as (but not limited to) in proportion to frontage or acreage.

The agreement required by this section shall be recorded in the public records of Josephine County prior to the transfer of lots or parcels served by a road created in compliance with this section. Preventative maintenance shall be desirable by grading and selective application of rock whenever surface deterioration is evidenced by limited gravel segregation, development of checking or cup size pockets, or washboarding. Crushed rock shall be applied and the road shall be graded when surface deterioration causes inconvenience and discomfort to users because of rutting, washboard gravel segregation, and chuck holes. Restoration of the road shall be accomplished whenever deterioration results in exposure of the sub-grade, failure of the foundation, erosion of ditches or road shoulders, or blockage of culverts. The agreement shall further specify that if the road includes a structure, the structure shall be continually maintained at the loading standard to which it was constructed, and the structure shall be inspected at a minimum

of every ten years by a registered professional engineer. This agreement shall not apply to any County road created prior to the passage of this Section, nor shall any maintenance agreement be binding on any lot or parcel, lawfully created and existing prior to the creation of a new road, that abuts a new road unless included in the maintenance agreement by voluntary action of the property owner.

TABLE III, MAJOR PARTITION ROAD STANDARDS

	MAXIMUM FIVE LOTS OR PARCELS	POTENTIAL FOR MORE THAN 5 LOTS OR PARCELS
Design Speed Minimum	10 mph	20 mph
Recommended	20 mph	25 mph
Lane Width Minimum	11 feet*	11 feet surfacing
Recommended	------	-------
Surface Type	Gravel	Gravel
Degree of Curve Maximum	50 foot radius	57 degree
Recommended	100 foot radius	40 degrees
Stop Sight Distance		
Minimum	75 feet	150 feet
Recommended	150 feet	175 feet
Grade Maximum	18%	15%
Shoulder Width	1 foot	0 foot
Shoulder Surface	Gravel	Gravel
Structure Width	12 feet	28 feet
Vertical Clearance	16½ feet	16½ feet
Load Design (Structure)	------	-------
Applicable Specifications	------	-------
R/W Width Minimum	25 feet	50 feet
Top Course	3/4-0 Crushed Rock, 3 inches	3/4-0 Crushed Roc 3 inches
Base Course	1½-0 Crushed Rock or Shale, 3 inches	1½-0 Crushed Rock or Shale, 3 inche

*Turnouts shall be provided intervisible or 800 feet, constructed 50 feet in length plus 25 foot tapers on each end.

Note: Grades in excess of 8% shall be allowed on soils with erosion and/or drainage problems only if precautions are taken to insure protection of the soil.

Section 2.10 Alleys.

The minimum width of alleys, when provided in residential blocks, shall be 20 feet. Alleys shall be provided in commercial and industrial districts and shall not be less than 20 feet in width.

Section 2.11 Cul-de-sacs.

Dead-end (cul-de-sac) streets shall terminate in a turnaround with a minimum property line radius of 50 feet. The Planning Commission, however, may increase the radius of the turnaround or provide building restrictions for fire prevention purposes.

Section 2.12 Street Intersections.

1. All streets shall intersect at right angles (90 degrees) one to the other; where an intersection at 90 degrees cannot be secured by reasons of physical conditions of the site, and angular intersection of not less than 60 degrees may be permitted.

2. Right-of-way lines at street intersections shall be rounded with an arc parallel to the curb or shoulder arc.

3. Collector and arterial intersections shall have roadway curb or road shoulder radii of not less than 25 feet; all other street intersections shall have roadway curb radii of not less than 20 feet.

Section 2.13 Blocks.

The length, 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.

Section 2.14 Easements.

Easements for sewers, drainage, watermains, electric lines, or other public utilities or cable TV shall be dedicated wherever necessary. The Planning Commission may require the developer to acquire and dedicate easements on adjoining property when necessary to protect the public health, safety and general welfare.

Section 2.15 Creation of Streets.

The creation of streets outside of a subdivison shall be in conformance with the County road standards, except, however, that the Planning Commission may recommend to the Board of

Commissioners the creation of a street outside of a subdivision to be established by deed without full compliance with the platting regulations applicable to subdivisions or major partitions provided any of the following conditions exist:

1. The establishment of the street is initiated by the Board of Commissioners and is declared essential for the purpose of general traffic ciruclation, and the partitioning of land is an incidental effect rather than the primary objective of the street.

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

3. The street would serve a major partition when the partition parcels are located more than one quarter of a mile from a public street or road.

4. The street is to provide access to parcels that were created prior to the enactment of this Ordinance.

5. The street is necessary to provide access intervening between a proposed subdivision and public road.

Section 2.16 Submission of Proposed 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 Planning Director at least thirty (30) days prior to the Commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the design standards of these regulations, shall be approved with such conditions as are necessary to preserve these standards. Requirements for creation of a street by deed must include engineering data, plan and profile as required in Section 4.08 and construction of the road or street to appropriate standards applicable to the creation of a street by dedication in a subdivision.

Section 2.17 Sewage Disposal.

Sewage disposal improvements for each lot or parcel shall be in compliance with the requirements of the County Health Department, Department of Environmental Quality, and sanitary sewer district (if the proposed development is within the district boundaries or is proposed or conditioned for annexation to a district), and any other applicable laws.

Section 2.18 Repealed.

Section 2.19 Lot Standards.

1. All proposed lots or parcels in a subdivision or partition shall not be divided in size less than the minimum requirements of the Zoning Ordinance, except that lots or parcels containing less than the minimum requirements may be approved provided that (a) not more than five (5) such deficient lots or parcels are created from an original tract; and (b) the area deficiency is contained within the access to the lot or parcel such as a flagpole or public road right-of-way. The County Health Department shall recommend lots in excess of zoning regulations when deemed necessary to protect health and safety.

2. Each lot shall not be greater than four times deeper than it is wide, exclusive of the "pole" of a flaglot.

   a) It shall be the policy of the County to encourage the construction of public roads to provide safe and identifiable access to properties. Where the extension of a public road is not identified on an official map or where the creation of a public road is not practical due to the relative isolation of a few parcels, "flaglotting" may be permitted subject to the following standards:

      1) The "flagpole" shall not exceed in length twice the width of the lot at the building line or twice thelength of the lot, whichever dimension is the lesser.

      2) The "flagpole" shall maintain a width of at least twenty-five (25) feet or twenty (20) feet as required by any applicable zoning ordinance as minimum access at the point of abuttment to a public road and throughout its length.

      3) The natural grade of the "flagpole" shall not be so steep as to prevent the construction of a driveway with a grade not exceeding 18%.

      4) Not more than two adjacent flaglots shall be created.

      5) The "flagpole" may alter course or direction provided that the change in direction will not result in confusing the address on the public road with the location of the building site for mail delivery or access by emergency vehicles; and provided that a driveway

can be constructed wholly within the "flagpole" with a turn that does not exceed a 50 foot radius.

6) The "flagpole" shall not cross a live stream, ravine, irrigation ditch, or similar topographic feature without provision of an adequate structure or fill and culvert, according to the standards established by the Commission.

b) The Planning Commission may permit flaglotting contrary to the subsections 1 and 4 above where in the opinion of the Commission, subject to public hearing, the proposed development will represent an efficient use of land and will not endanger the public health, safety and welfare. In addition, the Planning Director may refer to the Planning Commission at a public hearing any proposed partition that in his opinion would endanger the public safety or welfare or would create future development problems.

Section 2.20 Subidivison Name.

The name of any subdivision or major partition shall not duplicate or be so as to be confused with the name of any existing subdivision or parcel or area within the county, unless the subdivision is contiguous to a subdivision of similiar name which was platted by the same developer. Adjacent plats shall be consecutively designated as additions.

Section 2.21 Water Systems.

1. Grants Pass Urban Growth Area

All subdivisions and partitions within the Grants Pass Urban Growth Boundary area shall be provided with a water system to the lot line of each lot within the subdivision or partition in accordance with the City of Grants Pass standards and applicable requirements of the Oregon State Health Division. Such water systems shall be installed prior to approval of the final plat or the developer shall complete an assurance agreement as provided in Section 5.06 of this Ordinance.

Pipe sizes shall be in accordance with the water facilities plans adopted by the City of Grants Pass and Josephine County for said Urban Growth Boundary area.

At County discretion, the developer may be permitted to

post security for partitions. Said security to guarantee future construction of water facilities if actual construction is not feasible at the time of site development.

2. Other Urbanizing Areas

Except for the Grants Pass Urban Growth Area, all subdivisions and partitions located within urbanizing areas which are served by public sewers shall be provided with a public water system to the lot line of each lot line of each lot within the subdivision or partition. Such system shall be designed for meeting domestic needs and may be required to be designed for meeting fire fighting capacity. Such systems shall be installed prior to approval of the final plat or the developer shall complete an assurance agreement as provided in Section 5.06 of this Ordinance. Such assurance may include agreements to annex; incorporation of a water district, private water cooperative, or development of a service utility; posting of a bond or contributions of funds in sufficient amount to mitigate the burden created by the subdivision on public water supplies, which bond shall be held or which funds shall be placed in trust for the benefit of the subdivision; or any other assurance which in the opinion of the Planning Commission satisfies the intent of this section. Pipe sizes and design standards for any system shall be specified by the city, special district, or cooperative that will eventually serve the proposed subdivision or partition. In any area where a future public water supply source has not been identified, design standards shall be specified by the County Public Works Department in consultation with the authority which will eventually serve the proposed subdivision or partition. Design approval shall take into account provision for extension beyond the subdivision to adequately grid the appropriate water system plan.

3. Section 2.22 <u>Exclusion of Property</u>.

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

exist:

1. The area to be excluded from the tentative plan is greater than one (1) acre in size.

2. The excluded area is being reserved for future development and will not be immediately developed, or has already been developed.

3. The excluded area will not be provided access by the creation of any new street or road in the subdivision or major partition.

5. Section 2.23 Irrigation.

6. If lands to be subdivided or partitioned include rights for irrigation, provision shall be made for the continuation of those rights through the delivery of irrigation water to each lot or parcel in the subdivision or partition in which the historic application of water has been made.

7. Section 2.24 Street Lighting in Urban Areas.

8. Street illuminating lights shall be installed within urbanizing areas where appropriate and shall be served from an underground source of supply. The placement and design thereof shall be subject to the approval of the County Engineer.

9. Section 2.25 Standard Drive Approaches.

10. Standard drive approaches shall be installed pursuant to County design standards.

11. Section 2.26 Sidewalks.

12. Sidewalks shall be installed on both sides of public streets within urbanizing areas in accordance with urban street standards. Exceptions to this standard where the Commission may delete required sidewalks are as follows:

    1. Where special pedestrian ways are constructed within the subdivision that provided suitable alternative pedestrian routes.

    2. Where hillside design variance is allowed as part of tentative plan approval.

13. Section 2.27 Bicycle Lanes.

14. If appropriate to the extension of a system of bicycle routes, existing or planned, or if a need is otherwise

indicated, the Commission may require the installation of separate bicycle lanes within streets and/or separate bicycle paths. Such paths shall meet the standards of the State of Oregon.

15. Section 2.28 Drainage Facilities.

16. Drainage facilities shall be provided within a subdivision, major partition and, within urbanizing areas, minor partition, and shall be connected to drainage ways or storm sewers outside the subdivsion or partition that have an adequate capacity to accept drainage water from the subdivision or partition as provided below:

    1. Design of drainage within the subdivision or partition, as approved by the County Engineer, consistent with the County's drainage plan, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or partition and to allow extension of the system outside the subdivision or partition.

    2. Drainage for the individual lots of the proposed subdivision or partition and the proposed subdivision as a whole shall be accomplished in such a manner so as to prevent the excessive flow of water across property lines, sidewalks, and other public right-of-ways.

    3. Where land in a subdivision or partition, in the opinion of the County Engineer, is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Commission shall require the developer to provide for adequate unrestricted drainage.

    4. Provision for drainage shall be shown on a drainage plan for both within and adjace to the subdivision or partition. The plan shall show easements and any improvements to be constructed.

    5. Public improvements shall be approved by the Commission as adequate for the drainage needs of the area. Where necessary in the judgement of the Commission for protection of such needs, the Commission may condition the tentative plan approval on the conveying of ownership of such drainage land for drainage purposes to the County.

17. Section 2.29 Utility Easement.

18. All utilities shall be placed underground within urbanizing areas. In addition, utilities shall be placed underground to the lot line of each lot during the construction of any new street or road that will be maintained by the County or has the potential to be maintained by the County. The developer shall make necessary arrangements with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television shall be placed underground. Varinaces may be granted to this section when in the opinion of the Commission the provisions of Section 9.08 of this Ordinance are found to be applicable.

CHAPTER 3

MONUMENTATION

Section 3.01 Monumentation.

All subdivision plats or major partition final maps designating land within Josephine County shall be surveyed and all monuments erected shall comply with ORS 92 with the addition of the following:

1. A traverse of the boundaries of the tract and all lots and blocks must close with a mathematical closure of one to ten thousand and field closures of one to five thousand.

2. The initial point of all subdivision plats or major partition final maps shall be marked with a monument, either of stone, concrete or galvanized iron pipe. If stone or concrete is used, it shall not be less than 6 inches by 6 inches by 24 inches. If galvanized iron pipe is used, it shall not be less than two inches in diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference to some known corner established by United States survey.

3. The intersections of all streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods. If stone or concrete is used it shall not be less than 6 inches by 6 inches by 25 inches. If galvanized iron pipe is used it shall not be less than one inch in diameter and thirty inches long. If iron or steel rods are used they shall not be less than 5/8 of an inch in diameter and thirty inches long. In addition all P.C. and P.T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driven twenty-eight (28) inches into the ground, when possible, set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point.

4. All lot or parcel corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in least dimension and two feet long.

5. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them within one-tenth of a foot.

6. All monuments for the exterior boundaries of a subdivision or major partition shall be marked and such monuments shall be referenced on the plat or final map before the plat or map is offered for recording. However, interior monuments for the subdivision or major partition need not be set prior to the recording of the plat or final map if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date.

Section 3.02 Surveyor Affidavit.

1. Except as otherwise provided in this section, all plats, final maps, or diagrams designating the location of land within Josephine County, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that he has correctly surveyed and marked with proper monuments the lands as represented, that he marked a proper monument as provided in ORS 92.060 indicating the initital point of such survey, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the United States survey, or giving two or more objects for identifying its location, and accurately describing the tract of land upon which the lots and blocks or parcels are laid out.

2. If the person subdividing or partitioning any land has complied with Section 3.01(6) and Section 5.06 of this Ordinance, the surveyor may prepare the plat or final map of the major partition or the subdivision for recording with only the exterior monuments referenced thereon as submitted for recording. There shall be attached to any such plat or final map the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before the specified date in accordance with ORS 92.060 and referenced on the plat or final map as approved by the Planning Commission.

3. After the interior monuments for a subdivision or major partition have been marked or an agreement has been submitted under Section 3.01(6) and Section 5.06 of this Ordinance, the surveyor performing such work shall within five days after completion of such work, notify the person subdividing or partitioning the land involved, the County Surveyor, and Planning Director, and shall:

   a. Reference such monuments on an exact copy of the subdivision plat or major partition final map.

b. Upon approval of such plat copy or final map copy under ORS 92.100, file one copy with the County recording officer with whom the plat of the subdivision or final map of the major partition was previously recorded and one copy with the County Surveyor.

4. The County recording officer, upon receipt of a plat copy or final map copy filed pursuant to subsection 3 of this section, shall record such copy and endorse the recording reference for such copy upon the plat of the subdivision or final map of the major partition previously recorded. The recording reference for such plat copy or final map copy shall operate as reference to the interior monuments referenced on such copy and shall constitute constructive notice of such monument references for all purposes as though such monuments had been referenced on the plat of the subdivision or final map of the major partition as previously recorded.

Section 3.03 Surveyor Approval.

Prior to review of a final plat of a subdivision or final map of a major partition by the Planning Commission, the plat or map must be submitted to and approved by the County Surveyor. The County Surveyor shall check the subdivision or partition site and the plat or map and shall determine that the plat or map complies with the provisions of ORS 92.050 and with the provisions of this Ordinance. The County Surveyor may direct such changes to be made on the plat or map or at the site as are necessary to satisfy the requirements of ORS 92.050 or this Ordinance. The subdivider shall pay the following fees to the County Surveyor:

1. For major partitions or subdivision $100.00 plus $5.00 for each lot or parcel.

be of scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. The tentative plan shall show all of the following information:

1. The proposed name of the subdivision.

2. North point, scale, date of application, and bases of bearing.

3. Names and addresses of the owner or owners, and any participating engineer, surveyor, land planner or landscape architect.

4. The tract designation or other description according to the real estate records of the Josephine County Assessor.

5. The boundary lines (accurate in scale) of the tract to be subdivided.

6. A topographic map with contour intervals, based on the overall difference in elevation in the proposed subdivision as listed in the following chart:

DIFFERENCE IN ELEVATION	CONTOUR INTERVAL
0' - 25'	2'
26' - 50'	5'
51' - 100'	10'
101' - 200'+	10' Open, 20' Timber

7. The location, width and names of streets or public ways within the tentative plan along with existing buildings, railroad right-of-ways and other important features such as section lines, political subdivisions or corpration lines and school district boundaries.

8. Approximate location of existing sewers, water mains, drainage structures, fire hydrants, culverts or underground utilities and improvements within the tract or immediately adjacent thereto, including existing structures.

9. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.

10. The name of new streets, and approximate grades of all streets proposed or existing in the subdivision or major partition, and the approximate widths and locations of any proposed easements for drainage, sewerage, and public utilities.

11. Typical cross-sections of proposed streets, showing all utility improvements proposed within the street right-of-way and adjacent easements at such scale to clearly show the details thereof.

12. Approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of all watercourses.

13. Proposed lots or parcels, approximate dimensions and square footage or acreage designation, and lot numbers.

14. Appropriate information clearly stating the map is a tentative plan.

15. Proposed source of water supply, if any; and, if not a municipal source, estimated volume to be available, together with data regarding the proposed location and type of all storage facilities.

16. If a domestic water supply proposed by the developer includes the drilling of wells, information on the feasibility of well drilling. Such information will be provided even if the developer is not required by the Commission to drill the wells.

17. The proposed method of sewage disposal.

    a. If to be served by a community sewer system, information regarding the location of lines and the feasibility of collection. If treatment is to be accomplished by an existing municipal or public sewage facility, a statement regarding the ability of the facility to accommodate the projected increased load. If treatment is to be accomplished by a new installation or privately owned treatment facility, a statement regarding conformity to applicable regulations of the Oregon State Department of Environmental Quality.

    b. If to be served by a community collection and storage system, data regarding the location of all proposed lines, holding tanks, storage facilities, and pumping facilities. Information will also be provided regarding the proposed removal and disposal of the sewage, the location of the dumping facility, eventual treatment, and the method of transport.

    c. If to be served by subsurface sewage disposal, a suitability statement from a soil scientist regarding the suitablility of the soils for subsurface disposal.

18. Information on the source of other public utilities.

19. Proposed deed restrictions, if any.

20. If located within the boundaries of an irrigation district, the irrigation district involved.

21. The location of any environmental hazard, such as areas unsuitable for building purposes, or land subject to mass movement, erosion, or similar natural phenomena; and, if the subdivision or major partition is located within a flood prone area, base flood elevation data and the location of flood prone area, including the regulatory floodway, if any.

Section 4.05 Rejection of Plan.

All rejections shall be consistent with the procedures established by the Land Use Hearing Rules applicable to quasi-judicial hearings.

Section 4.06 Approval of Plan.

Approval of the tentative plan shall be a tentative approval and shall not constitute acceptance of a plat or final map. Tentative approval shall expire and become null and void eighteen months after the date of an approval letter unless the final plat or map is submitted within that period of time in accordance with this Ordinance and Planning Commission regulations. Tentative approval shall be given only by signed order and not by notation upon the tentative plan. Findings of fact and the final order shall be signed by the Commission or their delegate. Approval of the tentative plan shall be binding upon the developer and the Planning Commission for the purpose of the preparation of the final plat or final map. The Planning Commission may require only such changes in the plat or map as are necessary for compliance with the approved tentative plan (except minor conditions imposed during implementation of the tentative plan by the County Engineer consistent with Josephine County Road Standards, Sanitary Sewer Standards, Interim Development Standards, Groundwater Development Standards, Water System and Storm Sewer Design Standards, and other desgin standards contained in ordinances adopted by the Board of County Commissioners). Approval is subject to appeal, and until the appeal period expires, improvements to the property are at the developer's risk.

Section 4.07 Conditions of Approval.

As conditions of approval for the tentative plan, the Planning Commission may require such additional information or development as necessary for the full utilization of resources, environmental protection, consumer protection, and protection of

adjacent properties or other requirements deemed appropriate for the protection of public health, safety, welfare and convenience. Such conditions may include, but shall not be limited to, the provision of domestic water on each or some of the lots, paving of streets or ways, construction of sidewalks or pedestrian paths, control of erosion, and extension of streets to existing maintained roads. The Planning Commission may require the dedication of lands for public parks, school sites, or other purposes. The Commission may also require off-site improvements to be completed by the developer when necessary to mitigate impacts resulting from the development, according to standards or procedures established by the Commission or Board of County Commissioners.

Section 4.08 Road Plans.

After approval of the tentative plan by the Planning Commission, but prior to construction of any road within a subdivision, or major partition the developer shall submit to the Engineering Supervisor of the Public Works Department the following information:

1. A plan and profile on Federal Aid sheets showing the following:

    a. Width of the proposed dedication throughout the length of the proposal.

    b. Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.

    c. Ground line and grade line profile on the centerline of the proposed street or road.

    d. Vertical curve data showing P.I. elevations and stations, length of vertical curve and tangent.

    e. Earthwork distribution (only when the developer proposes to bond or provide other financial guarantee for construction of roads for approval of the subdivision plat).

    f. Location and material type for waste or borrow areas.

    g. Typical road section(s).

    h. Drainage and culvert design and location, and typical ditch section.

2. Cross Sections:

a. Shall be platted on rolls of ten (10) on standard cross-section paper.

Computed cross-section printouts may be submitted in lieu of platted cross-sections.

b. Shall show proposed widened cuts or fill if these are needed for material balance.

3. Sheets and drawing showing the following:

a. Traverse data including the coordinates of the boundary of the subdivision or major partitions and ties to section corners and donation land claim corners, and showing the error of closure, if any.

b. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

Section 4.09 Sewer and Utility Plans.

1. Sewer plans meeting requirements of the Josephine County service districts in which the subdivision is located and approval of the Oregon State Department of Environmental Quality shall be submitted to the County Engineer after approval of the tentative plan but prior to construction of the sanitary sewers.

2. Provisions for road construction and installation of utilities and scheduling of work will be provided by the developer prior to construction.

Section 4.10 Water Plan.

1. After approval of the tentative plan, the developer shall submit to the County Engineer and County Health Department, water system plans meeting requirements of the Oregon State Health Division.

2. If required by the Commission, water systems shall be designed to provide fire flow capacity meeting standards established by the State Fire Marshall.

CHAPTER 5

FINAL PLAT OR MAP

Section 5.01 Submission of the Final Plat or Map.

Within eighteen months of the date of the Planning Commission approval of the tentative plan, the developer shall submit a final plat or map in conformance with the approved tentative plan to the Planning Director and the County Surveyor. Failure to submit a plat or map for the Planning Commission's review within eighteen (18) months will nullify Planning Commission approval of the tentative plan. In order to proceed with a subdivision or major partition after the expiration of approval, the subdivider must resubmit a tentative plan to the Commission.

Section 5.02 Submission Procedure.

Any final plat for a subdivision or final map for major partition submitted to the Planning Commission shall be an accurate plat for official record prepared by registered engineer or licensed land surveyor and shall conform to: the provision of this Ordinance, the applicable laws of the State of Oregon, and any other requirements that the Planning Commission has made. The final plat or final map shall have attached thereon an affidavit from the surveyor that he has correctly marked with proper monuments the land as represented in the plat and the survey was carried out in accordance with the standards of Chapter 3 of this Ordinance. All outstanding assessments shall be paid prior to accepting the final plat or final map, or proof shall be submitted that the assessments have been segregated.

Section 5.03 Plat or Map Specifications.

The final plat for a subdivision or final map for a major partition submitted to the Planning Commission shall be in black India ink, on good quality material as specified by the County Surveyor, suitable for binding and copying 18" x 24" in size. No part of the drawing shall be nearer to the edge of the sheet than one inch. The drawing shall be in conformity to ORS 92.080. The final plat or final map shall also be accompanied by an exact duplicate of the final plat, suitable for making prints, and fourteen prints.

Section 5.04 Information Required.

The final plat for the subdivision or the final map for a major partition shall show, in addition to that otherwise required by law, the following information which shall be shown on the plat or map or shall accompany the plat or map:

1. The date, north point, and scale.

2. Legal description of the tract boundaries.

3. Name of the owner or owners, subdivider, and engineer or surveyor.

4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

   b. Adjoining corners of adjoining subdivisions.

   c. City boundary lines when crossing or adjacent to the subdivision.

   d. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this Ordinance.

5. The exact location and width of streets and easements intercepting the boundary of the tract.

6. Tract, block, and lot or parcel boundary lines and street right-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Approximate high water lines for any creek, lake or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with bases of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

7. The width of the portion of streets being dedicated and the width of existing right-of-ways. For streets on a curvature which are being dedicated, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.

8. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication.

9. Lot or parcel numbers beginning with the number "1" and numbered consecutively in each block.

10. The area of each lot or parcel which is one acre or larger to the nearest hundredth of an acre. If less

than one acre, the area to the nearest square foot.

11. Block numbers beginning with the number "1" or the letter "A" and continuing consecutively without omission or duplication throughout the subdivison. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in any addition to the subdivision of the same name shall be a continuation of the numbering in the original subdivision.

12. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots or parcels intended for sale.

13. The following certificates which may be combined where appropriate:

    a. A certificate signed and acknowledged by all parties having any proprietary interest in the land, consenting to the preparation and recording of the plat or final map.

    b. A certificate signed and acknowledged as above, dedicating all lots for land shown on the final map or final plat intended for the exclusive use of the owners in the subdivision or partition, their licensees, visitors, tenants, and servants.

    c. A certificate conforming to ORS 92.060 and 92.070 with the seal of and signed by the engineer or surveyor responsible for the survey and final plat or final map.

    d. A certificate or transfer deed signed by all parties having any proprietary interest in the land, dedicating to the public all streets and roads without any reservation or restriction other than reversionary rights upon vacation of any street or road and easement for public utilities.

    e. Other certifications now or hereafter required by law.

Section 5.05 <u>Additional Information Required</u>.

In addition to the requirements of Section 5.04 the following data shall accompany the final plat or final map:

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

interest in the premises.

2. A copy of any deed restrictions applicable to the subdivision or partition.

3. A copy of any dedication requiring separate documents.

4. A list of all taxes and assessments on the tract which have become a lien on the tract.

5. Sheets and drawings showing the following:

   a. Traverse data including the coordinates of the boundary of the subdivision or partition and ties to section corners and donation land claim corners, and showing the error of closure, if any.

   b. The computation of distances, angles, and courses shown on the plat.

   c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and street highway stationing.

6. A certificate by the County Engineer that the developer has complied with the improvement requirements of Section 2.08, 2.09, 2.16, 2.21, 2.24, 2.25, 2.26, 2.27, 2.28 or 2.29 or a bond or a certified check has been provided which is available to the County in sufficient amount to assure completion of all required improvements within two (2) years of approval.

7. One of the following provisions regarding water shall be received and accepted by the County prior to the approval of the plat:

   a. A certification by a municipally-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat;

   b. A bond, contract, or other assurance by the subdivider to the County that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line on each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any reasonable change in such amount as determined necessary by the County;

c. A statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist.

8. One of the following provisions regarding sewage disposal shall be received and accepted by the County prior to the approval of the plat:

a. A certification by a municipally-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;

b. A bond, contract or other assurance by the subdivider to the County that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any reasonable change in such amount as the County considers necessary;

c. A statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report.

Section 5.06 Agreement to Meet Conditions.

The Planning Commission may accept an agreement, at its option, which is executed by the developer specifying the period in which compliance shall be completed. Such an agreement will be made in writing specifying the exact terms of the items to be completed.

No agreements shall be effective as an alternative to compliance unless and until:

1. The developer shall file to assure his full and faithful performance thereof, one of the following:

a. A surety bond, in a form approved by the County Legal Counsel and executed by a surety company authorized to transact business in the state of Oregon;

b. Cash.

c. Securities, in a form approved by Legal Counsel, and an amount approved by the Board of County Commissioners.

2. Such assurance shall be for a sum, as approved by the County Engineer, determined by a licensed engineer or, in the case of survey monuments and roads, by a licensed land surveyor as approved by the County Surveyor, as sufficient to cover the costs of included improvements and repairs of monuments and including related County expenses; and

3. Such assurance provides that:

   If the subdivider fails to carry out provisions of the agreement or the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement; if the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder; and if the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the subdivider shall be liable to the County for the difference.

Section 5.07 Approval of the Final Plat.

The Planning Commission, after proper review and consideration, may approve the final plat or final map by indicating its approval thereon the original. The final plat or final map will then be circulated by the developer to other agencies for their review and approval. Signatures of the Planning Commission Chairman, the County Surveyor, the Assessor, an agent of the Department of Environmental Quality, State of Oregon, the Board of Commissioners and other officials as required by law shall be placed on the final plat of record as proof of final approval. Upon securing all other necessary signatures and payment of all fees, ad valorem taxes, special assessments or other charges required by law, the final plat or map shall be submitted to the Board of County Commissioners for approval and signing within ninety (90) days of the Planning Commission's approval. The final plat or map shall not be approved by the Board of Commissioners until the Board is satisfied that all applicable state and local regulations and conditions have been satisfied. If the plat or map is not submitted to the Board within ninety (90) days of the Planning Commission's approval, the approval of the Planning Commission shall be null and void. The Planning Commission may grant an extension of time for good cause.

Section 5.08 Rejection of the Final Plat.

After reviewing the final plat or final map, the Planning Commission may reject the document by providing the subdivider with a summary of the reasons for taking such action. This rejection shall be in the form of specification of elements in the plat which do not meet required standards or conditions of tentative plan approval. The developer must resubmit a revised plat or map correcting all the deficiencies specified by the Planning Commission in order to receive Commission approval.

Section 5.09 Filing.

After obtaining all required approvals and signatures, the developer shall file the plat or map within thirty (30) days with the County Clerk. Failure to file the document within 30 days will require resubmission of the tentative plan to the Board of County Commissioners. Immediately after approval of a final plat, a subdivider shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. In addition, a copy of the survey shall be filed with the County Surveyor.

Section 5.10 Dedication.

Approval of a final plat or map by the Board of Commissioners shall not be deemed to constitute or effect an acceptance for maintenance by the County of the dedication of any street or other proposed public way or area shown on the plat, unless agreed to by a separate order of the Board of Commissioners.

CHAPTER 6

MINOR PARTITIONS

Section 6.01 Application and Review Procedure.

Whenever tracts are to be minor partitioned for building development, now or in the future, a plan map for the proposed partition and two copies shall be submitted to the County Planning Director, who shall act as an agent of the Planning Commission. The application shall be accompanied by a non-refundable fee in an amount to be established by resolution of the Board of County Commissioners. The Planning Director or his assistants shall determine that the partition is a minor partition, that the map contains all required information, and that the proposed partition conforms to the Josephine County Zoning Ordinance. Upon such determination, the Planning Director shall accept the map for a minor partition by signing a statement of acceptance on the maps. One copy shall be transferred to the Assessor for tax lot mapping, and the original shall be filed with the County Clerk by the partitioner. The original plan map shall be drawn in black ink on good quality material, suitable for reproduction, 8.5" x 14" in size, and shall be of such scale that all survey or dimensional information and all other details may be clearly and legibly shown thereon. Maps shall be drawn using engineers scales.

Section 6.02 Information Required on Plan Map.

The plan map for minor partitions shall include the following information on the map or attached to the map on supplemental sheets:

1. North point, scale, and date.
2. Name of the owner and/or partitioner.
3. Legal description of the tract boundaries.
4. The location and names of existing public streets, abutting the tract.
5. Parcel boundary lines and dimensions (accurate in scale).
6. The approximate area of each parcel.
7. Identification that the map is a minor partition.
8. If surveyed, the seal of a registered surveyor.

9. The location and size of drainage lines, sewer lines, water lines, and utility easements; and the approximate location of utility poles and existing structures together with approximate distances in feet from existing structures to new parcel lines created by the proposed partition. This information shall be provided within any urbanizing area, rural convenience center, or rural residential area. In addition, the Director may require such information whenever such information is necessary to determine compliance with County Ordinances.

10. If the partition is located within a flood hazard area, base flood elevation data and the location of the flood hazard area, including the regulatory floodway, if any.

11. A certificate signed by the property owner and/or partitioner's warranting that to the best of the owner's and/or knowledge all information shown on the plan map is accurate and correct and the applicant accepts responsibility for such representation.

12. A statement signed by the City Finance Director that all municipal liens and a statement signed by the owner and/or partitioner that all other public liens on the property have been paid or that the assessments have been segregated.

Section 6.03 Rejection of Plan.

If the Planning Director determines that the proposed partition does not conform to the Zoning Ordinance, is not a minor partition, or that the map does not contain all required information, he shall reject the plan map, and shall provide the developer with a list of his reasons. The Planning Director shall complete the determination within ten (10) days of the submission of the plan map.

Section 6.04 Prohibitions.

No person, agent, or corporation shall divide or sell any parcel located in any minor partition, except according to the provisions of an accepted minor partition plan map. If any change is made to the partition, inconsistent with the accepted partition map, or if any improvements required by this Ordinance are not complete, the Director may rescind acceptance of the partition.

Section 6.05 Compliance.

In addition to the requirements of Section 6.02 the following information will be reviewed in order to determine if the minor partition complies with County standards:

1. Compliance with the County Zoning Ordinance.

2. Compliance with the Comprehensive Plan for Josephine County.

3. Conformance with the Official Street Map or other potential street extensions.

4. Compliance with all applicable rules, regulations, ordinances and policies of the County.

5. All lots created shall conform to the lot standards for subdivisions and major partitions in Sections 2.07, 2.19, and 2.23 of this Ordinance.

Section 6.06 Filing Minor Partition Map Requirement.

The minor partition plan map shall become null and void if not filed pursuant to Section 6.01 within thirty (30) days of approval.

Section 6.07 Fees.

The developer shall pay fees at the time of application pursuant to the County's resolution on subdivision fees.

CHAPTER 7

PLANNED DEVELOPMENT

Section 7.01 Purpose.

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

Section 7.02 Standards.

The following standards are requirements which shall govern the application of a planned development in an area in which it is permitted in accordance with the zoning ordinance.

1. Standards governing area, density, yards, off-street parking, or other requirements shall be guided by the standards of the zone in which the planned development is proposed.

2. Deleted

3. The density of dwelling units shall not exceed that normally allowed by the zoning district in which the proposed development is located. This provision is not to be confused with the ability of a developer to increase the density of dwelling units within a given area of the planned development through the retention of open space while maintaining the density ratio of acres per dwelling.

4. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests will be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon.

5. A draft or outline of the articles of incorporation or a draft of the by-laws of any such association shall be reviewed by the County Legal Counsel. Said association shall be formed and continued for the purpose of maintaining such common areas and structures. The vote of the majority of members shall prevail except in the case of termination of said organization with twenty (20) years of beginning as provided by the articles of formation. The Planning Commission shall not approve any planned development unless the developer has adequately provided for the permanent maintenance of open space and payment of taxes through an association.

6. In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.

7. The Planning Commission may require easements necessary for orderly extension of public utilities to future adjacent developments.

8. The tract or tracts of land included in a proposed planned development must be in one ownership or control, or subject of a joint application by all persons possessing recorded interest in the title to the tract.

9. Areas of semi-public uses within the planned development may be included as open space in calculating the allowable density for residential projects.

10. The development program shall assure that unique or scenic natural features of the land are preserved and that landscaping is provided for common use areas when appropriate.

11. Performance bonds may be required to insure that a planned development proposal is completed as submitted consistent with the development schedule agreed upon by the developer and the Commission.

12. The planned development shall not be used as a vehicle for a developer to avoid the normal requirements of this Ordinance.

Section 7.03 <u>Development Improvement Prohibited Pending Compliance</u>.

No development or building permits for required improvements may

be authorized or issued within the planned development prior to final plat approval except in compliance with the following:

1. Full compliance with all provisions of this Ordinance including execution and filing of all documents required herein.

2. Full compliance with the conditions imposed by the Planning Commission or by the Josephine County Zoning Ordinance.

3. Full compliance with the approved tentative plan.

Section 7.04 <u>Procedure and Information Required on Tentative Plan</u>.

1. An applicant shall submit fifteen (15) copies of a tentative plan to the Planning Director. The tentative plan shall include the following informatinon:

   a. Proposed land uses, approximate building locations, type of construction, if known, and housing unit densities.

   b. Proposed circulation pattern indicating the status of street ownership, parking areas, type of surfacing, curbs, etc.

   c. Proposed open space uses, showing proposed landscapted areas.

   d. Proposed grading and drainage pattern.

   e. Proposed method of water supply, sewage disposal, and electrical facilities.

   f. Relation of the proposed development to the surrounding area and the Comprehensive Plan.

2. Prior to discussion of the plan at the Planning Commission meeting, copies shall be submitted by the Planning Director to the County Health Department and the County Public Works Department, Site Plan Committee and any other agency that would have a direct interest in the development for study and comment.

3. The Planning Commission shall consider the tentative development plan at a meeting at which time the findings and recommendations of the Health Department, Public Works Department, Site Plan Committee and other agencies shall also be considered. In considering the plan, the Commission shall seek to determine that:

a. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard regulation requirements.

b. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area, and the area around the development can be planned to be in substantial harmony with the proposed plan.

c. The plan can be completed within a reasonable period of time.

d. The streets are adequate to support the anticipated traffic and the development will not overload streets outside the planned area.

e. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

f. The development will not have an adverse effect on the overall community welfare.

4. If, in the opinion of the Commission, the foregoing provisions are satisfied, the proposal shall be processed according to this section. If the Commission finds to the contrary, they may recommend the application be denied or tabled or return the plan to the applicant for revision.

5. In addition to the requirements of this chapter, the Commission may attach conditions it finds are necessary to carry out the purposes of this regulation. These conditions may include, but are not limited to the following:

a. Increasing the required setbacks.

b. Limiting the height of buildings.

c. Controlling the location and number of vehicular access points.

d. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.

e. Increasing the number of parking spaces and improving design standards for parking areas.

f. Limiting the number, size, location, and lighting of signs.

g. Designating sites for open space and recreational development, and, in general, improving landscaping requirements.

h. Requiring additional view obscuring screening or fencing.

i. The Planning Commission may make requirements benefiting other factors relevant to the health, safety, and welfare of the community directly affected by the development.

Section 7.05 Conditions of Sewage Disposal.

If the method of sewage disposal is to be by subsurface septic treatment, the developer shall provide the Planning Commission with a statement of approval of proposed subsurface sewage disposal from an authorized representative of the Department of Environmental Quality or from the County Sanitarian for each lot to be sold. If subsurface disposal is inadequate or not in the interest of public welfare, the Commission may require as a condition of approval that a community collection system or community sewer system be installed.

Section 7.06 Conditions of Environmental Safety.

The developer shall inform the Planning Commission of all known environmental hazards such as mudslides, areas subject to floodwater inundation, area subject to mass earth movement, erosive soils, areas unsuited for building purposes, high water tables, or areas subject to similar environmental hazards. If the Commission finds that it is necessary and prudent for the protection of public safety and welfare to restrict such hazardous areas, the Commission may require as a condition of approval that such lands be dedicated to uses that minimize the aggravation of such hazards.

Section 7.07 Approval of the Tentative Plan.

1. If, in the opinion of the Commission, the foregoing provisions are satisfied, the Commission shall recommend that the proposed planned development be adopted. If the Commission finds to the contrary, it may recommend the application be denied, tabled or returned to the applicant for revision.

2. In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the pruposes of this Ordinance.

3. Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall hold a public hearing on the application. Action of the Board of County Commissioners shall be binding for the purpose of preparation of the final plat and development program. The Board of County Commissioners may accept the recommendation of the Commission, may reject, or may modify such recommendation.

4. Upon approval of the tentative plan by the Board of County Commissioners, the applicant shall have two years from the date of approval to submit to the Planning Director the final plat and development program for review. Failure to submit the plat within the period limitation shall nullify the approval of the Board of County Commissioners. If the applicant wishes to proceed with the development, the developer shall resubmit the tentative plan to the Plannning Commission for approval.

Section 7.08 <u>Road Plans and Engineering Data</u>.

After approval of the tentative plan by the Board of County Commissioners, but prior to construction of any road or utility within a planned development, the developer shall submit to the County Engineer the following information:

1. A plan and profile on Federal Aid sheets showing the following:

   a. Widths of the proposed dedication throughout the length of the proposal.

   b. Centerline alignment showing P.C. and P.T. stationing on all curves, necessary curve data and bearings of tangents.

   c. Ground line and grade line profile on the centerline of the proposed street or road.

   d. Vertical curveata showing P.I. elevations and stations, length of vertical curve and tangent.

   e. Earthwork distribution (only when the developer proposes to bond or provide other financial guarantee for construction of roads following approval of the planned development).

   f. Locations and material type for waste or borrow areas.

   g. Typical road section(s).

h. Location of drainages, culvert design, and typical ditch section.

2. Cross Sections:

   a. Shall be platted on rolls of ten (10) on standard cross section paper. Computer cross section printouts may be submitted in lieu of platted cross sections.

   b. Shall show proposed widened cuts or fill if these are needed for material balance.

3. Sheets and drawing showing the following:

   a. Traverse data including the coordinates of the boundary of the planned development and ties to section corners and donation land claim corners, and showing the error of closure, if any.

   b. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.

4. A time schedule showing contruction commencement, rate of development, and approximate completion date for each phase of construction.

5. The stages for development of private and public facilities planned.

6. Plans and profiles of proposed sanitary and/or stormwater sewers, with grades, pipe sizes and location of manholes indicated, meeting the requirements of any service district and the Department of Environmental Quality.

7. Plans and profiles of any proposed water distribution system showing pipes and the location of any valves, fire hydrants, or storage facilities, meeting the requirements of the Oregon Health Division.

8. Specifications for the construction of all proposed sewer and water lines and other utilities.

9. Grading plans and specifications as required by the County Engineer for areas other than streets and ways.

Section 7.09 <u>Information Required on the Final Plat</u>.

The following information shall be shown on the final plat when appropriate to the proposed development:

1. The date, scale, north point, legend, controlling topography such as bluffs, creeks, and other bodies of water and existing cultural features such as highways.

2. Legal description of the tract boundaries.

3. Name of the owner or owners, subdivider, and engineer or surveyor.

4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

   a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.

   b. Adjoining corners of adjoining subdivisions.

   c. City boundary lines when crossing or adjacent to the subdivision.

   d. Other monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Ordinance.

5. The exact location, width, and name of streets and easements intercepting the boundary of the tract.

6. Tract, block and lot or parcel boundary lines and street right-of-way.

7. Points of curvature, and tangent bearings. Approximate high water lines for any creek, lake, or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

8. The width of the portion of streets being dedicated to the public or to the use of property owners and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the centerline dimensions, the radius and central angle shall be indicated.

9. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. New easements shall be referenced in the owner's certificates of dedication.

10. Lot numbers beginning with the number "1" and numbered consecutively in each block.

11. Land Use:

a. All areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings and otherwise dedicated or reserved to the public.

b. Open space that is to be maintained and controlled by the owners of the property and their successors in interest available for the recreational and leisure use of the occupants and uses of the planned unit development.

12. Circulation:

a. Location of any special engineering features needed to facilitate or ensure the safety or circulation pattern.

b. Location and dimensions of pedestrian walkways, malls, and foot and horse trails that will be dedicated as part of the development.

13. Parking and Loading:

a. Location, arrangement, number and dimension of automobile garages, parking spaces and the widths of aisles, bays, and angle of parking when interests in spaces are transferred with units of the development.

b. Location, arrangement, and dimensions of truckloading spaces and docks for commercial or industrial development.

14. The following certificates which may be combined where appropriate:

a. A certificate signed and acknowledged by all parties having any recorded title interest or vested interest in the land, consenting to the preparation and recording of the plat.

b. A certificate signed and acknowledged as above, dedicating all lots for land shown on the final plat intended for the exclusive use of the owners in subdivision, their licensees, visitors, tenants, and servants.

c. A certificate conforming to ORS 92.060 and 92.070 with the seal of, and signed by, the engineer or surveyor responsible for the survey and final plat or final map.

d. A certificate signed by all parties having any recorded title interest or vested interest in the land dedicating to the public all streets and roads without any reservation or restriction other than reversionary rights upon vaction of any such street or road and easement for public utilities.

Section 7.10 Development Program.

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

1. The location of all plantings, fences, and existing trees and vegetation areas to be retained in the development.

2. The location of all buildings to be constructed in conjunction with the development, and the location of all existing buildings to be retained.

3. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

4. Table showing the overall density of the proposed residential development and showing density by dwelling types.

5. Drafts of appropriate restrictive covenants and all other documents providing for the maintenance of any public open spaces and recreational areas not dedicated to the public including agreements by property associations, dedicatory deeds or reservations of public open spaces.

Section 7.11 Plat Specifications.

The final plat submitted to the Planning Director shall be in black India ink on good quality material, as specified by the County Surveyor, suitable for reproduction and binding 18" x 24" in size, together with five prints from the tracing. No part of the drawing shall be nearer to the edge of the sheet than one inch. The final plat shall be accompanied also by an exact duplicate of the final plat, either drawn in black India ink or photographically reproduced on good quality medium suitable for making prints.

Section 7.12 Approval of the Final Plat and Development Program.

1. The Planning Director, Legal Counsel, Engineering Supervisor, and County Surveyor shall review the final plat and development program and shall determine that the provisions are in compliance with the Ordinance and the tentative plan, approved by the Planning Commission and the Board of County Commissioners.

2. The Planning Commission, after proper review and consideration, may approve the final plat and development program by indicating its approval thereon the original. The final plat will then be circulated by the developer to other agencies for their review and approval. Signatures of the Planning Commission Chairman, the Surveyor, the Assessor, an agent of the Department of Environmental Quality, State of Oregon, and other officials as required by law shall be placed on the final plat or record as proof of final approval. Upon securing all other necessary signatures and payment of all fees, ad valorem taxes, special assessments or other charges required by law, the final plat or map shall be submitted to the Board of Commissioners until the Board is satisfied that all applicable state and local regulations and conditions have been satisfied.

Seciton 7.14 Rejection of the Final Plat.

After reviewing the final plat and development program, the Planning Commission may reject the documents by providing the subdivider with a summary of reasons for taking such action. This rejection shall be in the form of specification of elements in the plat or development program which do not meet required standards or conditions of tentative plan approval. The developer must resubmit a revised plat or program correcting all the deficiencies specified by the Planning Commission in order to receive Commission approval.

Section 7.15 Filing.

After obtaining all required approval and signatures, the developer shall file the plat and development program within thirty (30) days with the County Clerk. Immediately after approval of a final plat, a subdivider shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, pursuant to ORS 92. In addition, a copy of the survey shall be filed with the County Surveyor.

Section 7.16 Dedication.

Approval of a final plat or map by the Board of Commissioners shall not be deemed to constitute or effect an acceptance for maintenance by the County of the dedication of any street or other proposed public way or area shown on the plat, unless

agreed to by an order of the Board of Commissioners.

CHAPTER 8

RESERVED FOR FUTURE EXPANSION

CHAPTER 9

ADMINISTRATION

Section 9.01 Administration and Authority.

Except where otherwise specifically provided in this Ordinance, the administration of duties imposed and authority granted under this Ordinance shall be delegated by the Board of Commissioners to the Commission as constituted by, and acting pursuant to, the Josephine County Land Use Hearing Rules and other applicable Oregon statutes and regulations.

Section 9.02 Meetings and Hearings.

In the administration of this Ordinance, the Planning Commission and the Board of Commissioners shall meet and transact business at the time and under the regulations and rules as provided by the Land Use Hearing Rules and other applicable statutes and regulations.

Section 9.03 Planning Director.

In the administration of this Ordinance, the Planning Director shall perform the same duties and exercise the same authority as provided in the Josephine County Zoning Ordinance, Section ____, together with such additional duties and authority relating exclusively to the administration of this Ordinance as may be provided therein or required of him by the Planning Commission or the Board of Commissioners.

Section 9.04 Liaison Officer.

The Planning Director, or an assistant of the Planning Director, shall serve as a Subdivision Liaison Officer. The Subdivision Liaison Officer shall be responsible for coordinating the review of tentative plans. The Subdivision Liaison Officer shall ensure that the developer secures all necessary permits from applicable review agencies and that the development is coordinated with affected utilities. The Subdivision Liaison Officer shall secure comments from reviewing agencies and utilities for the consideration of the Planning Commission. In addition, the Subdivision Liaison Officer shall assist developers in obtaining and interpreting applicable zoning and land development regulations, provided, however, that in no event shall any representation, assurance, or conclusions rendered by the Subdivision Liaison Officer be construed as an expression of final authority or final determination on any matter relative to the subject application, and the applicant shall not be entitled to rely thereon in lieu of independent professional advice or formal application and hearing as provided herein.

Section 9.05 Appeal of Planning Director's Decision.

A person may appeal from a decision of the Planning Director or his assistants to the Planning Commission. Written notice of the appeal must be filed with the Planning Director within fifteen (15) calendar days after the decision or requirement is made. The petition of appeal shall state the nature of the decision or requirement, the grounds for appeal, and otherwise comply with the Land Use Hearing Rules.

Section 9.06 Modifications 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 large scale shopping center or large industrial area development providing the modifications are not detrimental to public health, safety and welfare; and, providing that the Planning Commission determines there is provision for adequate public services and improvements for circulation, recreation, light, air, and service needs of the developed tract. The Commission shall consider the development's relation to adjacent areas and may require such covenants or other legal provisions as will assure conformity to and achievement of the Comprehensive Plan.

Section 9.07 Variance Application.

When necessary, the Planning Commission may authroize variances to the requirements of these regulations. Application for a variance shall be made by a petition of the developer, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative plan of the subdivision or partition.

Seciton 9.08 Planning Commission Action on Variance.

1. In granting necessary variances, the Planning Commission shall secure substantially 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.

3. In order for the property referred to in the petition to come within the provision of this section, it shall be necessary that the Planning Commission shall find substantial compliance with the following standards:

a. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

b. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

c. The authorization of the variance shallnot be materially detrimental to the purposes of this regulation, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any county development pattern or policy.

d. The variance requested is the minimum variance from the provisions and standards of this regulation which will alleviate the hardship and the hardship is not self-imposed.

Section 9.09 Amendments to the Ordinance.

Amendments to this Ordinance may be initiated as follows:

1. By Resolution of the Board of Commissioners referring a proposed amendment to the Planning Commission for its consideration, report annd recommendation.

2. By proposal of the Commission, or

3. By petition filed with the Planning Director upon forms prescribed by the Commission and bearing the signatures of at least 200 registered voters of the County.

4. By proposal of the Planning Director or County Legal Counsel.

Section 9.10 Additional Information on Amendments.

Any petition for amendment to this Ordinance shall be accompanied by all additional information or material which petitioners want the Planning Commission to consider. Before the hearing is held, the Commission may request the petitioners to supplement their petition with such additional or explanatory materials as the Commission shall consider appropriate or proper to an understanding of the amendment proposed by petitioners.

Section 9.11 Planning Commission Hearing on Amendments.

Proposals, resolutions and petitions for amendment to this Ordinance shall be held informally and may be adjourned from time to time as the Commission considers necessary or convenient. The Commission shall provide co-petitioners, if any, an opportunity to be heard at the opening and closing of the hearing. The Commission may apportion time between the proponents and opponents of the amendment proposed. The Commission may hear such other persons as to them may seem appropriate or convenient. The Commission shall provide the County Legal Counsel an opportunity to review and report upon the legal effect of proposed amendatory language.

Section 9.12 Commission Recommendation on Amendments.

After the hearing, the Planning Commission shall recommend that the proposed amendment be rejected, modified or adopted. The Planning Director shall reduce to writing the Commission's recommendation together with a brief statement of the facts and reasons upon which such recommendation is based. The Planning Director shall forward the same to the Board of Commissioners.

Section 9.13 Action by Board of Commissioners on Amendments.

Upon receipt of the Planning Commission report, the Board of Commissioners shall take such action as it feels appropriate.

Section 9.14 Appeal of Commission Decisions.

1. Appeal may be made to the Board of County Commissioners from any final decision determination or requirement of the Planning Commission by filing notice thereof in writing with the Planning Director within 15 calendar days of the signing of the Findings of Fact and Final Order by the Planning Commission or their delegate.

   Such petition shall set forth in detail the action and the grounds upon which the appellant deems himself aggrieved as well as the date the decision of the Planning Commission became final, and otherwise comply with Section 16 of the Land Use Hearing Rules.

2. The Board of County Commissioners, following the filing of said appeal, shall schedule a review as provided in the Land Use Hearing Rules for Josephine County.

3. Standing for appeal shall be determined by applicable law and policy of the Board of County Commissioners.

4. The appellants shall pay fees for appeal upon submission of any petition for appeal.

Section 9.15 Penalty.

Any person, firm, corporation, or other entity who violates any provision of this Ordinance shall be punished upon conviction by a fine of not less than $50.00 nor more than $500.00 or imprisonment in the County Jail for not less than 25 days nor more than 50 days, or both, as provided in ORS 92.990(1).

Seciton 9.16 Civil Relief.

When any real property is or is proposed to be used, transferred, sold or disposed of in violation of this Ordinance, the Board of County Commissioners, County Legal Counsel, the District Attorney or any person whose interest in real property is or may be affected by the violation, may in addition to other remedies provided by law, institute injuncion, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer, negotiation or agreement.

Section 9.17 Emergency Clause.

This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, and emergency is declared to exist, and this Ordinance shall take effect immediately upon its passage by the Board of County Commissioners.

This Ordinance signed in open session as authentication of its passage this 13th day of July, 1978.

BOARD OF COUNTY COMMISSIONERS

Ben Kilpatrick, Chairman

George A. Calvert, Commissioner

M. C. Loughridge, Commissioner

ATTEST:

MAXINE FOSTER, COUNTY CLERK

APPROVED AS TO FORM:

County Legal Counsel