

TILLAMOOK COUNTY LAND DIVISION ORDINANCE

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INTRODUCTION

SECTION 1: PURPOSE

- (1) The purpose of this Ordinance is to establish standards for the division of land and for the development of improvements for areas of Tillamook County outside the Growth Boundaries of incorporated cities.
- (2) These regulations are necessary:
 - (a) In order to provide uniform procedures and standards for the division of land;
 - (b) To coordinate proposed developments with development plans for highways, utilities, and other public facilities;
 - (c) To provide for the protection, conservation and proper use of land, water, and other natural resources;
 - (d) To carry out the policies and intent of the County Comprehensive Plan;
 - (e) To ensure adequate lot and parcel sizes for homesites;
 - (f) To ensure adequate width and arrangement of streets, parking areas and pedestrian ways;
 - (g) To ensure adequate sanitation and water supply services;
 - (h) For the equitable allocation of costs for improvements such as roads, sewers, water, and other service facilities;
 - (i) For the protection of the public from pollution, flood, slides, fire, and other hazards to life and property;
 - (j) To provide for energy efficient land use and the use of renewable energy systems;
 - (k) To provide for the accurate and timely recording in the office of the County Clerk all newly created property boundaries, street, roads, right-of-ways and easements; and
 - (l) To protect in other ways the public health, safety, and general welfare.
- (3) It is expressly not the purpose or intent of this Ordinance to encourage the division of land or the provision or extension of roads or sewer lines into lands designated for resource use by the Tillamook County Land Use Ordinance. Thus Subdivisions shall not be allowed in zones other than those designated for residential or commercial use. All references to sewer lines in this Ordinance apply only to lands where such services conform to the intent and purposes of the County Comprehensive Plan.

SECTION 2: DEFINITIONS

As used in this Ordinance, unless it is apparent from the context that different meanings are intended, the words and phrases below shall have the following meanings. Other words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage, and to give this Ordinance its most reasonable application. Words used in the present tense include the future; words in the singular include the plural, and words in the plural include the singular. The word "building" includes the "structure". The word "shall" is mandatory and not directory.

ACCESS: The legally established route by which pedestrians and vehicles enter and leave property from a public way which can be developed for safe access.

ALLEY: A narrow public way through a block provided for access to the back or side of properties fronting on a street.

BOARD: The Tillamook County Board of Commissioners.

BUILDOUT: The number of parcels or lots possible within a tract if developed to capacity meeting all requirements of development.

BUILDING LINE: A line on a plat indicating the limit beyond which buildings or other structures may not be erected.

CLUSTER SUBDIVISION: A Subdivision which includes undeveloped land or park facilities ("open space") belonging in common to the members of a property owners association. The open space, development density, and the layout of the streets in Cluster developments are designed to maintain the natural or scenic amenities of a site, and the minimum lot sizes in Cluster subdivisions are reduced to allow a proportionate increase in the density of the developed portions of the tract.

COMMISSION: The Tillamook County Planning Commission.

DEPARTMENT: The Tillamook County Planning Department.

DEVELOPER: Any person proposing to or completing a division of land into lots or parcels for eventual sale, lease, or trade through a partition or Subdivision.

DEVELOPMENT: Any man-made purposeful alteration or division of, or construction upon, improved or unimproved land, excluding farming or forestry practices.

DIRECTOR: The Director of the Tillamook County Planning Department, or a designee thereof.

EASEMENT: A grant of the right to use a strip of land for specific purposes, such as ingress, egress, the placement of utilities or access to solar radiation.

INSOLATION: The incident solar radiation available at a building site for utilization by a solar energy system.

LOT: A unit of land intended for eventual lease, transfer of ownership, or development, that is created by a Subdivision.

- (a) **CORNER LOT:** A lot with at least two adjacent sides which abut streets other than alleys, provided that the angle of street intersection does not exceed 135 degrees.
- (b) **FLAG LOT:** A generally "L" shaped lot or parcel for which the only portion of the property line adjacent to a street consists of a 25-foot minimum to a 40-foot maximum utilized for street access.
- (c) **THROUGH LOT:** A lot fronting on two parallel or approximately parallel streets other than alleys.

PARCEL: A unit of land intended for eventual lease, transfer of ownership, or development, that is created by a partition. A parcel may be a corner parcel, flag parcel, or through parcel as described for lots above.

PARTITION: The division of a tract of land into two or three parcels within one calendar year when such land exists as a single unit or contiguous units of land under single ownership at the beginning of the same year.

PARTITION includes:

- (1) **MAJOR PARTITION:** The creation of a public or private road or street for access to one or more parcels of land.
- (2) **MINOR PARTITION:** A partition which does not include the creation of a public or private road or street.

PARTITION does not include:

- (1) The adjustment of a lot line by the relocation of a common boundary, provided an additional parcel is not created, and that the parcel reduced in size is not reduced below a minimum lot size established by an applicable zoning Ordinance provision;
- (2) Divisions of land resulting from lien foreclosures or from other lawful judicial decrees or orders;
- (3) The creation of cemetery lots.
- (4) The transfer, sale or recording of existing parcels of land which were legally created prior to December 30, 1981.

PEDESTRIAN WAY: A right-of-way for pedestrian traffic.

PERSON: An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, including a trustee, receiver, assignee, or other similar representative thereof.

PLAT: A final map of a Subdivision.

PRIVATE STREET or ROAD: A private way that is created by the developer to provide vehicular access to one or more parcels of land, and is reserved for use by an identifiable set of persons.

RIGHT-OF-WAY: A legally described portion or strip of land which is condemned, reserved, or dedicated for specific purposes such as streets, water and sewer lines, or other traffic or utility uses.

ROAD: A public or private way created to provide ingress to, or egress from, one or more lots, parcels, areas or tracts of land, or that provides for travel between places by vehicles. A private way created exclusively to provide ingress and egress to land in conjunction with a forest, farm or mining use is not a "road." The terms "street", "access drive" and "highway" for the purposes of this Ordinance shall be synonymous with the term "road".

ROAD, COUNTY: A public way under County jurisdiction which has been accepted into the County road maintenance system by order of the board of county Commissioners.

ROAD, PUBLIC: A public way dedicated or deeded for public use but not accepted into the County road maintenance system, intended primarily for vehicular circulation and access to abutting properties.

ROADWAY: The portion or portions of a street right-of-way or easement which is developed for vehicular traffic.

SIDEWALK: A pedestrian walkway with surfacing suitable for pedestrian or bicycle traffic.

SOLAR ENERGY SYSTEMS: Any device, structure, mechanism or series of mechanisms which uses insulation for heating, cooling or electrical energy.

STREET: A "road," "highway," "lane," "place," "avenue," or other such similar designations. The term street includes the entire width between the boundary lines of a right-of-way or an easement, intended for vehicular and pedestrian traffic and/or the placement of utilities.

STREET FUNCTIONAL CLASSIFICATION: The classification for streets based on the type of use of the street. For purposes of this ordinance the following functional classifications are used:

ARTERIAL: A street of considerable continuity which is primarily for intercommunication among developed areas. Arterial streets shall be as designated by the Tillamook County Functional Classification List.

COLLECTOR: A street supplementary to an arterial street that provides intercommunication

between arterial and local streets. Collector streets shall be as designated by the Tillamook County Functional Classification List.

LOCAL STREET: A street designed primarily for access to abutting properties, and further subclassified as follows:

- A. Major Local - A local street with truck traffic (industrial, timber or farm) or ADT greater than 250 vehicles per day.
- B. Minor Local - A local street with no truck traffic (industrial, timber or farm) and ADT of 250 or less vehicles per day.
- C. Minimum Local - A local street accessing 4 or less residences.

STREET DOES NOT INCLUDE:

A private driveway providing access to a single parcel fronting on a street.

A road created to provide access to a parcel in conjunction with the use of such a parcel for forestry, mining or agricultural purposes.

SUBDIVISION: A tract of land divided into four or more units, or lots, within a single calendar year, for the purpose of eventual lease, transfer of ownership or building development.

TERRAIN CLASSIFICATION: This refers to the general character of a specific route corridor based on the topography of the land traversed by the roadway. For purposes of this ordinance the following terrain classifications are used:

"LEVEL" terrain is where highway sight distances, as governed by both horizontal and vertical restrictions, are generally long or could be made to be so without construction difficulty or major expense.

"ROLLING" terrain is where the natural slopes consistently rise above and fall below the road grade and where occasional steep slopes offer some restriction to normal horizontal and vertical roadway alignment.

"MOUNTAINOUS" terrain is where longitudinal and transverse changes in the elevation of the ground with respect to the road are abrupt and where benching and side hill excavations are frequently required to obtain acceptable horizontal and vertical alignment.

TURNAROUND: The area defined as a cul-de-sac or area designated for vehicles to maneuver, i.e., emergency vehicles, etc. Turnarounds shall be located within designated rights-of-way or easements.

URBAN DENSITY. Four dwelling units per acre or greater.

SECTION 3: SCOPE OF REGULATIONS

- (1) A person proposing to divide land, through a Major Partition or a Subdivision, or by the creation of a public or private way, shall submit plans and final documents for approval as provided in this Ordinance.
- (2) All Subdivision plats shall be approved by the Commission in accordance with these regulations. Partitions and other changes in property boundary lines shall be approved by the Department in accordance with these regulations.
- (3) No deed for a parcel created through a Major Partition shall be filed in the office of the County Clerk without the prior approval, by the Department, of the Major Partition.
- (4) No Subdivision shall be filed in the office of the County Clerk without the signature of the Chairman of the Planning Commission and all other signatures required by law.
- (5) Approval of a final plat for a Subdivision or a final plan for a Major Partition shall be void 30 days after the final approving signature is made thereon, unless the plat or an instrument creating the approved road in a Major Partition has been recorded in the office of the County Clerk.

SECTION 4: PRE-APPLICATION MEETING; BACKGROUND INFORMATION

- (1) All developers shall complete a preapplication form obtained from the Department, and are encouraged to arrange a pre-application meeting for the purpose of informing the Department of their proposed land divisions.
- (2) The Department shall make available such background information as may be on file relating to the general area of the partition or Subdivision, and any plans the County may have or know of for development in the area upon the request of the developer. The Department shall advise the developer of the design standards, improvement requirements, and procedures established by the County for the review and approval of land divisions.

SECTION 5. LARGE LOT LAND DIVISIONS

- (1) All Major Partitions and Subdivisions which are within Community Growth Boundaries as designated in the Land Use Ordinance, or are within one mile of either Urban or Community Growth Boundaries, and which contain parcels or lots which are over 11,000 square feet in size, must provide the following materials as part of Tentative Plan or plat review:
 - (a) A map showing the entire tract hypothetically divided at urban densities sufficient to show that the proposed roads and property lines will not preclude the actual establishment of said hypothetical lot lines; and
 - (b) Proposed restrictions on building locations which will permit subsequent division of all proposed lots or parcels at urban densities to the extent possible given topographic or other physical constraints.
- (2) All plans for land divisions in areas described above shall be accompanied by consent forms signed by the property owner agreeing to connect to, and to pay their equitable share of costs for, any sanitary sewer, storm drainage, or road improvements that may be necessary to serve the proposed development in the future. Such forms shall stipulate that the agreement is to run with the land, and shall be binding on all subsequent purchasers. The forms shall be filed in the office of the County Clerk prior to final approval of the proposed land division.

(Sections 6 through 9 reserved for expansion)

MAJOR PARTITION
TENTATIVE PARTITION PLAN

SECTION 10: PURPOSE AND SCOPE OF MAJOR PARTITION REVIEW

- (1) The purpose of Major Partition review is to ensure that the division of land assures adequate access, sewage disposal, and water supply, that all proposed parcels meet all Land Use Ordinance requirements, and that the development of newly created parcels or roads will not present a threat or an unnecessary inconvenience to the health, safety, or welfare of the general public.
- (2) All Major Partitions within the County are subject to the review and improvement requirements contained in this Ordinance, except as provided in Section 10 (3).
- (3) The creation of an easement to provide legal access to a single existing legally created parcel, provided that such parcel is used or approved for residential purposes and is not capable of further division in keeping with the standards of the Land Use Ordinance, is exempt from the requirements of this Ordinance. Such an exception shall be provided to the grantor of the easement by a letter from the Department.
- (4) All parcels created by a Major Partition shall abut a public road or a private easement for at least 25 feet for access. All private easements serving four or fewer lots shall be at least 25 feet wide, unless a lesser width is approved by the Public Works Department.
- (5) All roads created through a Major Partition shall be recorded within 30 days of final approval of the Major Partition map. Approval of any road created through a Major Partition that is not so recorded shall be void.

SECTION 11: APPLICATION FOR PARTITION

- (1) A Tentative Plan for a Major Partition shall be submitted to the Department for review. The Department shall notify the Public Works Department, the County Surveyor, and the County Sanitarian of the proposed division.
- (2) Any application which is incomplete or found to be inaccurate may not be processed by the Department. If the application is deficient the applicant shall be so notified, and shall have 30 days from the postmark date of such notice to correct deficiencies. If an applicant fails to correct or complete an application within 45 days of the date upon which the application was submitted with the required fees, provided that the Department's notification was made within 15 days from the date of application, the application shall be denied without refund of fees.

SECTION 12: PREPARATION OF A Tentative Plan

- (1) A Tentative Plan for a Major Partition shall consist of materials adequate to provide the following information:
 - (a) A map of the tract proposed to be divided, showing the proposed parcels and their approximate dimensions.
 - (b) The location, name, purpose and width of all existing and proposed rights-of-way, roadways, and easements on or abutting the tract, as well as the percent of grade on the center line of each roadway.
 - (1) Proposed roads shall be delineated in dotted lines, and existing roads shall be delineated in solid lines.
 - (c) The location of existing and proposed water mains, sewer lines, culverts, underground structures, and utilities.
 - (d) The location and use of any structures on the tract that are to remain after partitioning.
 - (e) Statements describing:
 - (1) The proposed method of sewage disposal; and
 - (2) The proposed method of water supply.
 - (f) Where a tract of land is to be divided into parcels which are capable of further division in conformance with this Ordinance and the Land Use Ordinance, a Tentative Plan for all possible legal divisions shall be included in the Tentative Plan for the Major Partition. Such a plan shall indicate road layouts necessary to serve the legal density of parcels. Within Community Growth Boundaries, such plans for future division shall comply with the requirements of Section 5 of this Ordinance.

SECTION 13: TECHNICAL REVIEW OF A TENTATIVE PLAN

- (1) An on-site evaluation may be conducted by the Department to determine the character and suitability of the site for partitioning.
 - (a) If an on-site evaluation by the Department reveals that the proposed partition may be hazardous to the general public due to local conditions such as slippage or inundation, the Director may require a contour map or such additional information as may be deemed necessary to assist in the review and assessment of the proposed partition.
 - (1) Contour lines on such maps shall be related to some established bench mark or other datum approved by the County Surveyor and having minimum intervals as follows:
 - (a) For slopes of less than ten percent: show direction of slope by means of arrows, together with not less than four evenly distributed spot elevations per acre.
 - (b) For slopes of 10 to 20 percent; 5 feet.
 - (c) For slopes of 20 to 40 percent; 10 feet.
 - (d) For slopes over 40 percent; 20 feet.
 - (2) Such maps shall indicate natural features such as springs, crevices, ditches, watercourses, dunes, beaches, and areas covered by water.
 - (3) Maps indicating the presence of sensitive natural features subject to the requirements of the County Land Use Ordinance, including but not limited to floodways, geologic hazard areas, and beaches and dunes, shall be accompanied by sufficient materials to indicate that the requirements of that Ordinance will be met.
- (2) Upon completion of the Tentative Plan review, the Department shall notify the developer in writing of any deficiencies or provisions for final plan approval.

SECTION 14: PREPARATION OF FINAL PLAN

- (1) A final plan for a Major Partition shall be completed and submitted to the Department within 1 year of Tentative Plan approval.
- (2) A final plan for a Major Partition shall consist of a complete Tentative Plan, as well as maps and written information adequate to provide the following:
 - (a) The final plan map must be reproducible and at an appropriate scale of one inch to fifty feet, one hundred feet, or some scale approved by the County Surveyor, and shall indicate the following:
 - (1) Date, northpoint, and scale of the map.
 - (2) Identification as a final partition map.
 - (3) Township, range, section, and the bearing and distance to an established initial point of record.
 - (4) The bearing and length of all new boundary lines, as well as those of the parent parcel.
 - (b) Legal descriptions of both proposed public ways and proposed private ways and easements within the partition, certified by a licensed land surveyor.
 - (c) Legal descriptions of all newly created parcels, certified by a licensed land surveyor.
 - (d) If public or community sewer service is available, a statement signed by an authorized official stating that service will be provided to the site upon development. If sewer service is not available, a site evaluation for a subsurface sewage disposal system signed by the County Sanitarian shall be provided.
 - (1) If the partition only involves the creation of a road, and does not include the creation of new parcels, then the requirement for a site evaluation may be waived by the County Sanitarian. Such waiver shall be indicated in writing, shall be made a part of the Department's file for the Major Partition, and shall be accompanied by a letter from the developer to the effect that such site evaluations shall be obtained and approved prior to the division of the subject tract.
 - (e) If community water is available, a statement signed by an authorized official stating that water will be provided to the site upon development. If community water is not available, then a statement which describes the water supply shall be submitted.

- (f) Where a private way is created, a statement by the applicants that the applicants and their successors in interest will hold Tillamook County, its officers, agents and employees harmless of any responsibility for maintenance, installation, or improvement of said private way, and that the applicants and their successors in interest will save and hold harmless, Tillamook County, its officers, agents, and employees harmless from any and all actions and claims for damages arising or to arise out of said private way.
- (g) A statement signed by the developer that a copy of the approved plan map will be provided to each prospective buyer of each parcel to be sold by the developer.
- (h) A Road Approach Permit and/or a letter signed by the Public Works Director stating that the applicable provisions of Sections 40 (IMPROVEMENT PROCEDURES), 41 (IMPROVEMENT REQUIREMENTS) and 42 (IMPROVEMENT STANDARDS) of this Ordinance have been met.

SECTION 15: EXTENSIONS OF TENTATIVE PLAT APPROVAL; SUBMISSION OF FINAL PLAT

- (1) All requests for extensions of tentative plat approval shall be received in the Department office at least 60 days prior to the expiration date of the approval.
- (2) Where there has been substantial improvement after 12 months from the date of original plat approval, the Department may extend tentative plat approval for a single 12-month period. Substantial improvement will have occurred where the layout of improvements completed at the time of the request for an extension precludes the alteration of either street placement or the number of lots within the tract.
- (3) If the developer requests an extension beyond 12 months from tentative plat approval and no substantial improvement has occurred, the Department shall review the conditions of preliminary plat approval to determine their relevance, given changes in Ordinance requirements, State laws, or development circumstances in the vicinity of the proposed Subdivision. In making such a determination, the Department may consult with any other County Department. The Department shall present its review and any suggested changes in the conditions of tentative plat approval to the Commission for its review. After such review, the Commission may elect to extend preliminary plat approval for twelve months, subject to those conditions it feels are necessary to carry out the purposes of this Ordinance.
 - (a) Requests for extensions of tentative plat approval which require review as set forth in Section 30 (3) of this Ordinance shall be subject to fees identical to those set for Commission review of Conditional Uses. Any request for an extension that is not received at least 60 days prior to the expiration date of tentative plat approval shall be charged double the applicable fees.
- (4) No preliminary plat shall be approved for a period greater than 24 months.

SECTION 16: REVIEW OF A FINAL PLAN FOR A MAJOR PARTITION

- (1) A complete final plan and all required material shall be filed with the Department within 180 days of Tentative Plan approval.
- (2) Within 15 days of Tentative Plan approval, if the Department finds that the final plan does not conform to the approved preliminary plan or the requirements of this Ordinance, the Department shall notify the applicant that the plan does not so conform, and that the applicant will be afforded 30 days to bring said material into conformity.
- (3) When the map and all materials required by the approved Tentative Plan are found to conform with the Tentative Plan, and the map includes the creation of a private way, it shall be signed and dated by the Director.

- (4) When a Major Partition map that conforms with the Tentative Plan includes the creation of a public way, the developer shall submit to the Board, within 45 days of the Department's notification of such finding, a legal instrument dedicating all strips of land proposed as public ways to the public use forever. Such instrument shall be accompanied by a map certified by a licensed land surveyor, and shall be reviewed by the Department prior to its submission to the Board. Upon approval of the instrument by the Board as set forth in ORS 92.014 (2), the Director may sign and date the final map.
- (5) Upon the Director's approval of the final partition map and required material, the Department shall notify the applicant that the partition map and documents have been approved, and that they will thereafter be available for public inspection in the office of the Department during normal business hours. The Department shall use a form letter as shown in Section 16 of this Ordinance for the purpose of such notification.
- (6) All roads created through a Major Partition shall be recorded within 30 days of final approval of the Major Partition map. Approval of any road created through a Major Partition that is not so recorded shall be void. Copies of all recorded instruments pertaining to the creation of new roads shall be filed in the Department.
- (7) A copy of the approved final map shall be provided to the County Assessor.

SECTION 17: MAJOR PARTITION APPROVAL LETTER

A copy of the form shown on the following page shall be sent to the developer upon final approval of a Major Partition, accompanied by a photocopy of the approved map:

NOTICE OF REVIEW AND APPROVAL OF A MAJOR PARTITION

PROPERTY OWNER:

MP- _____ - _____

Parent Parcel: T _____ R _____ Sec _____ Tax Lots _____

NOTICE is hereby given that the Tillamook County Planning Department, Public Works Department, and Sanitarian have reviewed the Final Plan for a Major Partition, MP ____ - ____, located within the tax lots described above, and have determined that it complies with the applicable provisions of the Tillamook County Land Division Ordinance. Copies of the approved partition map and supplementary material are on file at the Tillamook County Planning Department, and are available for public inspection during the Department's office hours. NOTE THAT approval of any road created through this partition shall be void after 30 days unless an instrument creating said road is recorded in the office of the County Clerk.

Sincerely,
TILLAMOOK COUNTY PLANNING DEPARTMENT

ZONING ADMINISTRATOR

cc: File
Public Works
Sanitation
Assessor

(Sections 18 through 19 reserved for expansion)

SUBDIVISIONS

TENTATIVE SUBDIVISION PLAT

SECTION 20: APPLICATION AND FILING FEES; DISTRIBUTION OF TENTATIVE PLAT; NOTIFICATION AND HEARING

- (1) The developer shall prepare and file with the Department an application form together with a filing fee. Such fees shall be set by order of the Board, and must be paid before the application is deemed complete. Application fees are not refundable regardless of Commission action.
- (2) The developer shall prepare a tentative plat, to include plans of proposed improvements, and any supplementary material required to indicate the general program and objectives of development. The tentative plat and plans need not be finished drawings, but they shall show pertinent information to scale in order that the Commission may properly review the proposed development.
- (3) Twenty-five copies of the tentative plat and all supplementary maps shall be submitted to the Department.
- (4) Upon receipt of the tentative plat and supplementary material, the Department shall furnish one copy each to the County Surveyor, the County Health Department, the County Sanitarian, the County Public Works Department, the County Assessor, and the appropriate school and fire districts. If the proposed Subdivision lies within one mile of the city limits of an incorporated city, or within the Urban Growth Boundary of a city, the Department shall furnish one copy to the Planning Commission or City Engineer for that city. If the proposed Subdivision is within 500 feet of a state highway, one copy shall be furnished to the Oregon State Highway Department. Where the Department determines that it is necessary to do so, it shall furnish a copy of the plans to the Soil Conservation Service, the appropriate water and sewer districts, the telephone service and electric service companies, and appropriate state or federal resource protection agencies.
- (5) All officials and agencies to which the Department furnished a copy of the proposed Subdivision shall be given 30 days to review the plat and to suggest any revisions that appear to be indicated to meet the purpose of this Ordinance.
- (6) Notice of Public Hearing shall be mailed to all property owners within 250 feet of the external boundary of the proposed Subdivision, and shall be published in a newspaper of general circulation in the County at least ten days prior to the date of the Planning Commission Hearing to review the tentative plat.
- (7) After Public Notice, the Department shall present the tentative plat to the Commission for its review at the first possible public hearing after the 30-day comment period has closed.

SECTION 21: TENTATIVE PLAT; GENERAL INFORMATION

The following information shall be required on all tentative Subdivision plats:

- (1) Proposed name of the Subdivision, which shall neither duplicate nor resemble the name of another Subdivision in the County, and which shall be approved by the Commission.
- (2) Date, northpoint, and scale of the drawing.
- (3) Description of the Subdivision sufficient to define the location and boundaries of the proposed tract.
- (4) Clear identification of the map as a tentative plat.
- (5) Names and addresses of the owner(s), developer, and the engineer or surveyor.

SECTION 22: TENTATIVE PLAT; EXISTING CONDITIONS

The tentative plat shall contain the following information, showing the existing conditions in and surrounding the proposed Subdivision:

- (1) A vicinity map, showing Subdivisions and undivided land ownerships adjacent to the proposed Subdivision.
- (2) The location, width, and name of all right-of-ways and roadways within or adjacent to the tract, and all easements, section lines and monuments, where applicable.
- (3) The location of existing sewers, water mains, culverts, drain pipes and electric lines within and adjacent to the Subdivision, and the elevations of sewer trunk lines at the points of probable connection.
- (4) Contour lines related to an established bench mark or other datum approved by the County Surveyor, and having minimum intervals as follows:
 - a) For slopes of less than 10 percent; indicate the direction of slope by means of arrow, together with not less than four evenly distributed spot elevations per acre.
 - b) For slopes of 10 to 20 percent; 5 feet.
 - c) For slopes of 20 to 40 percent; 10 feet.
 - d) For slopes over 40 percent; 20 feet.
- (5) The location of water bodies, waterways, areas subject to flooding, floodplains and floodway boundaries.

- (6) Natural features such as rock outcroppings, aquifer recharge areas, marshes, beaches, dunes and tide flats.
- (7) Existing property uses, and the location of existing structures that are to remain on the tract after its Subdivision.
- (8) The location, width and type of roadway to be used as primary access to the nearest county road, city street, or state highway.

SECTION 23: TENTATIVE PLAT; PROPOSED PLAN OF LAND DIVISION

The Tentative Plat shall contain the following information, showing the proposed plan of land division:

- (1) The name, location, width, approximate grades, and curve radii of streets and pedestrian ways, showing how proposed streets may be extended to intersect existing streets.
 - a) All streets and roads reserved for private use shall be clearly indicated, and the reservations or restrictions relating to such streets shall be described.
- (2) Typical cross section of all proposed roadways.
- (3) The location, width, and purpose of all easements.
- (4) The location and approximate dimensions of all lots, and proposed lot and block numbers.
- (5) A Tentative Plan for storm water drainage.
- (6) The location and use of all lots intended for uses other than single family dwellings.
- (7) A Tentative Plan for the supply and distribution of water.
- (8) A Tentative Plan for sewage disposal.
- (9) Certificates or letters from utility companies or districts proposed to be used to serve the Subdivision, stating that they are capable of providing service to the proposed development.
- (10) Proposed deed restrictions, if any, in outline form.

SECTION 24: TENTATIVE PLAT; SUPPLEMENTAL INFORMATION

Any of the following information may be required by the Department to supplement the proposed plan of Subdivision:

- (1) If the Subdivision plat occupies only part of a tract owned or controlled by a developer, a sketch of tentative street layout in the undivided portion.
- (2) Special studies of areas which appear to be hazardous due to local geologic conditions.
- (3) Where the plat includes natural features subject to the conditions or requirements contained in the County's Land Use Ordinance, materials shall be provided to demonstrate that those conditions and/or requirements can be met.
- (4) Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision, showing the proposed finished grades and the nature and extent of construction.
- (5) Profiles of proposed drainage ways.
- (6) In areas subject to flooding, materials shall be submitted to demonstrate that the requirements of the Flood Hazard Overlay (FHO) zone of the County's Land Use Ordinance will be met.
- (7) If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.
- (8) Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines.

SECTION 25: REVIEW OF TENTATIVE PLAT

- (1) The Commission, after public notice, shall review the tentative plat and the reports of appropriate officials and agencies at a regular public hearing. The Commission may approve, approve with conditions, or disapprove the tentative plat as submitted.
- (2) Approval of the tentative plat shall indicate approval of the final plat, provided that there is no change in the Subdivision plan and the developer complies with the conditions of approval and the requirements of this Ordinance.
- (3) Approval of the tentative plat shall be for a period of 24 months. Such approval may be extended according to the provisions of Section 30 of this Ordinance.

- (4) If the Commission does not approve the tentative plat, it shall express its reasons for disapproval. The Department shall ensure that such reasons have been addressed or rectified before the preliminary plat is again considered by the Commission.
- (5) Notification of the Commission's decision shall be provided by letter to the developer, utilizing an annotated copy of the preliminary plat where necessary.

(Sections 26 through 29 reserved for expansion)

FINAL SUBDIVISION PLAT

SECTION 30: EXTENSIONS OF TENTATIVE PLAT APPROVAL; SUBMISSION OF FINAL PLAT

- (1) All requests for extensions of tentative plat approval shall be received in the Department office at least 60 days prior to the expiration date of the approval.
- (2) Where there has been substantial improvement after 24 months from the date of original plat approval, the Department may extend tentative plat approval for a single 12-month period. Substantial improvement will have occurred where the layout of improvements completed at the time of the request for an extension precludes the alteration of either street placement or the number of lots within the tract.
- (3) If the developer requests an extension beyond 24 months from tentative plat approval and no substantial improvement has occurred, the Department shall review the conditions of preliminary plat approval to determine their relevance, given changes in Ordinance requirements, State laws, or development circumstances in the vicinity of the proposed Subdivision. In making such a determination, the Department may consult with any other County Department. The Department shall present its review and any suggested changes in the conditions of tentative plat approval to the Commission for its review. After such review, the Commission may elect to extend preliminary plat approval for twelve months, subject to those conditions it feels are necessary to carry out the purposes of this Ordinance.
 - (a) Requests for extensions of tentative plat approval which require review as set forth in Section 30 (3) of this Ordinance shall be subject to fees identical to those set for Commission review of Conditional Uses. Any request for an extension that is not received at least 60 days prior to the expiration date of tentative plat approval shall be charged double the applicable fees.
- (4) All requests for an extension of tentative plat approval beyond 36 months from the Commission's original approval may be subject to either new conditions or denial by the Commission following its consideration of the Department's review as described in Section 30 (3). A denial of a request for an extension shall not preclude an application for preliminary plat approval as set forth in Sections 20 through 25 of this Ordinance.
- (5) No preliminary plat shall be approved for a period greater than 48 months.

SECTION 31: FINAL PLAT; INFORMATION REQUIRED

- (1) In addition to that otherwise specified by law, the following information shall be shown on the final plat:
 - (a) The date, scale, northpoint, legend, and highways and railroads contiguous to the plat perimeter;
 - (b) Description of the plat perimeter;
 - (c) The names and signatures of all interest holders in the land being platted, and the surveyor;
 - (d) Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record as follows:
 - (1) Monuments or other evidence found on the ground and used to control the boundaries of the Subdivision;
 - (2) Monuments of adjoining Subdivisions; or
 - (3) City boundary lines when crossing or adjoining the Subdivision.
- (2) All plats submitted for approval shall show the following, where applicable; all distances shall be shown to the nearest 0.01 foot, and no ditto marks shall be used:
 - (a) The exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way located within the plat perimeter, including, where applicable, their center lines, bearings, central angles, radii, arc lengths, points of curvature, and tangent bearings.
 - (1) Easements shall be denoted by fine dotted lines, and clearly identified as to their purpose. Their recorded reference shall be indicated. If the easement is being dedicated by the final plat, it shall be properly referenced in the owner's certificates of dedication.

- (b) Block and lot boundary lines, their bearings and lengths.
 - (1) Block numbers, beginning with the number "1", and continuing consecutively without omission throughout the Subdivision. Block numbers in an addition to a Subdivision of the same name shall be a continuation of the numbering in the original Subdivision.
 - (2) Lot numbers, beginning with the number "1", and numbered consecutively within each block. If all lots in the Subdivision are to be consecutively numbered without repetition, then no block numbers shall be required.
 - (3) The area, to the nearest hundredth of an acre, of each lot which is larger than one acre.
- (c) Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.

SECTION 32: FINAL PLAT; SUPPLEMENTARY INFORMATION

- (1) The following certificates, which may be combined where appropriate, shall accompany the final plat:
 - (a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recordation of the plat.
 - (b) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for public use except those parcels which are intended for the exclusive use of the lot owners in the Subdivision, their licensees, vendors, and tenants.
 - (c) A certificate bearing the seal and signature of the engineer or surveyor responsible for the survey and the final map.
 - (d) A certificate, signed by the County Public Works Director, stating that the developer has complied with the requirements of Section 40 of this Ordinance.
- (2) Any County Department involved in the review of the final plat may require any of the following materials to assist in the review of the final plat:
 - (a) 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 for the preparation and recordation of the final plat, and their interest in the premises.
 - (b) Sheets and drawings showing the following:
 - (1) Coordinates of the corners in the Subdivision boundary and coordinates of all

lot corners.

- (2) The computation of all distances, angles, and courses shown on the final map.
 - (3) Ties to existing monuments, adjacent Subdivisions, street corners, and State Highway stationing.
- (c) A copy of any deed restrictions applicable to the Subdivision which are to be filed with the final plat.
 - (d) A copy of any dedications requiring separate documents.

SECTION 33: TECHNICAL REVIEW OF THE FINAL PLAT

- (1) Upon receipt of the final plat and related documents as described in this Ordinance, the staff of the department shall review the final map and documents to determine that the plat conforms with the approved tentative plat, including any special conditions of approval, and that there has been compliance with provisions of the law and of this Ordinance.
- (2) The County Surveyor shall examine the plat for compliance with requirements for accuracy and completeness, and shall collect such fees as are provided by State law. he may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If it is determined that there is not full conformity, he shall advise the developer of the changes or additions that must be made, and afford the developer an opportunity to make such changes or additions.
- (3) When the County Surveyor determines that full conformity has been made, he shall so certify, and return the plat to the Department.

SECTION 34: FINAL PLAT APPROVAL AND RECORDING

- (1) When the County Surveyor and the Director determine that the final plat conforms fully with the approved tentative plat and all applicable regulations and standards, the Director shall so advise the Chairman of the Commission. The Chairman may then sign the final plat, and notification of the signature shall be reported to the Commission at its next regular meeting. In the absence of the Chairman, his or her duties with respect to action of final plats shall be vested in the Vice-Chairman.
- (2) Approval of a final plat does not constitute or effect an acceptance by the public of the dedication of any private street or other easement or private way shown on the plat.
- (3) The developer shall submit the final plat for signatures of all other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained.

SECTION 35: CLUSTER SUBDIVISIONS

- (1) All Cluster Subdivisions shall be reviewed according to the provisions contained in this Ordinance. Standards for improvements in Cluster Subdivisions shall be as set forth in this Ordinance. All applicable Land Use Ordinance standards shall be as set forth therein.

Notwithstanding minimum lot size requirements found in the Land Use Ordinance, minimum lot sizes in Cluster Subdivisions for detached single-family dwellings shall be as follows:

ZONE	MINIMUM CLUSTER LOT SIZE (square feet)
R-1.....	6,000
R-2.....	4,000
R-3.....	4,000
RR	12,000

Lot sized may be further reduced only in Cluster Subdivisions which involve condominiums or other types of attached, individually owned, dwellings.

- (2) Setbacks shall be as follows in Cluster Subdivisions for detached single family dwellings:

Front/Rear yards.....	10 feet
Side yards.....	5 feet
Street side yards	10 feet

The Department may require greater setbacks from collector or arterial roads. All multi-family dwellings must maintain 25-foot setbacks from all plat boundaries. Attached row houses or condominiums may be platted with no side yards. No two buildings situated on multiple lots shall be constructed closer than 20 feet to each other, unless, based on topography, view enhancement, preservation of additional open space, or other similar benefits, a different separation standard is established by the Planning Commission in approving a Subdivision or planned development. This standard shall take into account applicable regulations which address public health and safety.

- (3) The plans submitted for review of Cluster Subdivisions, as defined in Section 2 of this Ordinance, shall include the following, in addition to meeting the Subdivision review requirements of this Ordinance.

- (a) Tentative Plan:

- (1) An analysis of the allowable development density of the tract to be developed, according to the applicable provisions of the Tillamook County Land Use Ordinance, and calculated as follows:

- (a) The total acreage of the tract to be developed, minus the total area of all existing easements, roads or road right-of-ways, and all other areas

which cannot be developed due to the existence of sensitive natural features protected by the requirements of the Land Use Ordinance, is considered the gross acreage of the tract to be developed;

- (b) The gross acreage, reduced by fifteen percent (15%) for proposed roads and parking areas , is considered to be the net acreage for development;
 - (c) The net acreage of the tract shall be divided by the minimum lot size for lots for single-family dwellings in the applicable zone, under the applicable provisions for sewage disposal, to determine the maximum number of dwellings allowed in the Cluster.
- (2) A map of the proposed areas designated for common ownership, accompanied by a discussion of the nature of their proposed uses and the site limitations or justifications for creating a Cluster Subdivision on the tract.
 - (3) A map of the proposed lots and their building lines, showing that each can be built upon within setbacks.
 - (4) A map showing parking areas and emergency access routes.
 - (5) A draft of the legal documents providing for the ownership and maintenance of the lands held in common, and preventing redivision of any land within the boundaries of the Cluster Subdivision under review.
- (b) Final Plat:
- (1) The final plat for a Cluster Subdivision shall indicate that further division of any lot within the boundaries of the Subdivision shall not be permitted.
 - (2) The final plat shall indicate that development will be permitted only in accordance with the land uses indicated on the final plat.
 - (3) A copy of the final, recorded legal documents showing ownership, utilization and maintenance of all common areas shown on the final plat. All covenants and agreements shall be perpetual and recorded along with the final plat.

(Sections 36 through 39 reserved for expansion)

IMPROVEMENTS

SECTION 40: IMPROVEMENT PROCEDURES

- (1) Before final approval of any land division action, the developer shall install all improvements required by this Ordinance, and shall repair existing streets and other public facilities damaged in the process of development, or shall provide assurance of completion as provided in this Section.
- (2) All improvements shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the County or required by the Public Works Department, and shall be installed according to the following procedure:
 - (a) Work shall not commence until the County has been notified in advance, and improvement plans have been reviewed for adequacy and approved by the County Public Works Department.
 - (b) Required improvements shall be inspected by and constructed to the satisfaction of the County. The Public Works Department may require changes in typical sections or details if unusual conditions arising during construction warrant such changes.
 - (c) All improvements placed beneath streets by the developer shall be constructed and inspected prior to street surfacing. Stubs for service connections to underground improvements shall be placed so as to avoid the need to disturb paved surfaces when service connections are made.
 - (d) A map showing the as-built location and the nature of public improvements shall be filed with the Public Works Department upon completion of installation.
- (3) In lieu of completing improvements prior to filing the final plat, the developer may execute and file with Tillamook County an agreement between himself and the County, specifying the period in which the required improvements and repairs shall be completed. Such agreement shall provide that if the work is not completed within the specified period, the County may complete or contract to complete the work and recover the full cost and expense thereof from the developer. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.
 - (a) The developer shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
 - (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney.

- (2) In lieu of said bonds, the developer may elect either of the following alternatives:
 - (a) A Time Certificate of Deposit naming Tillamook County as beneficiary, placed on file with Tillamook County by the developer.
 - (b) Written Certification by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses and that an amount approved by the County Public Works Director will not be released until written authorization is received from the County Public Works Director.
- (b) All such Bonds, Deposits, Certificates, and agreements shall be for an amount deemed sufficient by the Public Works Director to cover the cost of said improvements, incidental expenses, the replacement and repair of existing improvements, and shall be at least one hundred and ten percent (110%) of the cost of all work to be done.
- (4) If the developer fails to carry out the provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or deposit for reimbursement. If the amount deposited exceeds the cost and expense incurred by the County, the County shall release the remainder. If the amount deposited is less than the cost and expense incurred by the County, the developer shall be liable to the County for the difference.

SECTION 41: IMPROVEMENT REQUIREMENTS

- (1) The following improvements shall be installed at the expense of the developer:
 - (a) **WATER SUPPLY:** All lots or parcels shall either be served by a public domestic water supply system conforming to State specifications, or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the Sanitarian considers adequate for soil and water conditions. Lot sizes in areas without public water supplies shall be adequate to maintain a separation of at least 100 feet between each well and sewage disposal facility, and shall be at least 100 feet wide and 20,000 square feet in area.
 - (b) **SEWAGE:** All lots or parcels shall either be served by a public or community sewage disposal system conforming to state specifications and the policies and intent of the Comprehensive Plan, or the lot size shall be increased to provide sufficient area for an individual subsurface sewage disposal system. Such systems shall be approved by the County Sanitarian, considering soil and water conditions and the nature of the water supply.
 - (c) **STREETS:** The developer shall grade and improve all streets in the Subdivision or partition, and shall extend such streets to the paving line of existing streets, in conformance with standards contained in this Ordinance. Street improvements shall

include related improvements such as curbs and shoulders to the extent that they are required by the density or character of development. Improvements may be required by the Public Works Department on streets serving, but not within the boundaries of, the Subdivision or through the Major Partition of a parcel with a buildout potential of 5 or more parcels. Such improvements which are required in areas not within the plat perimeter shall be limited to the extent required to serve the proposed Subdivision or Major Partition.

- (d) ACCESS: All parcels or lots shall abut a street other than an alley for a minimum of 25 feet at a point which can be developed for safe access.
 - (e) DRAINAGE: Such grading shall be performed and drainage facilities installed conforming to County specifications as are necessary to provide proper drainage within the development and other affected areas in order to secure safe, healthful and convenient conditions for the residents of the Subdivision and the general public. When feasible, and when such off-site drainage facilities have the capacity to carry the increased drainage flow, drainage facilities in the development shall be connected to drainage facilities outside the development. Areas subject to inundation shall comply with the applicable provisions of the Tillamook County Land Use Ordinance.
- (2) When lot sizes are increased to provide separation of water sources and sewage disposal systems, but are likely to be capable of further division as described in Section 5 of this Ordinance, the requirements of Section 5 must be met.
 - (3) Where required by the density or the character of the development, the following improvements may be required:
 - (a) PEDESTRIAN WAYS: A sidewalk not less than five feet wide shall be installed in the center of pedestrian ways.

SECTION 42: IMPROVEMENT STANDARDS

The design, improvement, and construction of all roads and streets resulting from the division of land shall comply with the following standards and requirements, to the extent possible given topography, aesthetics, safety, or other design considerations.

(A) STREETS

(1) GENERAL

- (a) The design, improvement, and construction of all streets resulting from the division of land or creation of an access easement shall comply with the following standards and requirements.
- (b) These standards apply for both public and private streets.

- (c) These standards apply for improvements required within the land division and for any street improvements required to access the land division.
- (d) Design exceptions to these standards may be approved by the County Engineer. For subdivisions, such approval is subject to approval ratification by the Planning Commission. The County Engineer may, in concurrence with the Community Development Department, approve design exceptions to these standards for partitions. Design exceptions may only be approved if any one of the following conditions are met:
 - (1) A minor change to a standard is required to address a specific design or construction problem, if not allowing the minor change would result in an undue hardship, or
 - (2) Topography, right-of-way or other geographic conditions impose a hardship on the applicant, provided that the applicant provides either an alternative design or mitigation to accomplish the goals of the design principles of these standards.
- (e) Except for design exceptions to standards as provided in Section 1.4, deviations from the standards may only be approved through the Variance procedures in Section 51 "VARIANCE APPLICATION" of this ordinance.

(2) ROADWAY WIDTH AND ALIGNMENT STANDARDS

- (a) The current edition of "A POLICY on GEOMETRIC DESIGN of HIGHWAYS and STREETS" by the American Association of State Highway and Transportation Officials (AASHTO Manual) shall be used for all roadway standards unless the standards of this ordinance are more restrictive.
- (b) Average Daily Traffic (ADT) for design is to be determined based on the anticipated future usage of the roadway based on maximum density allowed by the zoning. For residential developments the ADT is assumed to be 10 vehicles per day per residence.
- (c) The traveled way shall be paved except for:
 - (1) Minimum Local Streets, and
 - (2) Minor Local Streets in zones with minimum lot sizes of greater than ten (10) acres.

All roadways with a profile grade in excess of 12% shall be paved, including the exceptions listed.

(3) MINIMUM RIGHT-OF-WAY WIDTHS:

- (a) The minimum Right-of-Way width for roadways shall be based on their functional classification as follows:

	Width
Arterial & Collectors	60 ft.
Major Local	60 ft.
Minor Local	50 ft.
Minimum Local	25 ft.

- (b) Side slope easements are required whenever roadway cuts or fills extend beyond the right-of-way.
- (c) Additional right-of-way may be required when features such as left turn refuges or deceleration tapers are needed.
- (d) Any right-of-way less than 50 feet wide shall be a private street and be dedicated as an easement.

(4) DEAD END STREETS

- (a) A dead end street is allowed if all of the following conditions exist:
- (1) The street is a Minor Local Street or a Minimum Local Street, and
 - (2) the street is not more than 2000 feet in length, and
 - (3) the street serves no more than 18 dwellings.
- (b) A dead end street shall terminate with a turnaround adequate for emergency vehicle turn-around. Temporary dead end streets shall have temporary turnarounds within temporary easements which may expire upon the extension of the street into adjacent land.

(5) FUTURE EXTENSION OF STREETS:

- (a) Streets shall be extended to the parcel boundary where they are necessary to serve adjoining properties or to improve traffic circulation in and around the tract.

- (b) Public streets may be required through the subdivisions when it is necessary to:
 - (1) provide for continuation, through projection, of an existing principal street in the surrounding areas; or
 - (2) permit future subdivision of adjoining land.

- (6) INTERSECTIONS
 - (a) Streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in T-intersections shall, wherever practical, leave a minimum distance of 250 feet between the center lines of intersecting . Such intersections shall not be less than 125 feet apart.
 - (b) Streets shall be laid out to intersect as near to right angles as practical. In no case shall the angle be less than 60 degrees unless there is a special intersection design.
 - (c) Arterial or collector streets shall have at least 100 feet of tangent adjacent to any intersection. Local streets shall have at least 50 feet of tangent adjacent to any intersection.

- (7) IMPROVEMENTS TO EXISTING STREETS: Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way and surfacing shall be provided by the applicant as part of the Subdivision or Partition

- (8) STREET NAMES: Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets.

- (9) FRONTAGE STREETS: Where a Subdivision abuts or contains an existing or proposed arterial, the County may require limited access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation, or other treatment necessary to afford separation of through and local traffic and incompatible land uses.

- (10) ALLEYS: Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to utilities and off-street parking and loading facilities are approved by the Commission.

- (11) FEATURES PROHIBITED IN PUBLIC STREETS: Roadway gates, parking lots and islands are not allowed in public street right-of-ways.

B. BLOCKS

- (1) GENERAL: The length, width and shape of blocks shall take into account the need for adequate lot size and street width, and shall recognize the limitations of the topography.
- (2) SIZE: No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless topography or the location of adjoining streets requires otherwise. The recommended minimum length of blocks along an arterial is 2,000 feet.

C. EASEMENTS

- (1) UTILITY LINES: Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 feet wide. Utility line tieback easements may be 5 feet wide.
- (2) WATER COURSES: If a Subdivision is traversed by a watercourse such as a drainage way, channel or stream, a storm water easement or drainage right-of-way shall be created.
- (3) PEDESTRIAN WAYS: When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly-shaped blocks.

D. LOTS

- (1) SIZE: Lot sizes shall conform to standards contained in the Tillamook County Land Use Ordinance. Lots reserved for commercial or industrial purposes shall be adequate to provide off-street parking and service facilities required by the type of use contemplated.
 - (a) In areas that will not be served by a public water supply or a public sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal.
- (2) ACCESS: Each lot shall abut upon a street or private road, other than an alley, for a width of at least 25 feet.
- (3) THROUGH LOTS: Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation.

- (4) LOT SIDE LINES: Where possible, the side lines of lots shall run at right angles to the street upon which the lots face, unless a different angle is required to provide optimum solar orientation, or is necessary to conform to topography or road orientation.
- (5) LOT GRADING: Lot grading shall conform to the following standards unless topography, soil type, or other physical conditions require otherwise. In such cases, grading shall conform to a plan approved by the County Public Works Director.
 - (a) CUT SLOPES: Cut slopes shall not exceed one-and-one-half feet horizontally to one foot vertically.
 - (b) FILL SLOPES: Fill slopes shall not exceed two feet horizontally to one-foot vertically.
 - (c) SOIL CHARACTER: The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.

E. BUILDING LINES

If special building setback lines are to be established in the Subdivision, they shall be shown on the Subdivision plat. If setbacks are proposed which are less than the minimum yard requirements contained either in the Land Use Ordinance or in Section 35 (2) of this Ordinance, the Planning Commission may approve such special setbacks only in accordance with the requirements of Section 51 of this Ordinance. Special setback lines shall not be established which would preclude the use of insulation for alternative energy production on adjacent lots.

F. LAND FOR PUBLIC PURPOSES

If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed Subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Commission may require that those portions of the Subdivision be reserved, for a period not to exceed one year, for public acquisition at a cost not to exceed the value of the land.

G. DEDICATIONS

The Commission may require as a condition of approval the dedication to the public of rights-of-way for public purposes, on or off of the property subject to the approval. All dedications must appear on the final plat, and be approved by the County prior to recordation.

SECTION 43: IMPROVEMENT SPECIFICATIONS

- (1) The County Public Works Department shall prepare and submit to the Board of Commissioners specifications to supplement the standards of this Ordinance. Such specifications shall be based on engineering standards appropriate for the improvements of concern. Specifications shall be prepared for the construction of the following improvements:
 - (a) Streets, including related improvements such as curbs, shoulders, sidewalks and cul-de-sacs, and including suitable provisions for necessary slope easements.
 - (b) Drainage facilities.
 - (c) Sidewalks.
 - (d) Sewer trunk lines.
 - (e) Public water supply and distribution systems.
- (2) Until such specifications are adopted by the County, all improvements must comply with the requirements of the Public Works Department as determined during its review of any land division proposal.

(Sections 44 through 49 reserved for expansion)

ADMINISTRATIVE PROVISIONS

SECTION 50: IMPROVEMENT EXCEPTIONS FOR LARGE-SCALE DEVELOPMENTS

- (1) The Commission may modify the improvement standards of this Ordinance, according to the Variance procedures contained in the Tillamook County Land Use Ordinance and the criteria contained in Section 51 (2) of this Ordinance, if the plat comprises a Cluster defined in Section 2 of this Ordinance, a planned industrial area, or a mixed-use development as defined in Ordinance Number 33, the Tillamook County Land Use Ordinance.
- (2) In accordance with the procedures for Variances contained in the Land Use Ordinance, the Commission shall make findings that such exceptions contain adequate provisions to ensure that the purposes of this Ordinance are met.

SECTION 51: VARIANCE APPLICATION

- (1) The Director or the Commission may authorize Variances to the requirements of this Ordinance. An application for a Variance shall be submitted by the developer on forms provided by the Department, accompanied by fees established for Variance reviews requested according to the provisions of the Land Use Ordinance, and shall state fully the grounds for the Variance application. A Variance application filed with the tentative land division plan may be considered by the Commission or the Department during its review of the Tentative Plat or plan. Any Variance request submitted after tentative approval of the land division shall be considered by the Commission or the Department prior to final plat or plan approval.
- (2) In considering an application for a Variance, the Commission or the Director shall determine that:
 - (a) Where there has already been tentative approval of the land division, a Variance is necessary to serve the proposed lots or parcels;
 - (b) Substantial hardship would result from strict compliance with these regulations or the conditions of the preliminary approval, due to special circumstances or conditions affecting the property, over which the developer has no control;
 - (c) The Variance complies with the intents and purposes of these regulations, and will not be injurious to the use of the tract for homesites or to other property in the vicinity; and
 - (d) The requested Variance is the minimum necessary to alleviate the hardship.
- (3) It is not the intent of these regulations to inhibit or restrict the design of facilities intended to conserve energy or to develop alternative energy resources. Variances granted for the purposes of conserving energy shall be the minimum Variance required to allow such conservation measures.

SECTION 52: PLANNING COMMISSION HEARING

- (1) Commission actions required in this Ordinance shall be taken only after a public hearing noticed and conducted in the manner prescribed for Quasi-Judicial Land Use Hearings in Article X of the Tillamook County Land Use Ordinance.
- (2) In approving a Variance from the standards prescribed in this Ordinance, the Commission shall make a written record of its findings and shall specifically describe the Variance or any conditions it may designate as a result of its review. Such findings and conclusions shall be kept with the Tentative Plat file, as a matter of public record, in the Department files.

SECTION 53: APPEAL

- (1) A person may appeal to the Board a decision or requirement made by the Commission. Written notice of the Appeal must be filed with the Board's secretary within ten days following the date upon which the letter confirming the Commission's decision or requirement is postmarked. Such notice shall state the nature of the decision and the grounds for Appeal.
- (2) The Board shall hold a hearing on the Appeal within 30 days of the date upon which the Appeal was filed. The Board may continue the hearing for good cause. Following its hearing, the Board may overrule, modify, or leave standing the Commission's decision or requirement, only to the extent that the Board's decision complies with the spirit and intent of this Ordinance. The disposition of the Appeal shall be final.

SECTION 54: INTERPRETATION

Where the provisions of this Ordinance are less restrictive than the provisions of any other Ordinance, resolution or regulation, or are inconsistent in their requirements, the more restrictive provisions shall be applied.

SECTION 55: VALIDITY

If, for any reason, a provision of this Ordinance is judged invalid or unconstitutional, such judgement shall not affect the validity or applicability of the rest of the Ordinance.

SECTION 56: ENFORCEMENT

This Ordinance may be enforced in any manner authorized by State or local law, including

ORS Chapters 92, 203, 215. and Tillamook County Ordinance No. 35, the Tillamook County Citation Ordinance.

SECTION 57: REPEALER

Tillamook County Ordinance No. 34, effective March 30, 1982, is repealed upon the effective date of this Ordinance. Any use of land which was illegal under the provisions of Ordinance No. 34 is a violation of this Ordinance, and may be the subject of enforcement action pursuant to Section 31 hereof.

SECTION 58: ADOPTION

This Ordinance shall be in full force and effect immediately upon its adoption.

SECTION 59: PROHIBITION

Any use of land by any person which is contrary to the terms of this Ordinance or of any permit or other approval issued hereunder is prohibited.