

LAND DIVISION ORDINANCE
DEVELOPMENT APPROVAL PROCEDURES

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INTRODUCTION

SECTION 010: PURPOSE

- (1) The purpose of this Ordinance is to establish standards for property line adjustments for the division of land by way of partition or subdivision and for the development of improvements for areas of Tillamook County outside the urban 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 encourage safe and convenient access for vehicles, pedestrians, and bicyclists;
 - (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 be limited to those zones designated for residential, commercial or industrial 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 020: 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.

AASHTO: American Association of State Highway and Transportation Officials

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.

BICYCLE LANE: That part of the roadway or highway, adjacent to the roadway or highway, designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law.

BICYCLE PATH: A public way, not part of a roadway or highway, that is designated by official signs or markings for use by persons riding *bicycles* except as otherwise specifically provided by law.

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 preliminary plat or map 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 human-caused 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.

LAND DIVISION: The creation of any new lot or parcel by partition or subdivision. See definition for "Partition". See definition for "Subdivision".

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

(1) **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.

(2) **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.

(3) **THROUGH LOT:** A lot fronting on two parallel or approximately parallel streets other than alleys.

MIDDLE HOUSING LAND DIVISION. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed.

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 not more than three parcels of land 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 does not include:

(1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) Adjusting a property line as property line adjustment is defined in this section;

(3) Dividing land as a result of the recording of a subdivision or condominium plat;

(4) Selling or granting by a person to a public agency or public body of property for state highway, county road or other right of way purposes if the road or right of way complies with the comprehensive plan and uses permitted in the Farm (F-1) Zone. However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(5) Selling or granting by the County of excess property resulting from the acquisition of land by the County for county roads or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property.

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 subdivision plat, replat or partition plat.

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 that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, 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. 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 paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb, drainage facility (e.g., ditch or swale), or planter strip.

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

STREET: See definition for "Road."

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 connectivity 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 connectivity 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 400 vehicles per day.
- B. Minor Local - A local street with no truck traffic (industrial, timber or farm) and ADT of 400 or fewer 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.

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.

UNINCORPORATED COMMUNITY BOUNDARY: The boundary of any unincorporated community designated in the Tillamook County Comprehensive Plan, including the community boundaries of Neahkahnie, Mohler, Idaville, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Pacific City, Neskowin, Beaver, Hebo, Cloverdale and Siskeyville.

SECTION 030: GENERAL PROVISIONS

- (1) Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation according to the following two steps:
 - (a) The preliminary plat shall be approved, by the Tillamook County Planning Commission, before the final plat can be submitted for approval consideration; and
 - (b) Compliance with all conditions of approval of the preliminary plat shall be demonstrated prior to final plat approval.
- (2) All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and partitions.
- (3) No deed for a parcel created through a Partition shall be filed in the office of the County Clerk without the prior approval, by the Department, of the Partition.

- (4) No Subdivision shall be filed in the office of the County Clerk without the signature of the Chair of the Planning Commission and all other signatures required by law.
- (5) Approval of a final plat shall be void 30 days after the final approving signature is made thereon, unless the plat has been recorded in the office of the County Clerk.
- (6) All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant with Section 150. These systems shall be located and constructed underground where feasible.
- (7) All partition and subdivision proposals shall demonstrate that lots have adequate surface water drainage facilities or that these will be provided in order to reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant with Section 150.
- (8) All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant with Section 150.

SECTION 040: PRELIMINARY PLAT APPROVAL PROCESS

- (1) **Review Procedures.** Preliminary plats for partitions shall be processed using the Type II procedure under Article 10 Section 070. Preliminary plats for subdivisions shall be processed using the Type III procedure under Article 10 Section 080. All preliminary plats are subject to the approval criteria in Section 070 of this ordinance.
- (2) **Approval Period.** Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided within the two-year period. The Planning Commission may approve phased subdivisions with an overall time frame of more than two (2) years between preliminary and final plat approvals pursuant to Subsection 040(4).
- (3) **Extensions.** The County may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period provided that all of the following criteria are met:
 - (a) All requests for extensions of preliminary plat approval shall be received in the Department office at least 30 days prior to the expiration date of the approval.
 - (b) Where there has been substantial improvement after two (2) years from the date of original plat approval, the Department may extend preliminary plat approval for a single 2-year period under a Type I procedure, pursuant to Article 10 Section 060. 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.

- (c) If the developer requests an extension beyond 2-years from preliminary plat approval and no substantial improvement has occurred, as described in (3)(b)., the request shall be reviewed through a Type III procedure, pursuant to Article 10 Section 080. 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 preliminary plat approval to the Commission for its review.
 - (d) All requests for an extension of preliminary plat approval may be subject to either new conditions or denial by the Commission following its consideration of the Department's review as described in Subsection 3(c).
 - (e) A denial of a request for an extension shall not preclude an application for preliminary plat approval as set forth in Section 070 of this Ordinance.
 - (f) No preliminary plat shall be approved for a period greater than 4 years.
- (4) Phased Subdivisions. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided applicant's proposal meets all of the following criteria:
- (a) In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than two (2) years;
 - (b) Public facilities shall be constructed in conjunction with or prior to each phase;
 - (c) The phased development shall not result in requiring the County or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
 - (d) The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and
 - (e) Planning Commission approval is required for modifications to phasing plans.

SECTION 050 – PRE-PLANNING FOR LARGE SITES

- (1) Pre-planning of large sites is required within Unincorporated Community Boundaries as designated in the Land Use Ordinance, or that are within one mile of either Urban or Unincorporated Community Boundaries in conjunction with applications for partitions or phased subdivisions, the purpose of which is to avoid piecemeal development with inadequate public facilities.
- (2) This section applies to land use applications affecting more than 11,000 square feet in size of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this Section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.

- (3) Prior to submittal of a land division application for an area subject to this Section, a conceptual master plan shall be submitted to the Director with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership and demonstrate that the following design guidelines can be met:
- (a) Streets are interconnected and are shown with logical extensions to neighboring parcels and to the planned transportation system.
 - (b) Water, sewer and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated.
 - (c) Within Unincorporated Community Boundaries, the plan demonstrates that housing densities and urban uses can be accommodated, consistent with the Comprehensive Plan and Tillamook County Land Use Ordinance.

SECTION 060: PRELIMINARY PLAT SUBMISSION REQUIREMENTS

- (1) Applications for Preliminary Plat approval shall contain the following information:
- (a) General Preliminary Plat Requirements. Information required for a Type II Review (for partitions) or Type III Review (for subdivisions), pursuant to Article 10 Section 070 and Section 080, respectively.
 - (b) Preliminary Plat Information. In addition to the general information described in Subsection (a) above, the Preliminary Plat application shall consist of drawings and supplementary material adequate to provide the following information, in quantities determined by the County Surveyor and Tillamook County Planning Commission.
 - i. General Information.
 - 1. For subdivisions, the proposed name shall not duplicate or resemble the name of another land division in the County, and shall be approved by the County Surveyor.
 - 2. Date, north arrow, scale of drawing.
 - 3. Location of the development sufficient to define its location, boundaries, and a legal description of the site.
 - 4. Zoning of parcel to be divided, including any overlay zones.

5. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey.
 6. Clear identification of the drawing as a “Preliminary Plat” and date of preparation.
 7. Name and addresses of the owner(s), developer, and the engineer or surveyor.
- ii. Existing Conditions. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions:
1. Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the site; and location of existing access point
 2. Width, location and purpose of all existing easements of record on and abutting the site;
 3. The location and present use of all structures on the site and indication of which, if any structures are to remain after platting;
 4. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 5. Location of all existing subsurface sewerage systems, including drainfields and associated easements on the site.
 6. Ground elevations shown by contour lines at 2-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Director may waive this standard for partitions when grades, on average, are less than 10 percent;
 7. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 8. Natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tide flats;
 9. Any plat that is five (5) acres or larger, or proposes 50 lots or greater, shall include the Base Flood Elevation, per FEMA Flood Insurance Rate Maps,
 10. North arrow and scale; and

11. Other information, as deemed necessary by the Planning Director for review of the application. The County may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- iii. Proposed Development. Except where the Director deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:
1. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 2. City boundary lines when crossing or adjoining the subdivision;
 3. Easements: location, width and purpose of all proposed easements;
 4. Proposed deed restrictions, if any, in outline form.
 5. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
 6. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
 7. On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;
 8. Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided. This information may be included on the preliminary plat map provided all information is legible.
 9. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
 10. Evidence of compliance with applicable overlay zones, including but not limited to the Flood Hazard Overlay (FH) zone;
 11. Evidence of contact with the applicable road authority for proposed new street connections; and

12. Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.

- (c) Any of the following information may be required by the Department to supplement a proposed subdivision plan:
- i. If the Subdivision plat occupies only part of a tract owned or controlled by a developer, a sketch of preliminary street layout in the undivided portion.
 - ii. Special studies of areas which appear to be hazardous due to local geologic conditions.
 - iii. 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.
 - iv. 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.
 - v. Profiles of proposed drainage ways.
 - vi. 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.
 - vii. If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.
 - viii. Proposed method of financing the construction of common improvements such as street, drainage ways, sewer lines and water supply lines.
- (d) Fifteen (15) legible "to scale" hard copies, or a lesser amount as deemed necessary by the Director, and one digital copy of the preliminary plat and all supplementary materials shall be submitted to the Department.
- (e) Upon receipt of the preliminary 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 City. If the proposed Subdivision is within 500 feet of a state highway, one copy shall be furnished to the Oregon Department of Transportation. Where the Department determines that it is necessary to do so, it shall furnish a copy of the plans to the Tillamook County Soil and Water Conservation District (SWCD), the appropriate water and sewer districts, the telephone service and electric service companies, and appropriate state or federal resource protection agencies.

SECTION 070: PRELIMINARY PLAT APPROVAL CRITERIA

- (1) Approval Criteria. The Approval Authority (Director for partitions and Planning Commission for subdivisions) may approve, approve with conditions or deny a preliminary plat. The Approval Authority decision shall be based on findings of compliance with all of the following approval criteria:
- (a) The land division application shall conform to the requirements of this ordinance;
 - (b) All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of the Land Use Ordinance – Article 3 Zone Regulations and the standards in Section 150 of this ordinance;
 - (c) Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance;
 - (d) The proposed plat name is not already recorded for another subdivision, does not bear a name similar to or pronounced the same as the name of any other subdivision within the County, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name;
 - (e) The proposed streets, utilities, and surface water drainage facilities conform to Tillamook County's adopted master plans and applicable engineering standards and, within Unincorporated Community Boundaries, allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
 - (f) All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
 - (g) Provisions for access to and maintenance of off-right-of-way drainage, if any;
 - (h) Evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
 - (i) Evidence that improvements or conditions required by the road authority, Tillamook County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met, including but not limited to:
 - (i) Water Department/Utility District Letter which states that the partition or subdivision is either entirely excluded from the district or is included within the district for purposes of receiving services and subjecting the partition or subdivision to the fees and other charges of the district.

(ii) Subsurface sewage permit(s) or site evaluation approval(s) from the appropriate agency.

(2) Conditions of Approval. The Approval Authority may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

SECTION 080: LAND DIVISION-RELATED VARIANCES

(1) Variances shall be processed in accordance with Article 8 of the Land Use Ordinance.

(2) Applications for variances shall be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications shall be reviewed concurrently.

SECTION 090: FINAL PLAT SUBMISSION REQUIREMENTS AND APPROVAL CRITERIA

Final plats require review and approval by the County per the requirements, approval criteria, and procedure below. These regulations are applicable to both partitions and subdivisions.

(1) Submission Requirements. The applicant shall submit the final plat within two (2) years of the approval of the preliminary plat unless an extension is granted as provided by Section 040.

(a) Additional Information for Final Plats. In addition to that otherwise specified by law, the following information shall be shown on the final plat for subdivisions:

- i. The date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter;
- ii. Description of the plat perimeter;
- iii. The names and signatures of all interest holders in the land being platted, and the surveyor; and
- iv. 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

(b) 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:

- i. 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.
 - ii. 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.
 - iii. Provisions for access to and maintenance of off-right-of-way drainage, if any.
 - iv. Block and lot boundary lines, their bearings and lengths.
 - v. 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.
 - vi. 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.
 - vii. The area, to the nearest hundredth of an acre, of each lot which is larger than one acre.
 - viii. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.
- (c) The following certificates, which may be combined where appropriate, shall accompany the final plat for subdivisions.
- i. 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.
 - ii. 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.
 - iii. A certificate bearing the seal and signature of the engineer or surveyor responsible for the survey and the final map.
 - iv. A certificate from the Water Department/Utility District indicating that the partition or subdivision is within the district for purposes of receiving services.

- v. A certificate, signed by the County Public Works Director, stating that the developer has complied with the requirements of Sections 180 and 190 of this Ordinance.
- (d) Any County Department involved in the review of the final plat for a subdivision may require any of the following materials to assist in the review of the final plat:
 - i. 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.
 - ii. 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.
 - iii. A copy of any deed restrictions applicable to the Subdivision which are to be filed with the final plat.
 - iv. A copy of any dedications requiring separate documents.

(2) Technical Review of the Final Plat.

- (a) 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 preliminary plat, including any special conditions of approval, and that there has been compliance with provisions of the law and of this Ordinance.
- (b) 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. The County Surveyor 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.
- (c) When the County Surveyor determines that full conformity has been made, he shall so certify, and return the plat to the Department.

(3) Approval Process and Criteria. By means of a Type I Review, the Director shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

- (a) The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat and, if applicable, any modifications as approved pursuant to Section 140, and all conditions of approval have been satisfied;
- (b) All public improvements required by the preliminary plat have been installed and approved by the County or applicable service provider if different than the County (e.g., road authority), or otherwise bonded in conformance with Section 150;
- (c) The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
- (d) All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
- (e) The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets and roads, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;
- (f) As applicable, the applicant has furnished acceptable copies of Covenants, Conditions and Restrictions (CC&R's); easements, maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;
- (g) Unless a subsurface sewerage permit or site evaluation approval has been issued from the appropriate agency for all the preliminary approved parcels, a notation shall be placed on the plat stating that the allowance of the partition does not warrant that sewer or site evaluation approval is or will be available to the approved parcels; and
- (h) The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Tillamook County Surveyor for purposes of identifying its location.

(4) Recording

- a. Within two (2) years of final review and approval, all final plats for land divisions shall be filed and recorded with the County Clerk, except as required otherwise for the filing of a plat to lawfully establish an unlawfully created unit of land.
- b. Prior to acceptance of a final subdivision or partition plat for recording by the County Clerk, a copy of all supplemental information that must be recorded, such as restrictive

covenants, shall be attached to the final plat. Supplemental information that is required to be recorded shall be recorded immediately after recording the plat. The County Clerk shall note the document recording numbers on the plat.

- c. All subdivision plats shall be approved and signed by the County Surveyor, the County Assessor, and the Chairperson or Vice-Chairperson of the Tillamook County Planning Commission and Board of County Commissioners.

SECTION 100: 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

Zone	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.

- (3) The plans submitted for review of Cluster Subdivisions, as defined in Section 020 of this Ordinance, shall include the following, in addition to meeting the Subdivision review requirements of this Ordinance.

(a) Preliminary Plan:

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:

- i. 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;
- ii. The gross acreage, reduced by fifteen percent (15%) for proposed roads and parking areas, is considered to be the net acreage for development;
- iii. 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.
- iv. 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.
- v. A map of the proposed lots and their building lines, showing that each can be built upon within setbacks.
- vi. A map showing parking areas and emergency access routes.
- vii. 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:

- i. 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.
- ii. The final plat shall indicate that development will be permitted only in accordance with the land uses indicated on the final plat.
- iii. 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.

SECTION 110: MINOR REVISIONS TO PRELIMINARY APPROVED LAND DIVISIONS

- (1) Minor revisions to preliminary approved land divisions involve a limited number of changes from the original application and typically should not alter any approval criteria and development standards which apply to the development proposal. Minor revisions to a preliminary approval for a land division may be made through a Type I procedure for the following:
 - (a) Lot dimensions;
 - (b) Street locations;
 - (c) Lot patterns; and
 - (d) Density decreases.
- (2) All other revisions shall be processed as a new application and shall be subject to the standards deemed necessary that are in effect at the time the new application is submitted.

SECTION 120: RE-PLATTING AND VACATION OF PLATS

- (1) Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed, or vacated pursuant to subsection (5) or (6).
- (2) The same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat a recorded plat.
- (3) Limitations on replatting include, but are not limited to, the following:
 - (a) a replat shall only apply to a recorded plat;
 - (b) a replat shall not vacate any public street or road; and
 - (c) a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.
- (4) A re-plat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable County standards.
- (5) Vacation of lot lines: Quasi-judicial Review. One or more interior lot lines in a recorded plat may be vacated either by private petition or by public resolution as prescribed in ORS 368. A lot line vacation under this provision is a quasi-judicial action subject to an established fee, petition/application, notice and hearing before the Planning Commission.

- (6) Vacation of lot lines: Owner Consent. Notwithstanding the above provision, and as authorized in ORS 368, one or more interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent shall be obtained from 100 percent of property owners abutting the public property proposed to be vacated.
- (a) A pre-application conference and administrative action fee shall be required. Property owner consent shall be obtained by the applicant and submitted to the Planning Department on forms provided by the County. Those owners whose consent signature is required shall be identified by the Planning Department. Property owner consent signatures shall be verified by sending a copy of the signed consent form to each identified property owner.
 - (b) The line vacation shall be approved:
 - i. Upon verification of the required consent signatures, and
 - ii. After the Director or the Public Works Director file a written report finding that the action
 - 1. Complies with applicable land use regulations;
 - 2. Facilitates development of the private property subject to the vacation; and,
 - 3. Any vacation of public property is in the public interest.
 - (c) If the required owner consent signatures cannot be obtained, then in order to continue with the proposed lot line vacation, the applicant(s) shall remit the additional fee required for an quasi-judicial lot line vacation and proceed under the provisions of Section 120.5.

SECTION 130: PROPERTY LINE ADJUSTMENTS

- (1) A Property Line Adjustment is the modification of a parcel or lot boundary when no parcel or lot is created. The Director reviews applications for Property Line Adjustments pursuant with the Type I procedure under Article 10 Section 060. The application submission and approval process for Property Line Adjustments is as follows:
- (a) Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the County and shall include information required for a Type I review, pursuant with Article 10 Section 060. The application shall include a preliminary property line map drawn to scale and based upon the Director's determination, may be required to identify all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; a FEMA FIRMette identifying the subject properties and demonstration of compliance to Section 3.060: Tillamook County Flood Hazard Overlay zone; existing fences and walls; and any other information deemed necessary by the Director for ensuring compliance

with County codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

(b) Approval Criteria. The Director shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

- i. Parcel Creation. No additional parcel or lot is created by the lot line adjustment;
- ii. Lot standards.
 1. All lots and parcels conform to the applicable lot standards of the zone including lot area, dimensions, setbacks, and coverage, except where 2. or 3. applies.
 2. For properties entirely outside an Unincorporated Community Boundary, where one or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment, one property shall be as large or larger than the minimum lot or parcel size for the applicable zone after the adjustment.
 3. For properties entirely outside an Unincorporated Community Boundary, both abutting properties are smaller than the minimum lot size for the applicable zone before and after property line adjustment.
 4. As applicable, all lots and parcels shall conform the Tillamook County Flood Hazard Overlay Zone.
- iii. Access and Road authority Standards. All lots and parcels conform to the standards or requirements of Section 150: Development Standards for Land Divisions, and all applicable road authority requirements are met. If a lot is nonconforming to any road authority standard, it shall not be made less conforming by the property line adjustment.

(c) Recording Property Line Adjustments

- i. All property line adjustments shall comply with ORS Chapter 92 and be executed by deed.
- ii. All deeds necessary to execute a property line adjustment shall be filed and recorded with the Tillamook County Clerk's Office.

(2) Property Line Adjustments in Subdivisions and Partitions

- (a) Except as provided for in subsection (b), all property line adjustments within recorded plats shall be accomplished by replatting in accordance with Section 120.

- (b) Property lines within a recorded plat may be adjusted in accordance with the procedure for property line adjustments set forth in Section 130, rather than by replatting, when the director determines that:
 - i. The property line or lines to be adjusted will not result in a substantial reconfiguration, as deemed by the Director, of the affected lots or parcels; and
 - ii. All of the other requirements for property line adjustments set forth in 130 will be met.

SECTION 140: 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 drawn by a licensed professional 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 subsurface improvements 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:
 - i. 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.

- ii. In lieu of said bonds, the developer may elect either of the following alternatives:
 - 1. A Time Certificate of Deposit naming Tillamook County as beneficiary, placed on file with Tillamook County by the developer.
 - 2. 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 150: DEVELOPMENT STANDARDS FOR LAND DIVISIONS

The following requirements and standards shall apply to all land divisions:

- (1) WATER SUPPLY: All lots or parcels shall either be served by a public domestic water supply system conforming to State of Oregon 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.
- (2) 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.
- (3) STREETS, GENERAL: 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 be provided consistent with the standards in Sections 150 and 160, and shall include 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 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 Partition.

(4) ACCESS:

- (a) All parcels created by a 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.
- (b) All parcels or lots created by a subdivision shall abut a street or private road, other than an alley, for at least 25 feet at a point which can be developed for safe access.

(5) STORM DRAINAGE SYSTEMS: Such grading shall be performed and drainage facilities installed conforming to Tillamook County Public Works Department 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. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right of way shall be provided as required in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.

- (a) Design exceptions to these standards may be approved by the Tillamook County Public Works Director. 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 the provisions of Section 110: Minor Revisions to Preliminary Approved Land Divisions are met
- (b) 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 050 of this Ordinance, the requirements of Section 050 must be met.

(6) BLOCKS:

- (a) 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.
- (b) 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.

(7) BUILDING LINES

- (a) If special building setback lines are to be established in the Subdivision, they shall be shown on the preliminary Subdivision plat. If setbacks are proposed which are less than the minimum requirements contained either in the Land Use Ordinance or in Section 100 of this Ordinance, the Planning Commission may approve such special setbacks only in accordance with the requirements of Section 080 of this Ordinance. Special setback lines shall not be established which would preclude the use of insolation for alternative energy production on adjacent lots.

(8) LAND FOR PUBLIC PURPOSES

- (a) 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.

- (9) DEDICATIONS. The Commission may require as a condition of approval the dedication to the public of rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.

(10) EASEMENTS

- (a) UTILITY LINES: Easements for utilities shall be dedicated whenever necessary.
- (b) 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.

(11) LOTS

- (a) 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 proposed.
- (b) 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.
- (c) ACCESS: Each lot shall abut upon a street or private road, other than an alley, for a width of at least 25 feet.
- (d) 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.

- (e) 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.
- (f) GRADING: Grading shall conform to a plan approved by the County Public Works Director.

SECTION 160: STREET IMPROVEMENTS

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.

(1) STREETS - GENERAL

- (a) The design of improvements governed by these standards shall, in general, conform to policies set forth in the current editions of the following publications by the American Association of State Highway and Transportation Officials (AASHTO):
 - i. “A Policy on Geometric Design on Highways and Streets”.
 - ii. “Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT < 400)”
- (b) Standards in Section 160 apply to both public and private streets.
- (c) These standards apply to improvements required within the land division and for any street improvements required to access the land division.
- (d) Except for design exceptions to standards as provided in Section 150, deviations from the standards may only be approved through the Variance procedures in Article 8.

(2) ROADWAY WIDTH AND ALIGNMENT STANDARDS

- (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 County Public Road Improvement Ordinance design standards, as well as the following standards and requirements.
- (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:
 - i. Minimum Local Streets, and

- ii. Minor Local Streets in zones with minimum lot sizes of greater than ten (10) acres.
- (d) 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:

Functional Classification	Width
Arterial & Collectors	60 ft.
Major Local	60 ft.
Minor Local	50 ft.
Minimum Local	30 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:
 - i. The street is a Minor Local Street or a Minimum Local Street, and
 - ii. the street is not more than 2000 feet in length, and
 - iii. 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:

- i. provide for continuation, through projection, of an existing principal street in the surrounding areas; or
- ii. 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 zones, 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 rights-of-way.

SECTION 170: 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 180: VALIDITY

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

SECTION 190: 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 200: 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 210: ADOPTION

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

SECTION 220: 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.

SECTION 230: MIDDLE HOUSING AND EXPEDITED LAND DIVISIONS

The expedited and middle housing land division process shall implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and ORS 92.031 regarding middle housing land divisions.

(1) APPLICABILITY.

- (a) Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within a residential zone as provided in ORS 197.365.
- (b) Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot within a residential zone within the boundary of the Unincorporated Communities of Neahkahnie, Barview/Twin Rocks/Watseco, Oceanside, Netarts, Hebo, Cloverdale, Pacific City/Woods and Neskowin.

- i. A duplex.

- ii. A triplex.
 - iii. A quadplex.
 - iv. A cottage cluster.
- (c) Townhouses, by definition, are already on their own lots, so a middle housing land division is not applicable to townhouse developments. Lots for townhouses shall be created through subdivision or partition, subject to this Land Division Ordinance.

(2) PROCEDURES.

An Expedited Land Division or Middle Housing Land Division is not a land use procedure. The following procedure for an Expedited Land Division or Middle Housing Land Division shall be followed:

- (a) Pre-Application Meeting. A pre-application meeting is required prior to submittal of an application for an Expedited Land Division or Middle Housing Land Division.
- (b) Application Requirements. Applicants shall submit materials required by Section 060 of this ordinance.
- (c) Completeness Review. The Director shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 21 calendar days after receipt of the application submittal.
 - i. If the application for a land division is incomplete, the County shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
 - ii. If the application was complete when first submitted or the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.
 - iii. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the Director by the applicant, indicating whether or not the applicant intends to amend or supplement the application.
- (d) Notification.
 - i. The Director shall provide written notice of the receipt of the completed application for a Middle Housing Land Division or Expedited Land Division to all of the following:
 - 1. The applicant and/or authorized representative;

2. The owner(s) of record of the subject property;
3. County appointed Citizen Advisory Committee (CAC) whose boundaries include or are within 100 feet of the subject property;
4. Owners of record within 100 feet of the perimeter of the subject property; and
5. Any state agency, local government or special district responsible for providing public facilities or services to the development.

ii. The notice shall state:

1. The street address or other easily understood geographical reference to the subject property;
2. The place, date and time that comments are due;
3. A time and place where copies of all evidence submitted by the applicant will be available for review;
4. The applicable criteria for the decision;
5. The name and telephone number of the Department contact person;
6. A brief summary of the County's decision-making process for the Middle Housing Land Division or Expedited Land Division;
7. The deadline for submitting written comments;
8. That issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period; and
9. That issues must be raised with sufficient specificity to enable the County to respond to the issue.

iii. After notification according to the procedure set out above, the Director shall provide a 14-day period for submission of written comments prior to the decision.

(e) Decision. The Director shall make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the applicable requirements of this section.

- i. Approval may include conditions to ensure that the application meets the applicable regulations.
- ii. For Middle Housing Land Division and Expedited Land Division applications, the Director:

1. Shall not hold a hearing on the application; and
 2. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination.
- iii. The decision shall include a statement of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy each applicable approval.
 - iv. Notice of the decision shall be provided to the applicant and to those who received notice under subsection (d) within 63 days of the date of a completed application. The notice of decision shall include:
 1. The summary statement included with the written decision; and
 2. An explanation of appeal rights under ORS 197.375 (Appeal of decision on application for expedited land division).
- (f) Appeals. Any appeal of an Expedited Land Division or Middle Housing Land Division must be as provided in ORS 197.375.
- (g) Expiration. The tentative approval of a Middle Housing Land Division or Expedited Land Division is void if a final plat is not recorded within three (3) years of the tentative approval.

(3) CRITERIA OF APPROVAL – EXPEDITED LAND DIVISION.

- (a) The Director will approve or deny an application for Expedited Land Division based on whether it satisfies the applicable criteria of approval. The Director may approve the land division with conditions to ensure the application meets the applicable land use regulations.
- (b) The land subject to the application is zoned for residential uses.
- (c) The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use.
- (d) The land division does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
 - i. Open spaces, scenic and historic areas and natural resources;
 - ii. Estuarine resources;
 - iii. Coastal shorelands; and

- iv. Beaches and dunes.
- (e) The land division satisfies the minimum street and right-of-way connectivity standards of Section 160 of this ordinance, Street Improvements.
- (f) The land division satisfies the following development standards:
 - i. Applicable use standards for the proposed use(s) in the zone where proposed;
 - ii. Applicable development standards for the proposed use(s) in the zone where proposed; and
 - iii. Improvement requirements in Sections 150 and 160 of this ordinance.
- (g) The land division will result in development that either:
 - i. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
 - ii. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

(4) CRITERIA OF APPROVAL – MIDDLE HOUSING LAND DIVISION.

The Director will approve a tentative plan for Middle Housing Land Division based on whether it satisfies the following criteria of approval:

- (a) The application provides for the development of middle housing in compliance with the Oregon residential specialty code and the applicable middle housing regulations in the Tillamook County land Use Ordinance.
- (b) Separate utilities will be provided for each dwelling unit.
- (c) Easements will be provided as necessary for each dwelling unit on the site for:
 - i. Locating, accessing, replacing and servicing all utilities;
 - ii. Pedestrian access from each dwelling unit to a private or public road;
 - iii. Any common use areas or shared building elements;
 - iv. Any dedicated driveways or parking; and
 - v. Any dedicated common area.
- (d) Exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas.
- (e) The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and,

notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code.

- (f) The original lot dedicated and improved the abutting street right-of-way sufficient to comply with minimum right-of-way and improvement standards of Section 160, Street Improvements, or dedication and/or improvements of the abutting street right-of-way are proposed that meet the standards of Section 160.
- (g) The type of middle housing developed on the original lot shall not be altered by a Middle Housing Land Division. For example, cottages withing a cottage cluster do not become single family dwellings after a Middle Housing Land Division.

(5) CONDITIONS OF APPROVAL – EXPEDITED LAND DIVISION AND MIDDLE HOUSING LAND DIVISION.

The Director may add conditions of approval of a tentative plan for a Middle Housing Land Division or Expedited Land Division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following:

- (a) A condition to prohibit the further division of the resulting lots or parcels.
- (b) A condition to require that a notation appear on the final plat indicating that the approval was given under ORS 92.031 as a Middle Housing Land Division.
- (c) A condition to require recording of easements required by the tentative plan on a form acceptable to the County, as determined by the County Counsel.

(6) FINAL PLAT FOR EXPEDITED LAND DIVISION AND MIDDLE HOUSING LAND DIVISION.

- (a) The final plat shall comply with the Middle Housing Land Division or Expedited Land Division conditions of approval.
- (b) The following data requirements, if applicable, shall also be shown on the final plat.
 - i. All tracts of land intended to be deeded or dedicated for public use;
 - ii. Street names as approved by the Director;
 - iii. Any non-access strips.
- (c) Approval Criteria. The Director shall approve or deny the final plat for the Middle Housing Land Division or Expedited Land Division, based on whether it conforms with the tentative plan, with all changes permitted and all requirements imposed as a condition of acceptance. Final plat approval shall only take place after installation of improvements, or filing of an agreement and bond to that effect. After approval of the final plat, filing of an agreement and bond or installation of improvements, the applicant shall obtain the signatures of the Chairperson or Vice-Chairperson of the Tillamook County Planning Commission and Board of County Commissioners, and record the plat

within 90 days after the last signature has been obtained.

- (d) A notice of middle housing land division for each middle housing lot shall be recorded with the County recorder that states:
 - i. The middle housing lot may not be further divided.
 - ii. No more than one unit of middle housing may be developed on each middle housing lot.
 - iii. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type.
- (e) No plat shall have any force or effect and no title to any property shall pass until the final plat has been recorded; however, a final plat is not required prior to issuance of building permits for middle housing proposed with a Middle Housing Land Division.