

ORDINANCE NUMBER 36

Subdivision Regulations  
Lincoln County, Oregon

An Ordinance Regulating the Division of Land and Establishing Standards and Procedures, totaling thirty eight, (38) pages, to be entered in the Lincoln County Commissioner's Journal.

Prepared by:  
Lincoln County Planning Commission

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Adopted March 29, 1975

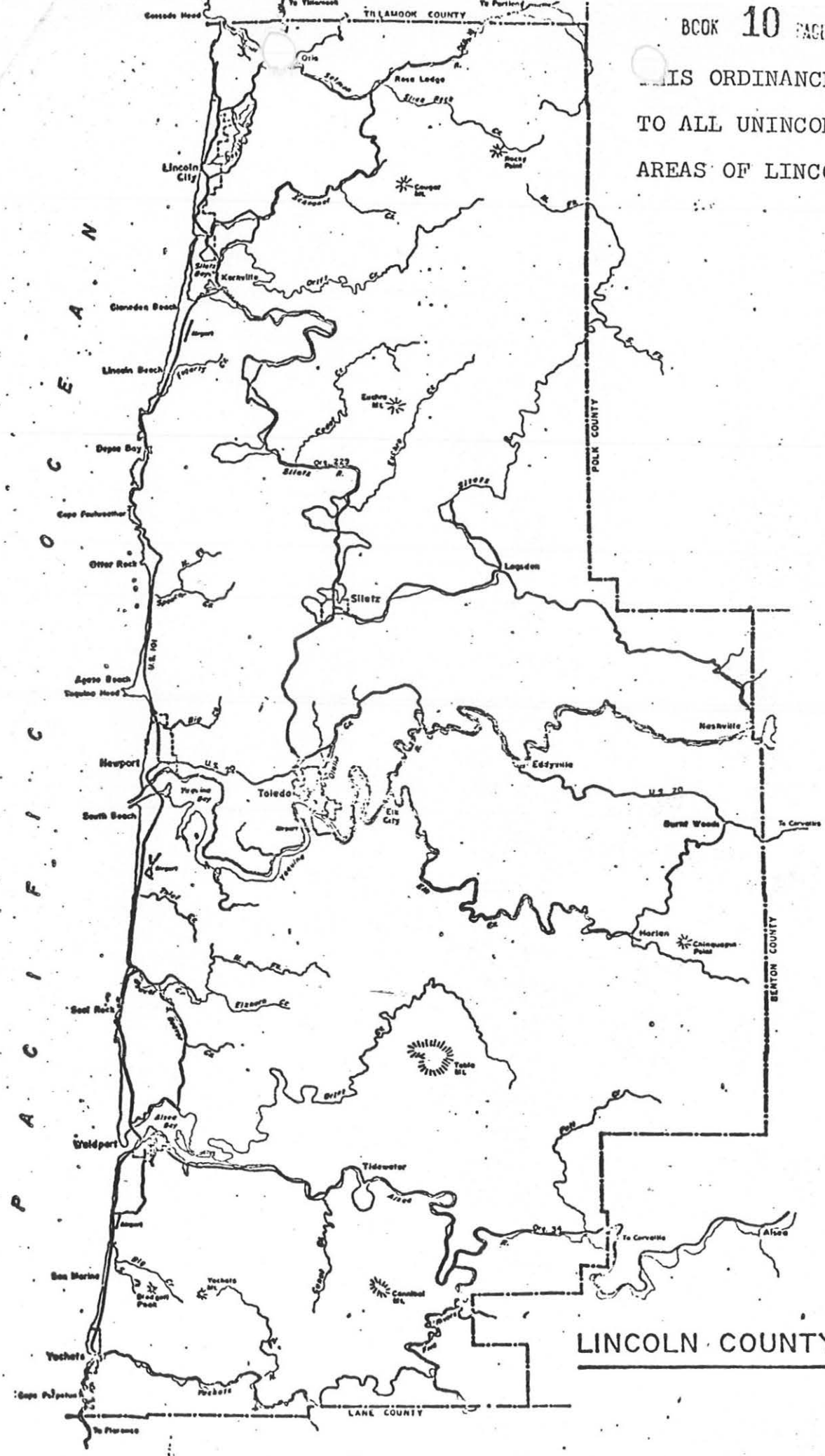
Lincoln County Board of Commissioners.

Jack W. Postle  
Jack Postle, Chairman.

Andy Zedwick  
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Albert R. Strand  
Albert Strand, Commissioner.

THIS ORDINANCE APPLIES TO ALL UNINCORPORATED AREAS OF LINCOLN COUNTY



LINCOLN COUNTY, OREGON

## Subdivision Ordinance

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Subdivision Ordinance  
Lincoln County, Oregon

Section I. Purpose

As authorized by law, including O.R.S. Chapter 92 and Chapter 215, the following regulations and standards relating to the division of land apply to all land within the unincorporated area of the County. The Lincoln County Planning Department, Lincoln County Planning Commission or any other designated planning body are hereby authorized to administer the regulations as contained herein.

These regulations are hereby declared to be necessary for the protection of the health, safety and welfare of the County's citizens and are designed to promote coordinated and appropriate development of land and carry out the County's Comprehensive Plan.

These regulations also have the following objectives:

1. To allow for the proper location of utilities.
2. To specify the width, location and improvement of streets.
3. To provide for adequate area for sewage disposal.
4. To provide for adequate water supplies.
5. To provide for drainage facilities.
6. To reduce danger from geologic hazards, floods, fire and pollution.

Section II.

Approval of Subdivisions

- A. No plat or replat of a subdivision of land in Lincoln County shall be recorded or have any validity unless



Boundary line

The line defining the perimeter of a lot, area or tract of land.

A. Front Line

The boundary line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest boundary line along a street, other than an alley; or, in the case of a lot which does not front directly upon a public street, that line toward which most houses in the immediate area face.

B. Rear Line

A boundary line which is opposite and most distant from the front line. In the case of an irregular, triangular, or other shaped lot, a line a minimum of ten (10) feet in length, within the lot parallel to and at a

C. Side Line

maximum distance from the front line. Any boundary line not a front or rear line.

Common Property

A lot(s) together with the improvements thereon, the use and enjoyment of which are shared by owners and occupants of individual building sites in a Planned Unit Subdivision or standard subdivision.

Comprehensive Plan

Documents which (1) interrelates functional and natural systems and activities related to the use of land and water and (2) is adopted, reviewed and refined by the County to serve as a guide to growth and improvement within the County.

Easement

A right of useage of real property granted for a specific purpose by an owner to specific persons, firms, corporations, or the public.

Home Owners Association

An incorporated, non-profit corporation to operate under recorded land agreement through which (1) each lot owner in a Planned Unit Subdivision or other described land area is automatically a member, and (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's

activities such as maintaining a common property.

Lot

A unit of land that is created by a subdivision of land.

A. Corner Lot

A lot where two or more connecting sides boundaries abut streets other than alleys.

Lot

Width

The average horizontal distance between the side lines, ordinarily measured parallel to the front line.

Owner

An individual, association, partnership or corporation having legal or equitable title to land to be subdivided.

Performance Agreement

A performance bond executed by a surety company duly licensed to do business in the State of Oregon in an amount specified by the County to cover the full cost of the work to be done, and conditional upon the faithful performance thereof in accordance with the provisions in this ordinance. A performance agreement may also consist of any other type of surety acceptable by the Board of County Commissioners.

Planned Unit Subdivision

A subdivision of land in which the individual building sites are reduced in size but are compensated by area used

in common for recreation purposes. Planned Unit subdivisions involving dwelling or commercial units may incorporate detached, semi-detached, attached, single-story, or multi-storied units or any combination of the aforementioned. Such projects may also involve religious, cultural, recreational and commercial uses and purposes.

Plat (or Replat)

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

Reserve Strip

A strip of land usually one (1) foot in width, across the end of a street or alley which shall be under the ownership of the County to insure street extensions where needed.

Right-of-way

A strip of land within which is located a passageway, as conveyed for a specific purpose.

Road (or Street)

A public or private way created to provide vehicular access to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created

to provide access to such land in conjunction with its use for forestry, mining, or agricultural purposes.

A. Arterial or Major Highway

A street designed to carry traffic from one community to another, to carry traffic to and from major traffic generators and to carry through traffic.

B. Collector or Secondary Street

A street designed to carry traffic between minor streets and the arterial system, to function as primary traffic carriers within a neighborhood, to carry traffic to local traffic generators, and in commercial and industrial areas, provide access to commercial and industrial properties.

C. Minor Streets

A street designed to provide access to abutting residential property with only incidental service to through traffic.

D. Cul-de-Sac or Dead End Street

A minor street with only one outlet which provides a vehicular turn-around.

Subdivide Land

To divide an area or tract of land into four or more lots within a calendar year when such an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of a year.

Subdivision

An area or tract of land divided into

Tentative Plan

four or more lots within a calendar year. A preliminary diagram, drawing, or other writing showing the general design of the proposed subdivision together with such additional information regarding the proposed division as may be required.

Section IV. General requirements and minimum standards of design and development.

The following are the minimum requirements and standards to which subdivisions must conform before approval.

Conformity to the Comprehensive Plan - All subdivisions shall conform with all adopted portions of the Comprehensive Plan, Zoning Ordinance and all other adopted plans.

Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the Comprehensive Plan.

Relation to Adjoining Street System - A subdivision shall provide for the continuation of the major and secondary streets existing in adjoining subdivisions and for their proper projection when the adjoining property is not subdivided. If the Planning Commission adopts a plan for a neighborhood of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the County Planning Commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.

When a tract is subdivided into lots of an acre or more, the County

planning Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformance with the street requirements and other requirements contained in these regulations.

Access - The subdividing of land shall provide each lot by means of a public or private road or street, satisfactory vehicular access to an existing street.

Private Streets -

1. Private streets shall provide access only to abutting lots. No street providing access to other streets or to areas not abutting such streets shall be approved as a private street.
2. The establishment of a private street shall not be allowed if it will deny the public access to public areas such as beaches or parks.
3. At such time as a tentative plan is proposed which includes private streets, all adjacent property owners shall be notified of such proposal and the time and place of the Planning Commission hearing.
4. No private road shall be approved unless the Planning Commission is satisfied that such street is not presently needed nor will ever be extended through to adjacent property, or to be utilized for public road purposes in the normal growth of the area.
5. Modification of private street requirements and/or standards shall be approved only (1) for street creation  
; recorded in the Office of the County Assessor at the time these standards and requirements are adopted by the Planning Commission; or (2) for street creation in areas where because of topographical or geological conditions full compliance or strict adherence

o the standards and requirements would prevent reasonable access to the area; or (3) for access created to not more than two lots.

6. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.

Standards for Private Streets

No private street or access way shall be approved of over 400' in length except that looped private streets may be approved 800' in length.

2. Private road rights-of-way may be approved of less than 50' in width except that the right-of-way width shall not be less than 10% of the road length and in no instance shall the road right-of-way be less than 30' except that a private road to two lots may be 20' in width. In all instances where the road access is less than 50' in width a 10' utility easement on each side of the road right-of-way or easement shall be provided.

3. Improvements on private roads shall be the same as those for public roads providing access to similar developments.

Street Widths -

1. The right-of-way and surface widths of public streets shall conform to the widths as specified in Appendix I of this ordinance.
2. If topography or other physical conditions make a street of the minimum required width impractical, the County Planning Commission may modify this street regulation requirement provided the public and future owner's interests are adequately protected.

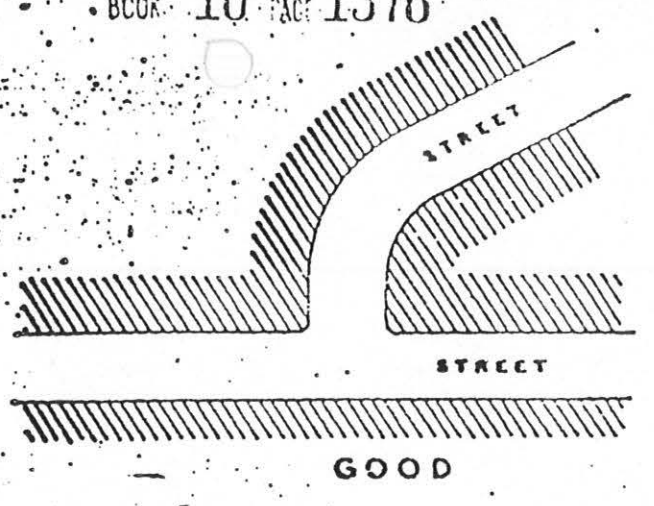
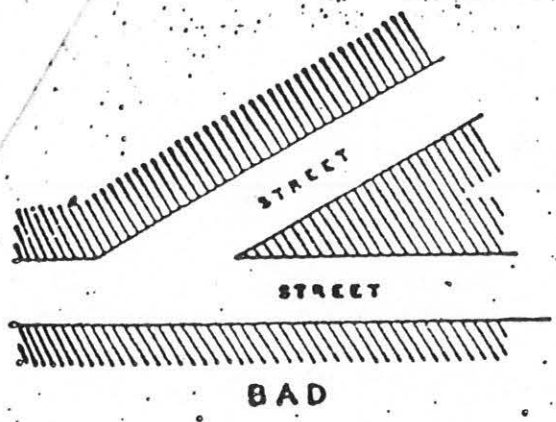
Street Design and Improvements -

The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this ordinance.

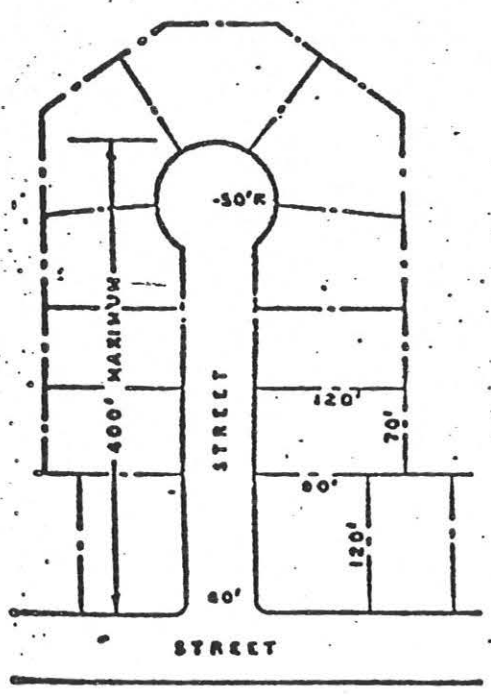
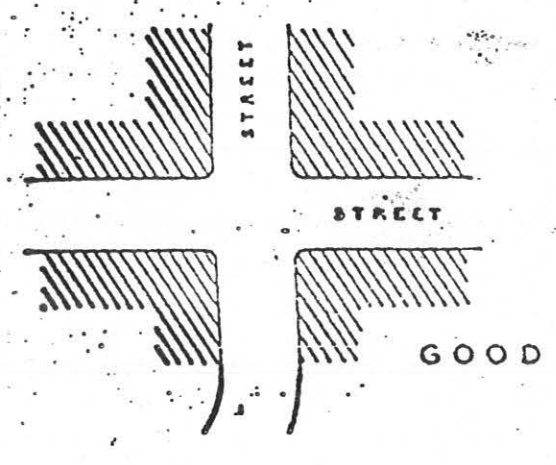
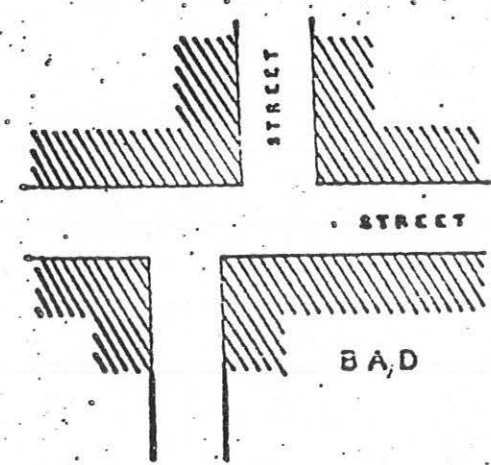
Street improvements, street grades and centerline radii on curves shall meet the minimum requirements as specified in Appendix I of this ordinance.

Street Intersections -

Streets shall intersect one another at an angle as near to a right



# INTERSECTIONS



# CUL-DE-SAC

angle as is practicable considering the topography of the area and previous adjacent layout.

Intersections shall be designed so that no danger to the traveling public is created as a result of staggered intersections; and in no case shall intersections be offset less than 100 feet.

#### Cul-de-Sacs & Turn-a-Rounds -

In general, dead end (cul-de-sac) streets in urban subdivisions (average lot size under one (1) acre) shall not exceed four hundred (400) feet in length and shall terminate in a turn-a-round with a minimum property line radius of forty five (45) feet or other type of turn-a-round approved by the Planning Commission. Turn-a-rounds approved by the Planning Commission shall be provided on all dead end streets.

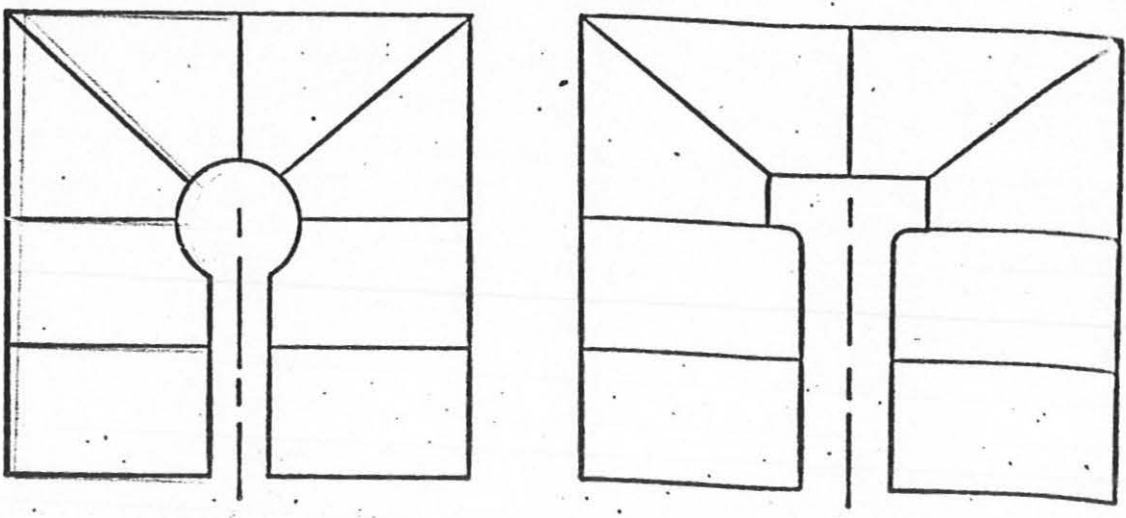
#### Easements -

(1) Where alleys are not provided, easements of not less than six (6) feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.

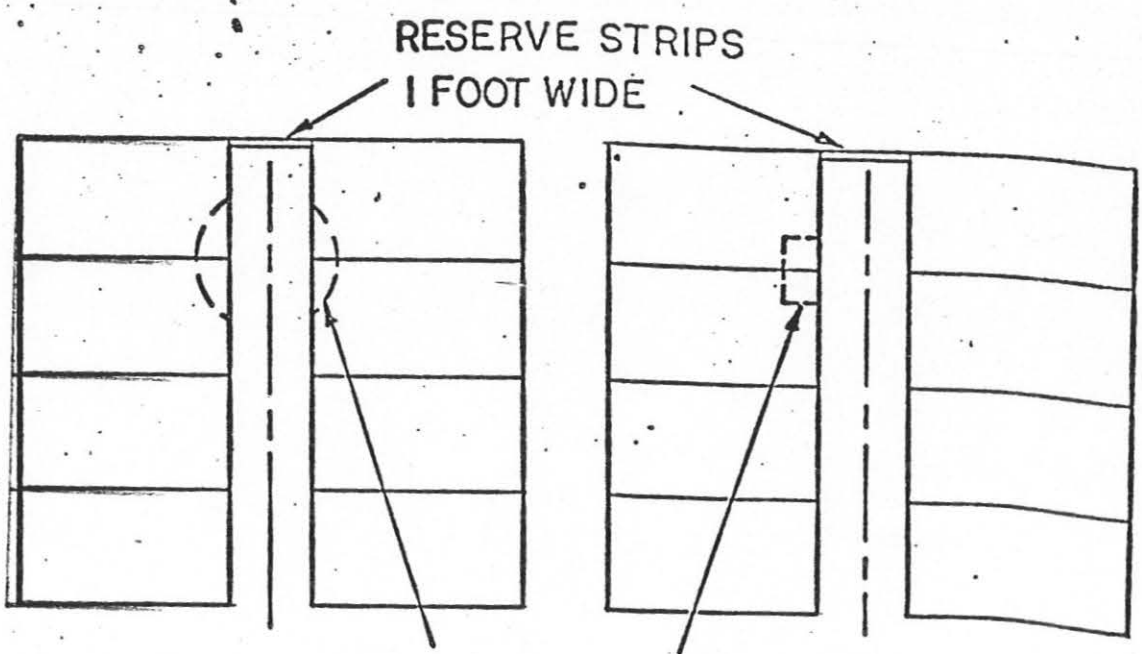
(2) A private easement established without full compliance with these regulations may be approved by the County Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

# TURN AROUNDS

STREETS WHICH ARE NOT INTENDED TO GO THROUGH TO THE NEXT PROPERTY



STREETS WHICH ARE INTENDED, IN THE FUTURE, TO BE EXTENDED INTO THE NEXT PROPERTY



TEMPORARY TURNAROUND EASEMENTS; TO BE VACATED UPON EXTENSION OF \_\_\_ STREET

Blocks - Lower case

In Urban Subdivisions with an average lot size of under one (1) acre no block shall be longer than one thousand two hundred (1,200) feet between street lines. In other subdivisions block lengths will be individually evaluated.

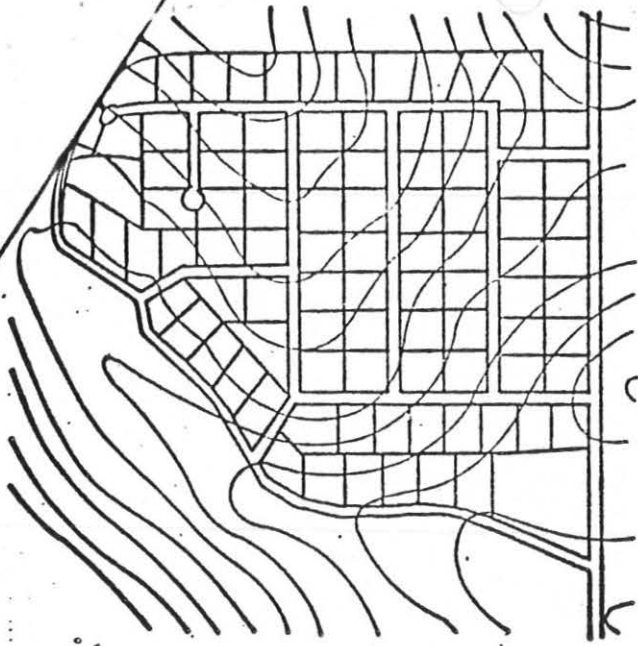
Public Access Ways -

When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways 10 to 20 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

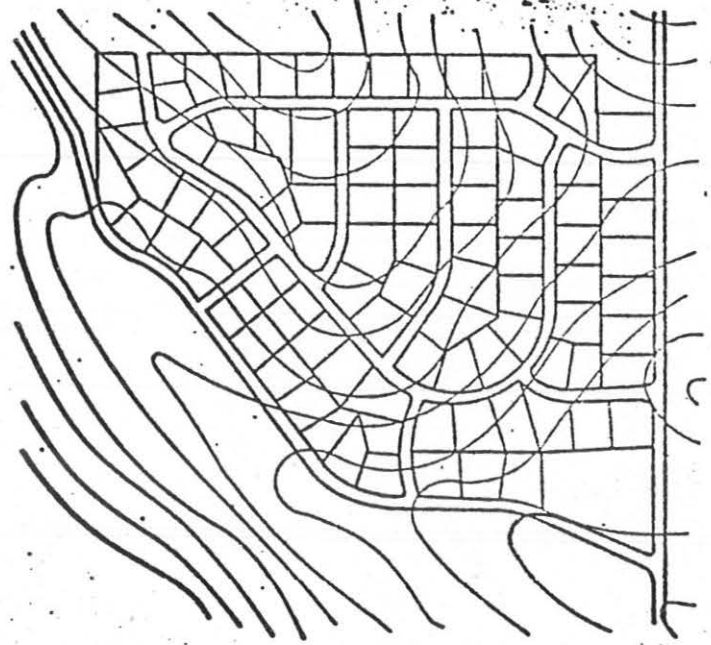
Lots

- (1) Every lot shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet.
- (2) Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.
- (3) Lots with double frontage shall not be permitted unless, in the opinion of the County Planning Commission, an odd shaped tract or existing topography makes such lot unavoidable.
- (4) Lot sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the subdivision is located or as determined by the County Health Department. In no case shall a lot have an average width less than 60 feet or an average depth less than 80 feet.
- (5) Lots under 25,000 square feet in area must not exceed a depth to width ratio of  $2\frac{1}{2}$  to 1. Lots over 25,000 square feet in area must not exceed a depth to width ratio of  $3\frac{1}{2}$  to 1.

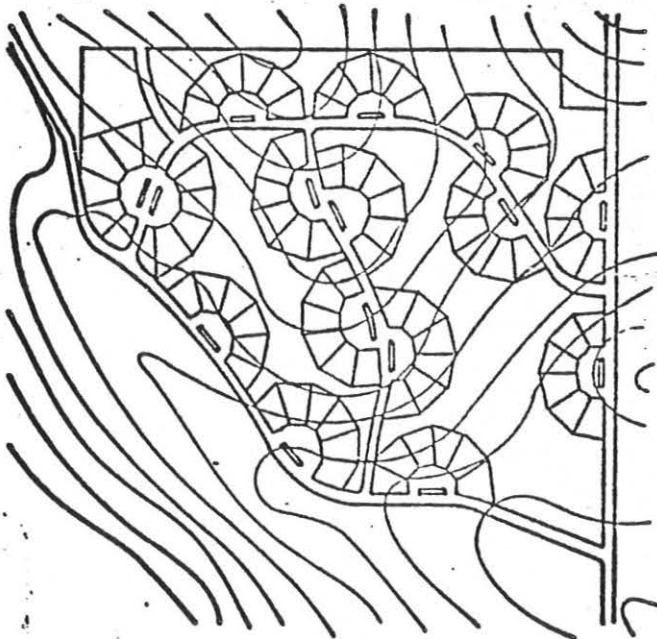
An example of three designs using the same land.



1. Rectilinear Plan - 94 lots, 12,000 feet of streets and utilities.



2. Curvilinear Plan - 94 lots, 11,600 feet of streets and utilities.



3. Cluster Plan - 94 lots, 6,000 feet of streets and utilities.

Planned Unit Subdivision

- (1) In the case of a planned unit subdivision these regulations may if necessary, be modified as they apply to streets, blocks and lots when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, open space and lot area per dwelling are provided.
- (2) The average residential lot size in the subdivision (building site areas plus common areas divided by the number of dwelling units) must be equal to or greater than the minimum lot area of the zone in which it is located or as determined by the County Health Department.
- (3) At least forty (40) percent of the land area will be dedicated or reserved as usable common "outdoor living" and "open space" land in residential, recreational, or combination residential-commercial development.
- (4) In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.
- (5) The Planning Commission or Board of County Commissioners may require easements necessary for orderly extension of public utilities to future adjacent developments.
- (6) Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon. Said association shall be formed and continued for the purpose of maintaining such common areas and structures.

7) A planned unit subdivision shall conform to all requirements as stated in Section of this ordinance and the Lincoln County Zoning Ordinance.

Parks and Open Space

In subdivisions of 10 acres or more, the Planning Commission may require the subdivider to provide up to five percent of the subdivision area for park and recreation purposes. These areas shall be of a design and location acceptable to the Planning Commission, based on the suitability of the area for park and recreation purposes.

Partial Development

If a proposed subdivision area includes only part of the tract owned by the subdivider, the Planning Commission may require a sketch of the tentative layout of streets in the remainder of that tract.

Duplication of Names

The name of a tentative plan must not duplicate the name used in any other legally recorded subdivision in Lincoln County, except for the words "town", "city", "place", "court", "addition", or similar words, 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 subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

Water

All lots in subdivisions shall be served by a community or public water system approved by the State Health Division; except that the Planning Commission may approve individual on site or off-site water systems if the lots in the sub-division are one (1) acre in size or larger and it can be shown that wells suitable for domestic water supplies have been successfully developed within one mile of the subdivision or that adequate water rights have been obtained from an off-site water source.

The well (or other on-site or off-site water source), for each lot must be drilled (or the improvement constructed) and the water sample for each source must be tested and approved as being suitable for human consumption by the State Health Division.

No plat of a subdivision shall be approved unless the county has received and accepted:

- (1) A certification by the owner or superintendent of a publicly or privately owned domestic water supply system, that water will be available to the boundary line of each and every lot depicted in the proposed subdivision; or
- (2) A performance agreement, bond, contract or other assurance that a domestic water supply system will be installed to the boundary line of each and every lot depicted in the proposed subdivision; or
- (3) Where a community or public water supply system is not available, a statement that water service will not be provided to any lot depicted in the proposed subdivision. In residential subdivision, the proposed source of domestic water (off or on-site, spring, well, etc.) to be developed by the buyer shall be included in the statement. A copy of such statement, signed by the subdivider and endorsed by the Planning Director, shall be filed by the subdivider with the Real Estate Commission.

Sewer

No plat of a subdivision shall be approved unless the county has received and accepted:

- (1) A certification by the owner or superintendent of a publicly or privately owned sewage disposal system that sewerage service will be available to the boundary line of each and every lot depicted in the proposed subdivision; or
- (2) A performance agreement, bond, contract or other assurance that a sewage disposal system will be installed by or on behalf of the subdivider to the boundary line of each and every lot depicted in the proposed subdivision; or

(3) Where no sewerage service is available, the Department of Environmental Quality or County Health Department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the subdivision. A statement that no sewerage service is available and that the proposed method of sewage disposal has been approved will be provided to the purchaser of each lot in the proposed subdivision. A copy of any such statement, signed by the subdivider and endorsed by the Planning Director shall be filed by the subdivider with the Real Estate Commissioner.

#### Performance Agreement

If all improvements required by the Planning Commission and this Ordinance are not completed according to specifications as required herein prior to the time the plat or map is duly submitted for consideration and approval, the Planning Commission may accept in lieu of said completion of improvements a performance agreement or bond executed by the subdivider and his surety company with the County Court conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission.

#### Phase Development

A subdivider may file a plat on a portion or phase of the approved tentative plan. If the subdivision is submitted for plat approval in phases, each phase must be able to qualify in all respects to the applicable requirements of approval of the tentative plan. If the subdivision is a planned unit subdivision, each phase must be able to qualify for approval independently from the balance of the approved tentative plan.

## Section V. Procedure for Dividing Land

### A. Preliminary Discussion

Prior to preparing a tentative plan of a subdivision for submission the owner should discuss the proposed division with the staff of the Planning Department. The developer and the staff should discuss the implication of the zoning, availability of water, method of sewage disposal, street construction requirements, topography of the site and all other factors affecting the division of the property.

### B. Subdivision

#### 1. Tentative Plan Application

- a. When a tract or area of land is to be subdivided, the tentative plan of the proposed subdivision shall be filed in the office of the Lincoln County Planning Department together with an application for consideration. A sufficient number of copies of the tentative plan, as determined by the Planning Department, shall also be submitted in order that the tentative plan may be distributed to other departments and agencies.
- b. The tentative plan when submitted should contain the following:
  - (1) The name of the subdivision.
  - (2) The name, address and phone number of the land owner, subdivider and engineer or surveyor.
  - (3) The tax lot number and the Section, Township, and Range in which the property is located.
  - (4) The date, north point and scale of the drawing.
  - (5) A vicinity sketch showing the location of the subdivision in relation to a city or

- other known landmark in the County.
- (6) The approximate location and dimensions of all proposed lot lines.
  - (7) Gross acreage of the property being subdivided.
  - (8) Number of lots within the plat.
  - (9) Size of the smallest lot in the plat.
  - (10) Source of domestic water (state whether by individual wells, a community water system, or the name of the water district serving the subdivision.
  - (11) Method of sewage disposal.
  - (12) Existing zoning of the property.
  - (13) Existing and proposed land use.
  - (14) Names, surfacing, direction of drainage, and approximate grade of all streets within and abutting the subdivision.
  - (15) Legal access to subdivision if not abutting a public road. (If by easement, a copy of the deed giving the easement).
  - (16) Areas subject to periodic flooding.
  - (17) Proposed lot and block numbers.
  - (18) Width, depth and direction of flow of all drainage channels on the property.
  - (19) Contour lines with a ten (10) foot interval if slope exceeds 10%; five (5) foot intervals if less than 10% slope. (State the source of contour information).

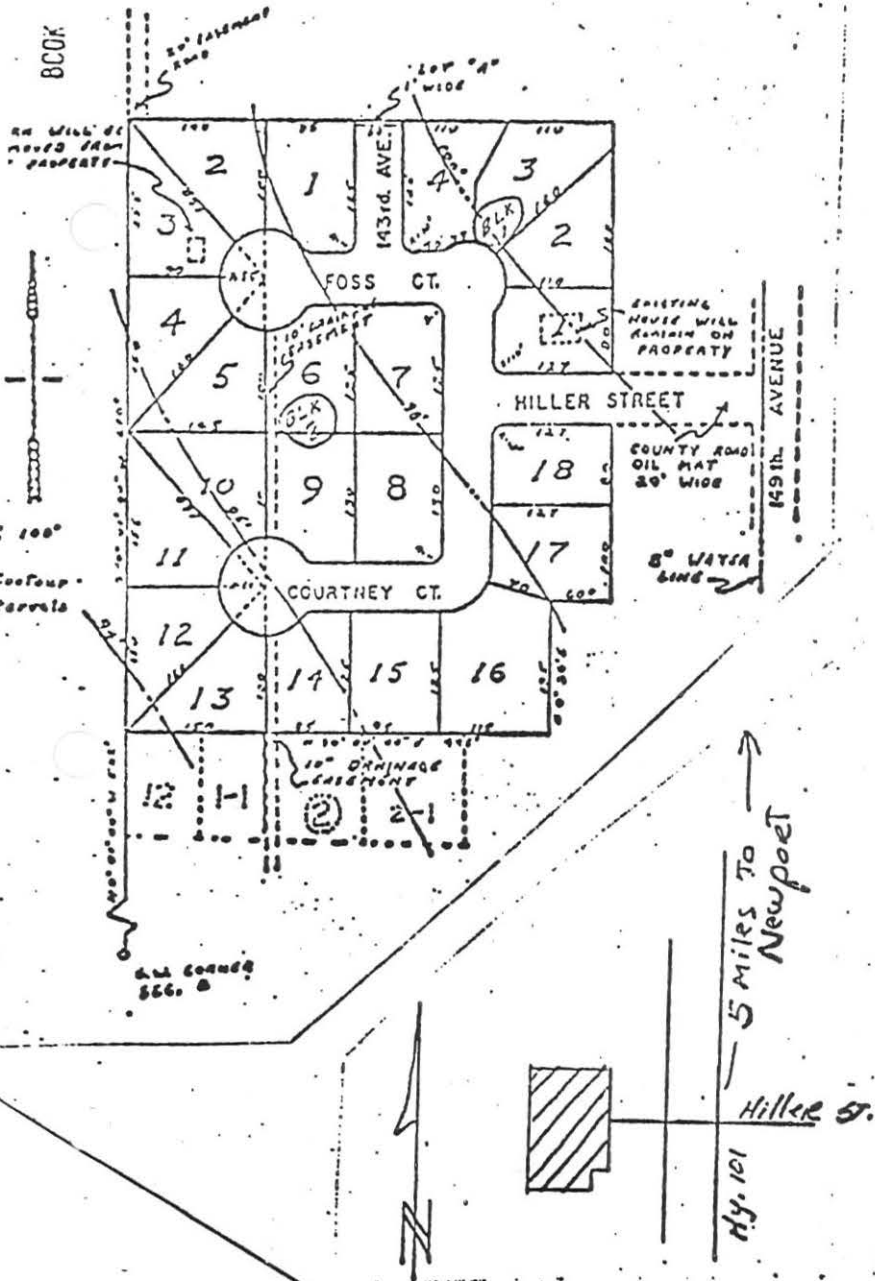
BOOK 10 PAGE 1288

24/80

# TENTATIVE PLAN OF LINDA HEIGHTS

SECTION 37, T9S, R11W, LINCOLN CO.

APRIL 1, 1974



OWNER AND SUBDIVIDER  
 DAVE PATTERSON  
 690 MARY AVE.  
 MEDFORD, ORE. 97031  
 285-4321

SURVEYOR  
 McKNIGHT SURVEYORS, INC.  
 908 DIANE AVE.  
 CANBY, ORE. 97302  
 262-1234

PRESENT ZONE:	R-1
GROSS ACRES:	6.9
LOTS:	22
SMALLEST LOT:	10,000 sq ft
WATER SUPPLY:	YAQUINA WATER DIST.
SEWAGE DISPOSAL:	LAKESIDE SEWER DIST.
PROPOSED USE:	SINGLE FAMILY DWELL.

NO SCALE VICINITY MAP

- (20) All existing and proposed easements, crossing the property.
- (21) Approximate location and use of all existing structures on the site. Indicate those to be removed.
- (22) Pedestrian walkways (if any).
- (23) Areas other than streets to be offered for dedication to the public. (Example: Parks).
- (24) Heavily wooded areas.
- (25) Adjacent land owned by the subdivider.

Some of the above items may not apply to the property being subdivided; however, as much information as possible must be shown. A tentative plan may be returned until adequate information is given.

2. Review of Tentative Plan by other Departments.

Within 5 days following the acceptance of an application by the Planning Department, copies of the tentative plan shall be distributed to appropriate agencies and departments for review, comments and recommendations.

If the Planning Department receives no written response or time extension request within 20 days, it shall be considered that the agency(s) or department(s) involved approve of the tentative plan as submitted.

3. Approval of Tentative Plan

When all comments and recommendations from appropriate

agencies or departments have been received or within 45 days after receiving the application as provided for in this ordinance, whichever date shall occur first, the Planning Department shall place the tentative plan on the agenda of the next scheduled meeting of the Planning Commission and notify the applicant and his surveyor or engineer of the meeting date and time. Following consideration of the tentative plan, the replies from other agencies and departments and such other testimony offered, the Planning Commission shall approve, conditionally approve, disapprove for cause or, when further information is required, postpone a decision on the tentative plan. Unless appealed, the decision of the Planning Commission shall become effective on the 31st day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval.

4. Time Extension on a Tentative Plan

No more than 30 nor less than 10 days prior to the expiration date of the tentative plan approval, the Planning Director must notify the subdivider in writing of the expiration of any unrecorded portion of the tentative plan. A one year time extension of a tentative plan approval may be requested. The Planning Director may approve or disapprove a request for time extension if the tentative plan is substantially unchanged from the plan previously approved by the Planning Commission. If the plan is substantially changed, the Planning Commission must consider the request. Additional conditions necessary to meet changed circumstances may be attached to the tentative plan when a time extension is requested and approved.

5. Drafting the Plat

The plat shall be prepared by a surveyor or engineer registered in the State of Oregon. The plat must be in substantial conformity with the tentative plan as approved and include all conditions set at the time of approval. It shall be drawn with black India ink upon a good quality of white cold-pressed, double mounted drawing paper 18 by 24 inches in size with the muslin extending three inches at one end for binding purposes. The plat shall be of such a scale, and the letter<sup>ING</sup> shall be of a size and type as will be clearly legible. A clear margin of one inch is required. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two or more sheets. Both sides of a sheet may be used. If desired by the subdivider, the plat may constitute only that phase of the approved tentative plan which he proposes to record and develop.

6. Submitting the Plat

- a. Within two years after the approval of the tentative plan becomes effective, a plat and one exact copy may be submitted to the Planning Director. The copy may be a photocopy or a tracing made with black India ink upon a good quality of linen tracing cloth or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The photocopy or tracing shall be identif-

ied as an exact copy of the plat by the engineer or surveyor who caused the copy to be made. The Sub-Divider shall provide, without cost, four prints from the copy of the plat.

b. In addition to the information as required on the tentative plan the following information shall be provided with the plat:

- (1) A copy of all covenants and protective deed restrictions.
- (2) The certification, performance agreement, or statement regarding the availability of water and sewerage services as provided in Section IV of this ordinance.
- (3) Copies of legal documents required by the Planning Commission for dedication of public facilities or for the creation of a non-profit homeowners association.
- (4) Such additional information as the Lincoln County Planning Office deems necessary for conformance with conditions of tentative plan approval.

7. Plat Approval

When the Planning Director determines that the plat conforms in all respects to the tentative plan as approved and that all improvements are installed or performance agreements sufficient to complete the improvements have been posted with the County Commissioners, consideration of the plat will be placed on the agenda of the next scheduled meeting of the Planning Commission. The applicant and his surveyor or

# EASY ACRES

A SUBDIVISION of part of Section 7, S. R. W. M.

Lincoln County, Oregon



NOTE -  
All lot corners and width  
tree marks.

DATE - \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, \_\_\_\_\_ of the County of \_\_\_\_\_ State of Oregon, do hereby grant and convey to the use of the Public the Street or Way to be shown as \_\_\_\_\_ Street, as shown on the accompanying map of \_\_\_\_\_

In witness whereof we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

By \_\_\_\_\_

STATE OF OREGON )  
COUNTY OF LINCOLN )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

By \_\_\_\_\_

Henry \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

By \_\_\_\_\_

County Commissioner \_\_\_\_\_  
County Civil \_\_\_\_\_  
County Surveyor \_\_\_\_\_  
County Assessor \_\_\_\_\_  
County Clerk \_\_\_\_\_

Henry \_\_\_\_\_

engineer shall be notified of the meeting date and time. Following the consideration of the plat, the Planning Commission shall approve, disapprove for cause or, when further information is required, postpone a decision on the plat. In no case shall a decision be postponed longer than 45 days. The applicant shall be notified in writing of the decision of the Planning Commission.

Unless appealed, the decision of the Planning Commission shall become effective on the 31st day after rendered.

When the approval becomes effective the Planning Commission chairman shall sign the plat and its exact copy. The plat and exact copy shall then be delivered to the County Surveyor who shall obtain the following official's signatures on them:

- (1) The County Sheriff, whose signature shall certify that all taxes on the property have been paid;
- (2) The County Assessor, whose signature shall certify that the plat is signed by the owner or owners of record;
- (3) The County Surveyor (his own), whose signature shall certify that the platting laws of this state and the requirements of this Ordinance have been satisfied;
- (4) A majority of the County Commissioners, whose signatures shall certify that the plat is approved by them;
- (5) The County Health Officer, whose signature shall certify that the method of sewage disposal for each lot is approved.

The County Surveyor shall deliver the signed plat to the Office of the County Clerk and notify the subdivider that it has been so delivered and may be offered for record.

Planned Unit Subdivisions

In order to permit greater flexibility in land development than that permitted by traditional zoning and subdivision ordinances and to permit flexibility of design that will encourage a more creative approach in the development and use of land, the Planning Commission may authorize exceptions to the regulations of this ordinance.

When the individual lots are reduced in size below that required by the zone in which the proposed division is located, a zone change to Planned Development must be authorized prior to submitting the tentative plan.

If a Planned Development has been authorized pursuant to applicable zoning regulations, the tentative plan and plat of the subdivision shall conform with the preliminary plan of the Planned Development as approved by the County Planning Commission and the Board of County Commissioners.

Procedure for Consideration of Planned Unit Subdivision.

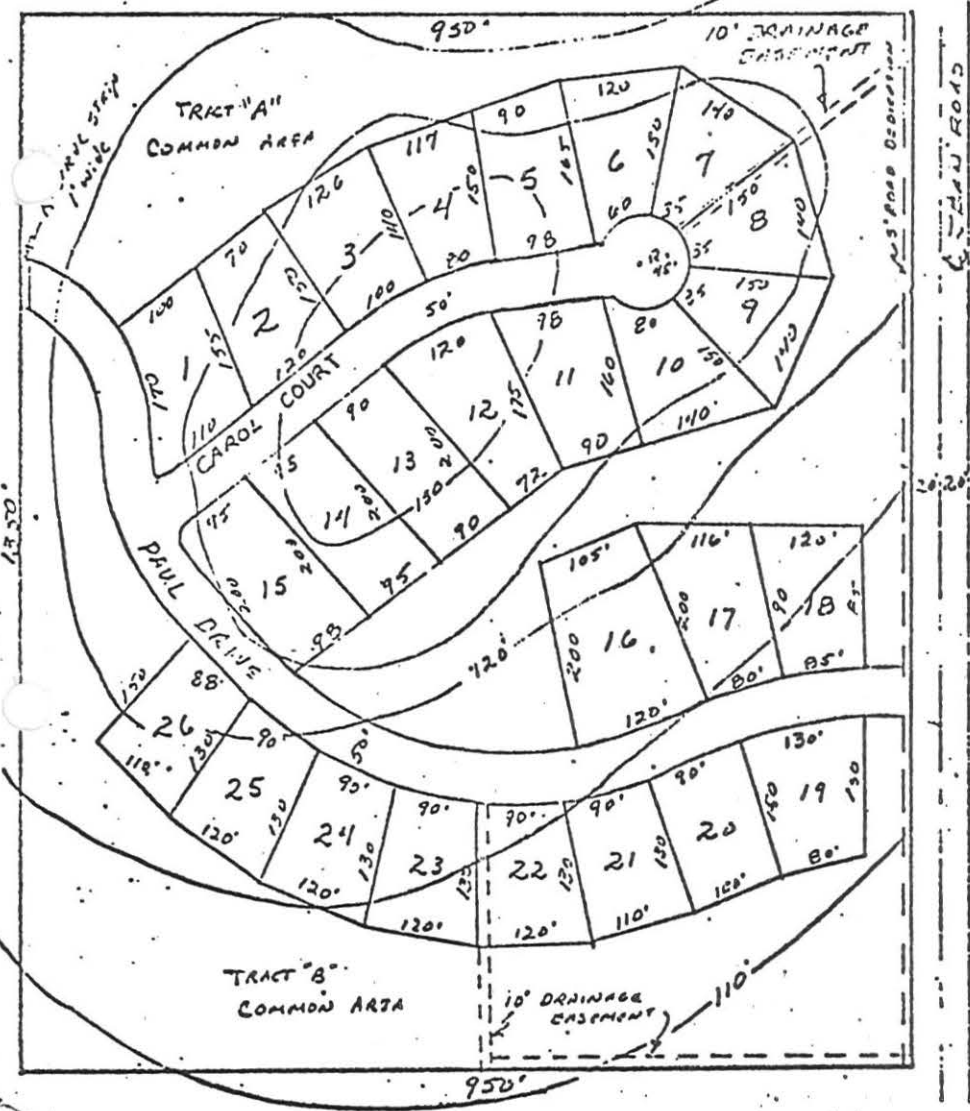
The tentative plan and plat application procedures for planned unit subdivisions are the same as stated in Section V.C.

# TENTATIVE PLAN OF TIMOTHY FIELDS

SECTION 42, T11S, P9W

MAPLE 32

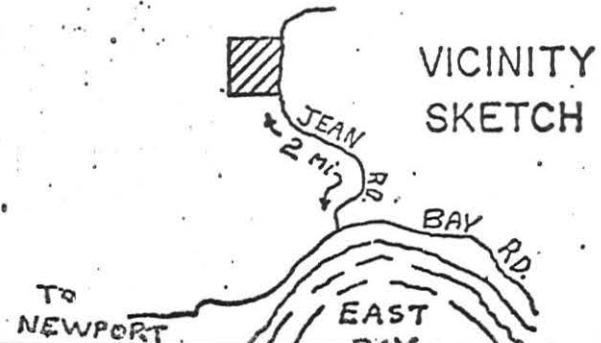
BOOK 111 PAGE 1336



OWNER AND SUBDIVIDER  
 ALEX SCOTT  
 8910 S.W. CLIFF DR.  
 WALDPOR, ORE. 284-8444

SURVEYOR  
 VINCENT STUART  
 345 RACHAEL ELAINE DR.  
 NEWPORT, ORE. 891-4321

PRESENT ZONE:	R-1
GROSS ACRES:	29.4
LOTS:	26
SMALLEST LOT:	9000 $\square$
WATER SUPPLY:	BAYSIDE W.D.
SEWAGE DISPOSAL:	SEPTIC SYSTEMS
PROPOSED USE:	SINGLE FAMILY DWELL.



4" / 174

Section VI . Modifications

If the Planning Commission finds that a hardship to the developer may result from strict compliance with these regulations, it may modify these regulations provided that (1) the purposes of this ordinance will be fulfilled without a strict application of these regulations, (2) the interests of the public will be best served by the modification, and (3) the modification will not be substantially injurious to the best use and value of the property in the surrounding area.

In granting modifications, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

Section VII Interpretations of Regulations

It shall be the duty of the Planning Commission to interpret the provisions of this ordinance in such a way as to carry out its intent and purposes.

Section ~~VIII~~ Appeal

The provisions and procedures for appeal of decisions, interpretations and requirements arising from this Ordinance are as follows:

## A. Appeal Periods

1. Any appeal of a Planning Commission decision on a subdivision, interpretation or requirement, must be made to the Board of County Commissioners within thirty (30) days of such decision.
2. Any appeal of an interpretation or requirement made by the Planning Department in the administration of this Ordinance mu

be made to the Planning Commission within thirty (30) days of such interpretation or requirement.

B. Appeal Procedure

1. The appeal shall be in writing upon the forms provided and shall be filed in the office of the Planning Department. The appeal must set forth specifically the decision or condition being appealed.
2. Upon receipt of the notice of appeal, the Planning Department or Board of County Commissioners shall set the matter for hearing and give notice of the date, time and place thereof to the appellant, to the Planning Department, and to all other persons who had an interest in the matter with which the appeal is concerned. No other notice need be given; however, the Board or Commission in its discretion may give whatever additional notice it deems necessary.
3. While hearing the appeal, the Board of County Commissioners or Planning Commission shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order requirement, decision, determination, interpretation, or ruling appealed. The Board of County Commissioners or Planning Commission shall transmit a copy of their decision to the appellant and to the County Planning Department.

Section IX. Severability Clause -

The provisions of this ordinance are severable if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any persons or circumstance; such invalidity, unconstitutionality or inapplicability shall not affect nor impair the remaining provisions of this ordinance.

Section X. Penalty and Enforcement -

Violation of any provision of this ordinance is punishable upon conviction under the provisions of O.R.S. Chapter 92 and O.R.S. Chapter 215.

Section XI. Amendments -

The following procedures shall be followed to amend this ordinance:

- (1) The Planning Commission shall hold a public hearing on the proposed amendment after publishing notice of the hearing once a week for two successive weeks prior to the hearing in a newspaper of general circulation published in the County. The notice shall contain the time, place and purpose of the hearing and a description of the land to be subject to the amendment.
- (2) Prior to the expiration of 60 days after the date of such hearing, the Planning Commission may transmit its recommendation regarding the proposed ordinance or regulation to the Board of County Commissioners. If the Planning Commission recommendation has not been received by the Board of County Commissioners prior to the expiration of such 60 day period, the Board may consider the amendment without recommendation of the Planning Commission thereon.
- (3) Prior to the adoption of such amendment, the Board of County Commissioners shall hold a hearing thereon after giving notice of the hearing in the same manner provided in subsection (1) of this section.

(4) A copy of any amendment adopted by the Board of County Commissioners under this section, together with a map of the area subject to the amendment, shall be filed with the County Clerk. Such amendment shall not be effective until so filed. If the amendment is applicable throughout all of the area over which the county has jurisdiction under O.R.S. 92.042, only an outline map of such area shall be filed with the recording officer of the county.

Section XII . Repealing Ordinance

All previously adopted subdivision regulations, ordinances, or resolutions of Lincoln County which are in conflict with this ordinance are hereby repealed and replaced with this ordinance upon adoption by the Board of County Commissioners. Specifically repealed is the Subdivision Ordinance which was adopted February 20, 1963 and recorded in Book 36, pages 434 through 470, the amendment which was adopted on July 22, 1964 and recorded in Book 39 pages 19 and 20, and Ordinance Number 9 which was adopted on April 14, 1970 and recorded in Book 3, pages 1516, 1517 and 1518.

## APPENDIX I

## STREET WIDTH &amp; IMPROVEMENTS

<u>TYPE OF STREET</u>	<u>RIGHT OF WAY WIDTH</u>	<u>SURFACE WIDTH+</u>
Arterials	80'-120' ++	40'-52' ++
<u>Collector Streets and all Business Streets other than Arterials</u>	60'-80' ++	36'-48' ++
<u>Local Streets in Single Family Density Areas</u>		
(1) Streets which in the judgment of Planning Commission will never be more than 2400' in length and which will have a relatively even division of traffic to two or more exits.	50'	28'
(2) Other such streets	60'	36'
<u>Cul-de-Sacs</u>	50'	28'
<u>Circular Ends of Cul-de-Sacs</u>	90' +++	70' +++
<u>All Streets not specifically provided for above</u>	60'	40'

+ Measured from face to face of curbs or shoulders.

++ The Planning Commission may require a width within the limits shown based upon adjacent physical conditions, safety of the public and the traffic needs of the community.

+++ Measured by diameter of circle constituting circular end.

Improvements

Improvements shall have the following minimum standards unless increased at the request of the County Engineer:

- (1) All streets shall have a minimum of four inches of 3/4"x0" crushed rock over a compacted subgrade.
- (2) All bridges shall have a thirty year minimum life expectancy and shall be constructed to load limit standards approved by the County Engineer.

## APPENDIX II

## PROCEDURE FOR INSURING COMPLETION OF ROADS AND/OR UTILITIES

1. The Developer's engineer will prepare cost estimates on completion of roads and/or utilities. Road cost estimates shall be based upon road standards as designated in Lincoln County subdivision regulations. Sewer and water estimates shall be based upon designs approved by the State Board of Health. All cost estimates shall be stamped or sealed by the engineer who prepared them.
2. All estimates shall be submitted to the Lincoln County Planning Director. Copies of water and/or sewage service estimates will then be delivered to the Lincoln County Sanitarian's office for approval, remarks or suggested changes and returned to the Planning Office. Water and/or sewer cost estimates for systems in water districts or sewer districts shall be sent to the utilities district office as well as to the office of the County Sanitarian for review, approval, and/or suggestions, which will be submitted to the Planning Department. The road cost estimates shall be delivered by the County Planning Director to the office of the County Engineer for review, approval and/or suggestions which will be submitted to the Planning Department.
3. The Lincoln County Planning Director shall notify the developer as to the amount of bond or other performance agreement required and as to any changes necessary for bond acceptance.
4. The developer shall submit the bond or performance agreement written in favor of Lincoln County to the Office of the Board of Commissioners and three copies thereof to the Planning Department.
5. Plats for which bonds or performance agreements have been submitted to insure completion of roads or utility improvements shall so state on the face of the plat and shall provide space for the signatures of the County Engineer and/or the County Sanitarian, depending on the purpose of the bond or agreement.
6. Plat approval must be signed and dated by the County Engineer and/or the County Sanitarian before it is presented to the County Commissioners. The signature by each department will signify that all requirements of the respective department have been met.