

FILED  
YAMHILL COUNTY, OREGON  
1992 MAR -3 PM 2:40  
CHARLES STERN  
COUNTY CLERK

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

92-130

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption )  
of an Ordinance Amending the ) ORDINANCE NO. 529  
Yamhill County Land Division )  
Ordinance, No. 497, and Declaring )  
an Emergency )

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) sat for the transaction of county business in special session on the 26th of February, 1992, Commissioners Ted Lopuszynski, Debi Owens, and Dennis Goecks being present.

WHEREAS, on December 27, 1989 Yamhill County adopted the Yamhill County Land Division Ordinance No. 497 (codified), as adopted by Board Order 89-930 (hereinafter "Land Division Ordinance"); and

WHEREAS, a properly noticed hearing was held on this ordinance before the Yamhill County Planning Commission on January 2, 1992, and the Commission voted to recommend certain amendments to the Land Division Ordinance, incorporating certain amendments to Oregon Revised Statutes into the county's ordinance; and

WHEREAS, on February 5, 1992 a properly noticed hearing was held before the Board and the Board determined that adoption of the ordinance provisions in the attached Exhibit "A" would be in the best interests of the citizens of Yamhill County; Now Therefore

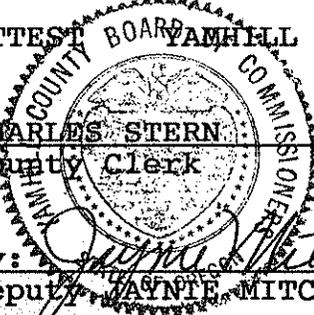
IT IS HEREBY ORDAINED BY THE YAMHILL COUNTY BOARD OF COMMISSIONERS as follows:

Section 1. The provisions in Exhibit "A" attached hereto and made a part of this ordinance are regulations for Yamhill County and shall be made a part of the codified edition of Yamhill County Land Division Ordinance, Ordinance 497.

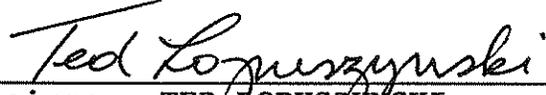
Section 2. If any section or subsection contained in the attached Exhibit "A" of this ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect unless those parts, standing alone, are incapable of being executed in accordance with legislative intent.

Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist, shall be effective on June 1, 1992.

DONE this 26th day of February, 1992 at McMinnville, Oregon.

ATTEST  YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN  
County Clerk

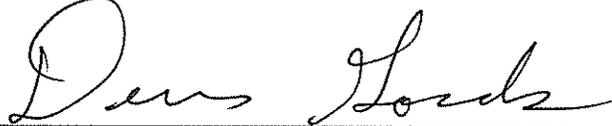
  
Chairman TED LOPUSZYNSKI

By:   
Deputy JANYNE MITCHELL

  
Commissioner DEBI OWENS

FORM APPROVED BY:

  
JOHN C. PINKSTAFF  
Assistant County Counsel

  
Commissioner DENNIS L. GOECKS

cc\q1U92048.001

EXHIBIT "A"  
ORDINANCE 529

\*\* Deletions appear in [brackets]; additions are underlined

AMENDMENTS TO YAMHILL COUNTY LAND DIVISION ORDINANCE,  
Ordinance 497

Section 1. Section 1.000 of Ordinance 497 is amended to read:

1.000 TITLE This ordinance shall be known and may be cited or pleaded as the Yamhill County Land Division Ordinance No. 205, 1979, as amended by Ordinance 497, 1989, and Ordinance 529, 1992.

3.010 DEFINITIONS. For the purpose of this ordinance, the following words and phrases shall mean:

\*\*\* Definitions 1 through 20 are unchanged \*\*\*

21. Land Development Review Committee (LDRC) - A committee established to act in a technical review capacity for the Commission or Hearings Officer on all [major and minor] partitions[,] and [on] subdivisions. The LDRC shall consist of the following members or their duly authorized representative(s):

- A. Director, Department of Planning and Development, who shall serve as chair.
- B. Engineer, Public Works Department
- C. Sanitarian, Health Department.
- D. Chairman of the Board of Directors, Yamhill County Soil and Water Conservation District.
- E. Superintendent of the appropriate Yamhill County public school district.
- F. Fire chief of the appropriate Yamhill County rural fire district.
- G. Official of the appropriate water district.
- H. A representative from the appropriate recreational district.
- I. Such other person as the Director may request to attend.

34. "Lot line adjustment" - means a "property line adjustment" defined in ORS 92.010(11) as "the relocation of a common (lot) line between two abutting properties".

(Existing definitions numbered 34 through 38 to be renumbered 35 through 39.)

[39]40. Partition - An act of partitioning land or an area or tract of land partitioned as defined in this section.

[40. Partition, major - A partition which includes the creation of a road or street.]

[41. Partition, minor - A partition which does not include the creation of a road or street, but may include the widening of an existing road or street.]

[42]41. Partition Land - To divide an area or tract of land into two or three parcels within a calendar year. "Partition land" does not include:

A. Divisions of land resulting from the creation of cemetery lots;

B. Adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance;

C. The sale of a lot in a recorded subdivision, even though the lot may have been acquired with other contiguous lots or property by a single owner;

D. The sale of an interest in timber;

E. A division of land resulting from a lien foreclosure or foreclosure of a recorded contract for the sale of real property; or

F. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.283(2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

(Existing definitions numbered 43 through 48 to be renumbered to 42 through 47.)

[49]48. Replat - [Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings, containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision.] The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a subdivision.

(Existing definitions numbered 50 through 58 to be renumbered to 49 through 57.)

Section 3. Section 4.000 of Ordinance 497 is amended as follows:

INITIAL APPLICATION AND REVIEW PROCEDURES

4.000 PRE-APPLICATION CONFERENCE - Prior to submitting an application and preliminary plat of a subdivision or partition, the owner shall confer with the Director and discuss the initial components of the proposed division. The Director shall provide information regarding procedure, zoning and subdivision requirements, elements of the Comprehensive Plan and other information having a direct influence upon the proposed development. The Director shall also notify the applicant of the requirement to file a statement of water right with the Water Resources Department [and,] if a water right is appurtenant [, the requirement that a copy of the acknowledgement from the Water Resources Department must be attached before the plat can be recorded].

\*\*\* The remainder of Section 4.000 is unchanged \*\*\*

Section 4. New Section 4.045 is added to and made a part of Ordinance 497.

4.045 NOTICE - Notice of all partitions and subdivisions shall be performed in compliance with the Type B procedures of Section 1301.01 of the Zoning Ordinance.

Section 5. Section 4.050 of Ordinance 497 is amended to read:

4.050 NOTICE OF LAND DEVELOPMENT REVIEW COMMITTEE (LDRC) MEETING - [Upon satisfactory completion of Section 4.040, notice shall be sent as follows:] The Director may schedule a meeting of the LDRC for any partition or subdivision. In the event of an LDRC

meeting, notice shall be sent a minimum of seven days before the meeting to the LDRC members, the applicant, the property owner, and the surveyor of the plat, if applicable. No LDRC meeting shall be conducted prior the end of the public comment period required in Section 4.050.

[1. Partitions, Major and Minor - Notice shall be sent to the owner of the time and date set for the LDRC meeting which shall be at least 15 days after the date of referral pursuant to Section 4.040 of this ordinance.

## 2. Subdivisions

A. Notice of the intent to subdivide shall be sent by mail to the owner, and all property owners within 250 feet of the property that is the subject of the application. Notice of the intent to subdivide shall also be given by publication in a newspaper of general circulation in the area of the subject property.

B. The notice of the intent to subdivide shall clearly indicate the following:

(1) Name of the owner/subdivider, description of the parcel or parcels identified by township, range, section, tax lot number, and address if any. The description shall also indicate the general vicinity of the property proposed to be subdivided, and a general description of the request.

(2) Fifteen days is provided from the date of mailing in which to submit statements in support of or opposition to the request to the Yamhill County Department of Planning and Development. All statements of support or opposition shall be in writing and shall contain:

a. Proponent's or opponent's name, address and telephone numbers;

b. How the proponent or opponent is specially, personally or adversely affected by the application, or that the proponent or opponent is a property owner within 250 feet of the property under review; and

c. A brief statement of the reasons for support or opposition.

Notwithstanding subsection b. above, statements may be received from an expert witness when such statement is

submitted together with, or in conjunction with, an opponent's or proponent's statement.

(3) The time and date of the LDRC meeting which shall be set as soon as possible.

(4) A statement that failure of the proponent, opponent, or their authorized agent to either submit a statement in support or opposition in the form described in subsection 2, paragraph B above, or to attend the LDRC meeting shall constitute a waiver of the proponent's or opponent's objections or grievances.

C. In lieu of paragraphs A and B of this subsection, the owner may request a public hearing before the Commission (or Hearings Officer if one is available) pursuant to Chapter 15 of this ordinance. Nothing in this section shall be construed to prevent the LDRC from meeting and presenting a report to the Commission on any matter subject to the provisions of this ordinance.]

Section 6. Section 5.000 of Ordinance 497 is amended as follows:

PRELIMINARY PLAT REQUIREMENTS

5.000 The following shall be required on the face of a Preliminary plat of a [Minor or Major] Partition:

1. The Preliminary plat shall be drawn on high quality reproducible paper 8 1/2 x 14 inches in size at a scale of no less than 1" - 400' and shall indicate the following:

A. Date, North point and scale of the drawing.

B. Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or the surveyor(s) and the date of the survey and file number, if any.

C. Proof of record ownership of the tract and the representative's authorization.

D. Description: the location of the property by tax account number, township, range, the most recent recorded deed instrument number and the zoning district designation.

E. Appropriate identification of the drawing as a preliminary plat.

F. Lot identification: all lots shall be numbered in consecutive order and shall indicate lot size in acreage or square feet.

G. The estimated dimensions and boundaries of all lots to be created, together with the designation of any subdivision, public roadway, road held for private use, right-of-way or easement of record.

H. Contour lines at intervals of not less than five feet for partitions having lots which average one acre in size or less. Two foot contour intervals may be required when greater topographical detail is necessary to determine such things including but not limited to, drainage, ground movement, and unique topographical features.

I. The location of all existing structures and proposed structures on the area to be partitioned that are to be created or remain in place.

J. All easements proposed or of record and private and public roads to or across the land to be divided together with their dimension and stated purpose.

K. A vicinity sketch showing the location of the subject property, its location in relation to adjoining property, the owners thereof, major roads, topographical features (i.e. rivers, streams, mountains) and cities.

L. Proposed means and location of sewerage disposal and water supply source; and

M. Additional information the Director deems necessary for the evaluation of the application.

2. The following shall be required on the preliminary plat of a [major] partition that requires a new easement or public road in addition to the preceding requirements:

A. Contour lines at intervals of not less than five feet for the entire tract to be partitioned.

B. Existing and proposed drainage patterns which show the direction and volume of surface water runoff in sufficient detail to determine the effect of the drainage.

C. General road layout and approximate grades.

D. A preliminary plan and profile of the proposed roadway at a scale of not less than 1" = 100' in accordance

with The Standards and Specifications for Road Construction in Yamhill County, 1975.

\*\*\* The balance of Section 5.000 remains unchanged \*\*\*

Section 7. Section 6.120 is amended to read:

6.120 SURVEYING REQUIREMENTS AND STANDARDS

1. The surveying requirements and standards, or evidence of a survey, described in this section shall apply to:

A. All subdivisions and partitions except that any parcels that are greater than 10 acres need not be surveyed.

B. Property line adjustments created by the relocation of a common boundary as described in ORS 92.010(7)(a) unless:

(1) Both parcels are greater than 10 acres; or

(2) The adjusted property line is a distance of even width along the common boundary.

C. All new roadways within a subdivision partition.

2. The survey of the subdivision or partition shall be [of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet] done with reference to Federal Geodetic Control Committee guidelines for third order class II.

3. The survey and plat of the subdivision, [or] partition, or lot line adjustment shall be made by a land surveyor who is registered with the State of Oregon.

4. The plat of the subdivision, [or] partition, or lot line adjustment shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot shall be numbered consecutively [and each block shall be lettered or numbered]. The lengths and courses of all boundaries of each lot shall be shown. Each street shall be named.

5. The location and description of all monuments found or set shall be carefully recorded upon all plats and the proper course and distances of all boundary lines, conforming to the surveyor's certificate, shall be shown.

6. The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.

7. The area of each lot or parcel shall be shown on the subdivision or partition plat.

8. In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table.

- A. Arc length;
- B. Chord length;
- C. Chord bearing;
- D. Radius; and
- E. Central angle.

9. The surveyor submitting any subdivision, condominium or partition plat or lot line adjustment that is within one-half mile of an established geodetic control monument, that has been approved by the National Geodetic Survey or has been approved by and filed with the county surveyor, shall, by field survey [according] with reference to Federal Geodetic Control Committee guidelines for third order class II, show the [measured] bearing or angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the [bearings] bearing or angle [shall be based, if practicable, on the bearings] between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument shall be shown.

10. Notwithstanding the provisions of Subsection 9 of this section, the county surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information.

11. The initial point of all [subdivision] plats [or partition maps] shall be on the exterior boundary of the plat and shall be marked with a monument made of galvanized iron pipe, [or] concrete or an iron or steel rod. If concrete is used, it shall not be less than six inches by six inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently embedded in the concrete. If galvanized iron pipe is used, it shall not be less than [two inches in inside diameter and three feet long] three-quarter inch inside diameter and 30 inches long, and if an iron or steel rod is used, it shall not be less than five-eighths of an inch in least dimension and 30 inches long. [The monument shall be set or driven six inches below the surface of the ground.] The location of the monument shall be with reference by survey to a section corner, one quarter corner, one-

sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision, partition, or condominium plat. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

12. The intersections, points of curves and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerlines of all [public] streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods. If concrete is used, it shall be as described in subsection 11 of this section. If galvanized iron pipe is used, it shall not be less than three-quarter inch in inside diameter and 30 inches long, and if iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and 30 inches long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

13. All lot and parcel corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch in inside diameter or iron or steel rods not less than five-eighths inch in least dimension and not less than two feet long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

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

[15]14. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision or partition plat, whichever is greater.

[16]15. All monuments on the exterior boundaries of a subdivision shall be placed and the monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the registered professional land surveyor performing the survey certifies in an affidavit made part of the plat that the interior monuments will be set on or before a date specified in the affidavit, and if the person furnishes to the county a bond, cash deposit or other security as required by the county guaranteeing the payment of the cost of setting the interior monuments.

[17]16. All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. Partition parcels that are greater than 10 acres need not be surveyed or monumented.

Section 8. Sections 7.000 to 7.060 are added to and made a part of Ordinance 497.

### LOT-LINE ADJUSTMENTS

7.000 APPLICATION REQUIREMENTS - The pre-application conference, application submission, review, and referral requirements in Sections 4.000 through 4.040 for partitions shall also apply to lot-line adjustments.

7.010 PRELIMINARY MAP REQUIREMENTS - Application for lot-line adjustment shall include a preliminary map on reproducible paper 8 1/2 by 11 inches, and the following shall be required on its face:

1. Date, north point, and scale of drawing.
2. Name, address, and telephone number of the record owner(s) of the subject property and the name of the surveyor, if any.
3. Tax lot number(s) and zoning designation.
4. Appropriate identification of the drawing as a lot-line adjustment map.
5. Identification of each lot by number or letter.
6. Existing and proposed lot line location, with estimated dimensions of readjusted parcels.
7. The location of all existing structures, wells, and sewage disposal facilities, and distance of the improvements from proposed lot lines.
8. The location of existing and proposed public rights-of-way and private easements.
9. Additional information the Director deems necessary for the evaluation of the application.

### 7.020 APPROVAL STANDARDS

1. All parcel sizes, property-line setbacks, and other dimensional attributes resulting from a lot-line adjustment shall conform to the provisions of this ordinance and the Zoning Ordinance.

nance or other ordinance. Conditions that existed legally prior to the application that do not conform to the ordinance provisions shall be allowed to continue.

2. Lot-line adjustments shall conform to the Comprehensive Plan and Official Map, any criteria of the Zoning Ordinance, and any state requirements of Oregon Revised Statutes chapters 92, 197, and 215.

3. A lot-line adjustment shall not result in the creation of a new lot or a replat of an existing subdivision or partition.

4. All lots resulting from a lot-line adjustment shall have legal access to a public road pursuant to Sections 6.010 and 6.020.

7.030 SURVEY REQUIREMENTS - A lot line adjusted by relocation of a common boundary shall be surveyed and monumented pursuant to Section 6.120, except under the following circumstances:

1. Where both parcels affected are greater than 10 acres; or

2. Where the relocation is of a common boundary of lots in a subdivision or partition when the adjusted property line is a distance of even width along the common boundary.

7.040 NOTICE - Notice of lot-line adjustment decisions in exclusive farm use and forest zones shall be performed in compliance with the Type A procedures of Section 1301.01 of the Zoning Ordinance.

7.050 FINAL APPLICATION FOR LOT-LINE ADJUSTMENTS

1. A lot-line adjustment that has been approved by the Director as in compliance with the standards in Section 7.020 shall not be deemed finally approved until the following has been submitted to the Director:

A. A final map that includes the same information as the preliminary map, with any additions or modifications required by the Director.

B. A written legal description of the property.

C. A copy of all documents relating to additional requirements or restrictions required by the county as a condition of approval.

D. A copy of the boundary line adjustment deed which shall contain the names of the parties, the description of the

adjusted line, refinements to original recorded documents and signatures of all parties with proper acknowledgment.

2. If the lot-line adjustment requires the provision of a new access easement, the final map shall be signed by the County Engineer, pursuant to Section 10.020, or the applicant shall submit a letter or statement from the Engineer that all road construction requirements have been satisfied.

7.060 EXPIRATION OF APPROVAL - The preliminary lot-line adjustment approval shall be null and void if:

1. The final lot-line adjustment application has not been submitted to the Director in complete form within one year from the date of preliminary approval; or

2. The final map is not submitted to the County Surveyor within 30 days from the date of final approval by the Director, if a survey is required.

3. The boundary line adjustment deed has not been recorded in the County Deed and Records within one year of preliminary approval.

Section 9. Section 10.000 of Ordinance 497 is amended to read:

FINAL APPLICATION AND REVIEW PROCEDURES FOR  
[MAJOR AND MINOR] PARTITIONS

10.000 APPLICATION FOR FINAL PARTITION PLAT APPROVAL - An application for a partition final plat approval shall be submitted to the Director by the owner(s) upon satisfactory completion and approval of the preliminary plat. The application shall be made no later than one year after the date on which the partition preliminary plan was approved as required by Section 4.090 of this ordinance. No final partition plat may be submitted for consideration and approval unless a preliminary plat for the described area has previously been submitted and approved by the county as provided in this ordinance.

1. A final [minor/major] partition plat application shall include the following:

A. An exact reproducible original transparency of the final partition plat and five copies. The plat must show all parcels of 80 acres or less being created and shall be drawn in the following manner:

(1) The plat shall be clearly and legibly drawn in a manner which may be microfilmed without loss of detail.

(2) The drafting material, lettering and drawing shall be made in permanent black india type ink or silver Halide permanent photocopy, and shall have characteristics of adequate strength and permanence, as well as suitability for binding and copying as specified by the county surveyor. Information contained in the plat shall be clearly legible and shall not be placed within one inch of the edge of the sheet.

(3) The final plat shall be upon material that is 18 inches by 24 inches in size. The county surveyor may establish the format to use for final maps including a requirement that an additional three-inch binding edge be required on the left edge. In cases of large lots or when necessary, two or more sheets may be utilized subject to approval by the county surveyor. If three or more sheets are used, a face sheet and an index page shall be included.

B. The final plat shall contain the following:

(1) Signature, in permanent black india type ink, of all persons having any vested right, title or interest in the subject property or their authorized representative.

(2) North point, scale and date submitted. The final map shall be drawn to a scale of 1" = 100'. Deviations of the scale may be approved by the County Surveyor and the Director.

(3) A sufficient description to define the location and boundaries of [the map area] each lot or parcel, with line bearings, dimensions in feet and hundredths of feet, and with dimensions and parcel size by square feet or acreage. Parcels created in excess of 80 acres are exempt from the request that all parcels be shown on a partition map unless all parcels created by the partition are in excess of 80 acres. Plats of unsurveyed lots or parcels shall include the following information:

a. The deed reference (volume and page) of the parent parcel being partitioned and the deed record bearing and distances of all property boundaries;

b. The tie to a public land corner, as described in the deed of the parent parcel.

c. Notwithstanding the provisions of subparagraphs a. and b. of this paragraph, if existing

survey information pertaining to the parent parcel or an adjacent parcel with a common lot line is available, such information may be used in lieu of that contained on the deed.

(4) The location and dimensions of all existing and proposed public or private roads and names as appropriate.

(5) A designation of all areas being reserved for common use and the conditions being imposed thereon (may be referenced by volume and page from the County Deed and Mortgage Records).

(6) A designation, purpose, location and dimension of all existing, approved or proposed access or utility easements.

(7) A designation of all areas covered by water and the location, width and direction of flow of all water courses.

(8) A designation of the 100 year flood elevation as determined in accordance with the Yamhill County Flood Hazard Ordinance.

(9) A designation of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, being dedicated by the owner, including the purpose of each and a legally effective written dedication thereof or reference by page and volume to any previous dedication.

(10) A designation of any special notice, requirement or restriction required by the county as a condition of approval.

(11) The surveyor's certificate, together with the seal and signature of the surveyor, pursuant to ORS 92.070. If the plat contains a parcel not surveyed, the surveyor's certificate shall so indicate.

(12) A declaration, taken before a notary public or other person authorized by law to administer oaths as follows:

a. State the applicant has caused the partition plat to be prepared and the property to be partitioned in accordance with this ordinance and ORS 92.

b. State any dedication of land for public purposes, public or private easements created, or any other restrictions made.

c. If the applicant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being partitioned.

d. If the partition plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the declaration for the purpose of consenting to the property being submitted to the provisions of this ordinance and ORS 92.

e. Notwithstanding the provisions of subparagraphs a. through d. of this paragraph, the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration of property being partitioned and any dedication or donation of property to public purposes. Such affidavit shall indicate the recorded document by which the interest in the property was acquired and all information required by ORS 93.410 to 93.530 and shall be recorded in the deed records at the same time as the partition plat.

(13) A statement of water rights together with the water rights certificate number, if applicable.

C. A copy of the covenant or deed restrictions (if any) that will be placed on the partitioned land.

D. A copy of all documents relating to the establishment and maintenance of private facilities, common areas and easements.

E. A copy of all documents relating to additional requirements or restrictions required by the county as a condition of approval.

F. The appropriate fees as established pursuant to Section 17 of this ordinance.

2. A final partition application for which a survey is required shall include the following, in addition to the provisions of Section 10.000 1.:

A. The description, location, material and approximate size of monuments. Monuments shall meet the specifications of the office of the county surveyor and shall not be less than those required by the State of Oregon and this ordinance.

B. The affidavit of the surveyor who did the map and survey work.

C. Tentative survey of the proposed road boundary/improvements.

D. Centerline survey of the proposed road(s). Legal descriptions and a dedication deed if required. A bond and performance agreement may be submitted in accordance with the provisions of Section 13.000.

Section 10. Section 10.010 of Ordinance 497 is amended to read:

10.010 DIRECTOR REVIEW - FINAL [MAJOR OR MINOR] PARTITION APPLICATION - Upon receiving the final partition application, the Director shall determine if the application conforms to the preliminary plat conditions of approval and the requirements of this ordinance. The Director shall not approve the final partition application and shall return the application to the partitioner at any time during the final review procedure if it is found to be deficient in meeting the requirements of this ordinance, the preliminary plat or conditions of approval. If no deficiencies are found, the Director shall deliver the plat and all pertinent data to the county engineer for review.

Section 11. Section 10.020 of Ordinance 497 is amended to read:

10.020 COUNTY ENGINEER - FINAL REVIEW

1. The county engineer shall review the [major or minor] partition map and accompanying material to ensure that:

A. All improvements or requirements as specified by this ordinance and the requirements of the Standards and Specifications for Road Construction in Yamhill County, Oregon, have been completed and approved, or

B. A performance agreement or improvement agreement has been submitted to the County Engineer pursuant to Section 13.000 of this ordinance and approved by the Yamhill County Board of Commissioners.

2. The County Engineer shall recommend approval of the [major or minor] partition plat unless the engineer makes a specific finding that the map does not comply to one or more of the above-stated requirements.

3. The engineer shall sign the final [major or minor] partition plat if no deficiencies are found, and the plat and all pertinent data shall be delivered to the County Surveyor for review.

Section 12. Section 10.030 is amended to read:

**10.030** COUNTY SURVEYOR - FINAL REVIEW

*\*\*\* remainder of paragraph is unchanged \*\*\**

2. The County Surveyor shall sign the final [major or minor] partition plat if no deficiencies are found, and the plat and all pertinent material shall be delivered to the Director.

Section 13. Section 10.040 is amended to read:

**10.040** DIRECTOR - REVIEW

1. The Director shall sign the final [major or minor] partition plat upon verifying that:

A. All signatures necessary for approval of a [major or minor] partition have been placed on the final partition plat, and

B. The final partition application conforms to this ordinance, the preliminary plat and conditions of approval.

2. Upon the Director's approval and signing of the final partition plat, the plat and all pertinent material shall be promptly delivered to the county clerk to be recorded.

Section 14. Section 10.050 is amended to read:

**10.050** DISTRIBUTION OF [MAJOR OR MINOR] PARTITION COPIES - Following the recording of the [major or minor] partition plat the Director shall furnish and distribute a copy of the plat to each of the following:

1. County surveyor
2. County engineer
3. County sanitarian
4. County assessor
5. Oregon State Department of Commerce, Real Estate Division, Subdivision Section.

Section 15. Section 10.060 is amended to read:

**10.060** EXPIRATION OF PARTITION APPROVAL [- MAJOR OR MINOR] PARTITION - The preliminary partition approval shall be null and void and final approval shall not be granted if:

1. After final review by the Director, the partition application does not comply with this ordinance, the preliminary map or conditions of approval; or

2. The final partition application has not been submitted to the Director in complete form within one year from the date of preliminary approval; or

3. The final partition is not recorded within 90 days from the date the final partition application is submitted to the Director, because of deficiencies within the final partition application and not from a delay resulting from the processing by the county of the final partition application.

FINAL APPLICATION AND REVIEW PROCEDURE FOR SUBDIVISIONS

Section 16. Section 11.000 is amended to read:

**11.000** APPLICATION FOR SUBDIVISION PLAT APPROVAL - An application for a subdivision plat approval shall be submitted to the Director by the owner. The application shall be made no later than one year after the date on which the subdivision preliminary plat was approved as required by Section 4.090 of this ordinance. No subdivision plat may be submitted for consideration and approval unless a preliminary plat for the described area has previously been submitted and approved by the county as provided in this ordinance. The application shall contain the following information:

1. A final subdivision plat, surveyed by a land surveyor, registered with the State of Oregon, an exact reproducible transparency, and five copies.

A. The plat shall be clearly and legibly drawn in a manner which may be microfilmed without loss of detail.

B. The drafting material, lettering and drawing shall be made in permanent black india type ink or silver halide permanent photocopy, and shall have characteristics of adequate strength and permanency as well as suitability for binding and copying as specified by the county surveyor. Information contained in the plat shall be clearly legible and shall not be placed within one inch of the edge of the sheet.

C. The final subdivision plat[s] shall be upon material that is 18 inches by 24 inches in size and shall include an additional 3 inch binding strip. If three or more sheets are

used, a face sheet and an index page shall be included. The county surveyor may establish the format to use for plats.

D. The subdivision plat shall contain the following:

(1) Name of subdivision.

(2) Signature, in black india type ink, of all persons having any vested right, title or interest in the subject property or their authorized representative.

(3) North point, scale and date submitted. The final plat shall be drawn to a scale of 1" = 100'. Deviation of the scale requirement may be approved by the county surveyor.

(4) A sufficient description to define the location and boundaries of the plat area.

(5) [~~Block indicators, lot~~] Lot numbers, street names and lot lines within the plat area with dimensions in feet and hundredths of feet. Blocks shall be numbered or lettered consecutively through all additions to a single development.

(6) The location and dimensions of all existing and proposed public or private roads and names, as appropriate.

(7) Description and location of all permanent reference monuments.

(8) A designation, width and location of all existing approved or proposed access or utility easements.

(9) A designation of all areas being reserved for common use and the conditions being imposed (may be referenced by volume and page of the county deed records).

(10) A designation of all areas covered by water and the location, width and direction of flow of all water courses.

(11) A designation of the 100 year flood elevation as determined in accordance with the Yamhill County Flood Hazard Ordinance.

(12) The location, material and size of monuments. Monuments shall meet the specifications of the office of

the county surveyor and shall not be less than those required by the State of Oregon and this ordinance.

(13) A designation of any area being dedicated by the owner, including its purpose and a legally effective written dedication.

(14) A designation of any special notice, requirement, or restriction required by the county as a condition of approval.

[(15) *The affidavit of the surveyor who did the plat and survey work.*]

(15) The surveyor's certificate, together with the seal and signature of the surveyor, pursuant to ORS 92.070.

(16) A declaration, taken before a notary public or other person authorized by law to administer oaths as follows:

a. State the applicant has caused the subdivision plat to be prepared and the property to be subdivided in accordance with this ordinance and ORS 92.

b. State any dedication of land for public purposes, public or private easements created, or any other restrictions made.

c. If the applicant is not the fee owner of the property, the fee owner shall and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being subdivided.

d. If the subdivision plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the declaration for the purpose of consenting to the property being submitted to the provisions of this ordinance and ORS 92.

e. Notwithstanding the provisions of subparagraphs a. through d. of this paragraph, the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration of property being subdivided and any dedication or donation of property to public purposes.

Such affidavit shall indicate the recorded document by which the interest in the property was acquired and all information required by ORS 93.410 to 93.530 and shall be recorded in the deed records at the same time as the subdivision plat.

(17) A statement of water rights together with the water rights certificate number, if applicable.

2. A copy of the covenants (if any) that will be placed on the subdivision.

3. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements.

4. A copy of all documents relating to additional requirements or restrictions imposed by the county as a condition of approval.

5. The appropriate fees as established under Section 17 of this ordinance.

Section 17. Section 11.020 is amended to read:

**11.020 COUNTY SANITARIAN - REVIEW**

1. The county sanitarian shall review the subdivision plat and accompanying material to ensure that:

A. All proposed lots have been approved for sewage disposal in accordance with the standards and specifications as prescribed by the Oregon State Department of Environmental Quality and this ordinance.

B. A performance agreement or improvement agreement has been submitted to the county sanitarian pursuant to section 13.000 of this ordinance and approved by the Yamhill County Board of Commissioners.

*[2. The county sanitarian shall recommend approval by the county health officer of the subdivision plat unless the sanitarian makes a specific finding that the plat does not comply to one or more of the above-stated requirements.]*

[3]2. The county [health officer] sanitarian with responsibility for on-site subsurface sewage disposal approval shall sign the final subdivision plat if no deficiencies are found, and the plat and all pertinent data shall be delivered to the county engineer for review.

Section 18. Section 12.000 is amended to read:

12.000 ADMINISTRATIVE AUTHORITY

\*\*\* Paragraphs 1 and 2 are unchanged \*\*\*

3. The chairman of the LDRC (Director) shall have the authority to take action on all matters relating to approval, conditional approval or disapproval of:

A. [Major partitions] Partitions

B. [Minor partitions] Lot-line adjustments

C. Subdivisions, provided all grievances (if any) between owners and those persons, agencies, departments, or committees noted in Subsection 1. H. of this section can be reconciled at or prior to the LDRC meeting. If irreconcilable differences remain at the close of any review of a subdivision application or preliminary plat, a formal public hearing before the Commission (or Hearings Officer if available) shall be held pursuant to Chapter 15 of this ordinance.

4. The Commission or Hearings Officer, in cases where a public hearing is required or requested pursuant to this ordinance, shall have the authority to:

A. Act in accordance with and interpret the provisions of this ordinance to carry out its purpose and intent.

B. Examine all preliminary plats and applications for compliance with the requirements of this ordinance, and prepare appropriate written statements with respect to any matter or information deemed necessary for the owner's or public's benefit.

C. Take action on all matters relating to the approval, conditional approval or disapproval of [major partitions, minor] partitions or subdivisions.

D. Require supplementary information that the Director deems necessary to carry out the intent of the comprehensive plan, zoning ordinance, and this ordinance.

E. Require dedication of land and easements for right-of-way purposes and to specify conditions or modifications on the preliminary plat necessary to meet minimum county standards established in this ordinance or the county roadway standards.

F. Grant extensions of the time requirements specified in this ordinance, not to exceed the length of the initial time period.

Section 19. Section 13.000 is amended to read:

**13.000 BONDING, PERFORMANCE AGREEMENTS**

1. Before final approval may be granted on any subdivision plat, or lot-line adjustment or [major] partition plat that includes provision of new public right-of-way or access easement, the owner shall either install the required improvements or shall execute and file with the Yamhill County Clerk an agreement between the owner and the Board, specifying the period within which the owner or the owner's agent or contractor shall complete all improvements required by this ordinance, and/or any Board orders relative to the administration of this ordinance. For public roads only, the [The] agreement shall specify that if the owner fails to complete the work within the specified period, the county may complete the work and recover the full cost and expense thereof from the owner. The agreement shall also provide for reimbursement to the county by the owner for costs incurred by the county for engineering and inspection of any required improvements and incidental expenses related thereto, and for the cost of replacement and repair of any existing public improvements damaged by the owner in the development of the subdivision or partition. The agreement may also provide for the construction of the improvements in units or phases, for an extension of time under conditions [therein] specified, and for the termination of the agreement upon the completion.

Section 20. Section 14.000 is amended to read:

**14.000 VARIANCES**

1. Application - The variance procedure in this section shall apply to:

- A. [Major partitions] Partitions
- B. [Minor Partitions] Lot-line adjustments
- C. Subdivisions

D. Roads in conjunction with a lot-line adjustment, partition or subdivision. Variances to road requirements not specified within this ordinance shall be governed by the variance procedure defined in the county road standards.

**\*\*\* Paragraphs 2 to 3 remain unchanged \*\*\***

**PUBLIC HEARINGS**

Section 21. Section 15.010 is amended to read:

15.010 NOTICE OF A PUBLIC HEARING - [At least 30 days prior to the hearing, notice of the hearing shall be sent by mail to the owner, and all property owners within 250 feet of the property that is the subject of the application. In addition, the subject property shall be posted in a conspicuous manner along all public road accesses. Notice shall also be given by publication in a newspaper of general circulation in the area of the subject property at least 20 days prior to the hearing.] Notice shall comply with the Type C procedures in Section 1301.01 of the Yamhill County Zoning Ordinance.

Section 22. Section 16.000 is amended to read:

APPEALS

16.000 APPEALS OF THE DIRECTOR, COMMISSION OR HEARINGS OFFICER

1. If it is alleged that there is error in any order, requirement, decision or determination made by the reviewing body, an appeal therefrom may be made by an affected party only to the Board on a form prescribed by the Director. Such appeal shall be filed in writing with the Director within 15 days of the decision on the proposed action, and shall be accompanied by the appropriate filing fee established under section 17.000 of this ordinance. The Board, on its own motion, may order review of any formal decision made at a public hearing or by the Director pursuant to this ordinance, within [30] 15 days of the decision.

Section 23. Section 17.000 is amended to read:

17.000 FILING FEES

Fees shall be collected by the Director in the amounts established by order of the Board of Commissioners for the following purposes:

1. Land Division Applications
  - A. [Minor] Partitions - Preliminary and Final Application
  - B. [Major Partition - Preliminary and Final Application] Lot-line adjustments
  - C. Subdivisions - Preliminary and Final Application
  - D. Variances
  - E. Appeals (Notice of Review)

\*\*\* [Paragraphs 2 to 3 remain unchanged] \*\*\*

GENERAL PROVISIONS

Section 24. Section 18.060 is amended to read:

18.060 CONDITIONS - Regulation of the subdivision or partition of land and the attachment of reasonable conditions to land divisions and lot-line adjustments is an exercise of valid police power delegated by the state to Yamhill County. The owner has the duty of compliance with reasonable conditions laid down by the county for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the county and to the safety and general welfare of the future lot owners in the subdivision or partition and the county at large.

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## TABLE OF CONTENTS

Section		Page
<u>Introductory Provisions</u>		
1.000	Title .....	1
2.000	General Purpose	
3.000	Rules of Construction	
3.010	Definitions .....	1
<u>Preliminary Procedure</u>		
4.000	Pre-Application Conference .....	3
4.010	Application Submission	
4.020	Field Inspection	
4.030	Application Review	
4.040	Referral	
4.045	<u>Notice</u> .....	3
4.050	Notice of Land Development Review Committee (LDRC) Meeting .....	3
<u>Preliminary Plat Requirements</u>		
5.000	Preliminary [ <i>Minor and Major</i> ] Partition Plats..	5
5.010	Preliminary Subdivision Plats	
<u>General Design Standards</u>		
6.000	General Requirements	
6.010	Street Design	
6.015	Road Widening and Dedication of Right-of-Way	
6.020	Access to Parcels	
6.030	Lots	
6.040	Blocks	
6.050	Utility Easements	
6.060	Watercourses	
6.070	Lands Subject to Hazardous Conditions	
6.080	Land for Public Purposes	
6.090	Water Supply	
6.100	Sewage Disposal Requirements	
6.110	Planned Unit Development	
6.120	Surveying Requirements and Standards .....	7

Lot-line Adjustments

<u>7.000</u>	<u>Application requirements</u> .....	10
<u>7.010</u>	<u>Preliminary Map Requirements</u> .....	11
<u>7.020</u>	<u>Approval Standards</u> .....	11
<u>7.030</u>	<u>Survey Requirements</u> .....	11
<u>7.040</u>	<u>Notice</u> .....	11
<u>7.050</u>	<u>Final Application for Lot-line Adjustments</u> ...	11
<u>7.060</u>	<u>Expiration of Approval</u> .....	12

Supplemental Provisions

9.010	Subdivision of Agricultural and Forest Lands	
9.015	Standards and Criteria for Farm Zone Partitions	
9.020	Park Requirements - All Land Divisions	
9.040	Residential Density in County Big Game Winter Range	

Final Application and Review  
Procedures for Major and Minor Partitions

10.000	Application for Final Partition Plat Approval	
10.010	Director Review - Final Major or Minor Partition Application .....	16
10.020	County Engineer - Final Review .....	16
10.030	County Surveyor - Final Review .....	17
10.040	Planning Director - Review .....	17
10.050	Distribution of [Major or Minor] Partition Copies .....	17
10.060	Expiration of <u>Partition</u> Approval [- Major or Minor Partition] .....	18

Final Application and Review Procedure  
For Subdivisions

11.000	Application for Subdivision Plat Approval ....	18
11.010	Planning Director Review - Final Subdivision Application	
11.020	County Sanitarian - Review .....	21
11.030	County Engineer - Review	
11.040	County Surveyor - Review	
11.050	County Assessor - Review	
11.060	Planning Director - Review	
11.070	Board of Commissioners - Review	
11.080	Delivery of Subdivision Plat to County Clerk	
11.090	Distribution of Subdivision Plat Copies	
11.100	Expiration of Approval - Subdivision	

Miscellaneous

12.000	Administrative Authority .....	22
13.000	Bonding, Performance Agreements .....	23
14.000	Variances .....	23

Public Hearings

15.000	Public Hearings Required	
15.010	Notice of Public Hearing .....	24
15.020	Continuation of Public Hearing	

Appeals

16.000	Appeals of the Director, Commission, or Hearings Officer .....	24
16.010	Stay of Preliminary Approval	

Fees

17.000	Filing Fees .....	24
17.010	Surveyor Fees	

General Provisions

18.000	Authorization	
18.010	Jurisdiction	
18.015	Prohibitions	
18.020	Enactment	
18.030	Interpretation, Conflict and Separability	
18.040	Saving Provision	
18.050	Reservations and Repeals	
18.060	Conditions .....	25
18.070	Amendments	
18.080	Violations and Penalties	