ARTICLE 5. LAND DEVELOPMENT REGULATIONS AND STANDARDS

SECTION 5.010 – SCOPE OF REGULATIONS

The purpose of this Article is to set forth procedures to be followed for creating and reconfiguring lots and parcels in accordance with provisions of ORS 92, to accomplish the orderly development of land, and promote the public health, safety and general welfare of the county.

No person may subdivide partition, replat or adjust the property lines of any lot or parcel in the unincorporated area of Gilliam County except in accordance with the provisions of this Article.

A. EXEMPTIONS. The following land divisions shall be exempt from the land partitioning requirements as set forth by this ordinance and more specifically this Article:

1. A person may not negotiate to sell a lot in a proposed subdivision until a tentative plan has been approved in accordance with the requirements of this Article, and may not sell a lot in a subdivision until the final plat has been approved and has been recorded with the County Clerk.
2. A person may negotiate to sell a parcel in a partition prior to the approval of the tentative plan, but may not sell the parcel until the final plat, if required under the provisions of this Article, has been approved and has been recorded with the County Clerk.
3. A document or instrument dedicating land to public use may not be accepted for recording unless the document or instrument bears the approval of the County Court.
4. Building and sanitation permits will not be issued for any lot in a proposed subdivision or parcel in a proposed partition until the final plat, if required, has been approved and has been recorded with the County Clerk.

   a. The transfer of one parcel between two adjoining ownerships where an additional parcel is not created and where no new or additional dwellings or other structures are involved, and where the existing ownership reduced in size by the parcel transfer is not reduced below the applicable minimum lot size.

   b. Partitioning of land by parcels of not less than 160 acres exclusively for agricultural purposes, provided the number of such parcels does not exceed two (2) in any one calendar year, and provided that the total number of such parcels created over a five-year period does not exceed four (4).

   c. And, except as otherwise provided for in this or other County ordinances, or by State statute, this article does not apply to the sale or leasing of:

      (1) Apartments or similar space within an apartment building; or

      (2) Cemetery lots, parcels or units in the County; or

      (3) Property submitted to the provisions of ORS 94.004 to 94.480 and 94.991 (condominiums).
SECTION 5.020 – LAWFULLY CREATED LOTS AND PARCELS

A unit of land created by any of the following means is considered to have been lawfully created and may be developed when in compliance with the provisions of this Ordinance:

A. **By filing with the County Clerk** a final plat for a subdivision, partition, replat or condominium, provided the plat is in conformance with land division approval granted by the County. The date the plat is recorded is the date the lots or parcels shown on the plat are considered to have been created.

B. **By deed or land sales contract executed** prior to enactment of any applicable planning, zoning or partitioning ordinances or regulations. The deed or contract must have been dated and signed by the parties to the transaction and contain a separate legal description of the parcel. If the deed or contract contains a description of more than one unit of land, only one parcel shall be recognized unless the description describes lots subject to a recorded subdivision plat, describes parcels that were conveyed separately prior to execution of the deed or contract, or describes parcels that are not contiguous. When only a portion of a parcel was conveyed in this manner, the remainder of the parcel shall also be recognized as being lawfully created. When a strip of land was conveyed for a road, railroad, irrigation canal or similar use, the strip shall serve to have divided the underlying parcel only if it was dedicated in fee simple and fee title interest was conveyed to a separate party. Dedication of an easement or right to use a strip of land for roadway purposes does not divide the underlying parcel.

C. **By a survey map that clearly indicates the existence** of the lot or parcel by map or legal description that was filed with the County Surveyor or County Clerk prior to enactment of any applicable planning, zoning or partitioning ordinances or regulations.

D. **Lawfully Created Lots and Parcels Remain Discrete**

1. A lawfully created lot or parcel will remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

E. **Improperly Created Lots and Parcels**

1. Units of land created by any of the following means are not recognized as being lawfully created parcels:

   a. Units of land created solely to establish a separate tax account, either at the request of a property owner or by the County Assessor for mapping purposes.

   b. A division of land resulting from a lien foreclosure or foreclosure of a contract for the sale of real property, except the foreclosure of a dwelling that was approved by the county for a relative to assist in the farming operation as authorized by ORS 215.283(1)(e)(B).

   c. The creation of cemetery lots.

   d. An adjustment of a property line by the relocation of a common boundary that results in the creation of an additional unit of land.
e. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other public right-of-way purposes provided that such road or right-of-way complies with the Comprehensive Plan and ORS 215.283(2)(q) to (s). Any property divided by the sale or grant of property for state highway, county road, City Street or other public right-of-way purposes after 1991 shall continue to be considered a single unit of land until such time as a subdivision or partition is approved by the County.

f. A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment must be approved in accordance with the requirements of Section 713 and recorded in the deed records of the County.

g. Surveying of, or recording a deed description of a unit of land in order to define a mining claim or to describe agricultural or forestry or aggregate tracts for resource use.

h. Issuance of a mining patent or other lot created by the federal government.

2. No development permits for new uses shall be issued for an improperly created lot or parcel. However, development permits and building permits may be issued for the continued use of a dwelling or other building on an improperly created lot or parcel if:

   a. The dwelling or other building was lawfully established prior to January 1, 2007; and

   b. The permit does not change or intensify the use of the dwelling or other building.

3. A person who buys a unit of land that is not a lawfully created lot or parcel may bring an individual action against the seller in an appropriate court to recover damages or to obtain equitable relief. The court shall award reasonable attorney fees to the prevailing party in an action under this section. However, if the seller of the property is the County, who involuntarily acquired the unit of land by means of foreclosure under ORS chapter 312 of delinquent tax liens, the person who purchases the property is not entitled to damages or equitable relief.
SECTION 5.030 – DETERMINATION OF WHETHER LOT OR PARCEL WAS LAWFULLY CREATED

An application may be submitted for a determination as to whether a lot or parcel was lawfully created. The application will be reviewed by the Planning Director under the Administrative Review procedures of Section 11.090. The determination will be based on whether the lot or parcel meets the standards in this Section.
SECTION 5.040 – VALIDATION OF A UNIT OF LAND

A. An application may be submitted to validate a unit of land that was created by a sale before January 1, 2007 that did not comply with the applicable criteria for creation of a lot or parcel. The application shall be accepted, notwithstanding that less than all of the owners of the existing lawfully established lot or parcel have applied for the approval. The application will be reviewed by the Planning Director under the Administrative Review procedures of Section 11.090. The application will be approved if it complies with one of the following:

1. The unit of land is not a lawfully created lot or parcel, but could have complied with the applicable criteria for the creation of a lot or parcel when the unit of land was first sold; or
2. The County approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the date of the sale that created the unit of land. If the permit was approved for a dwelling, the dwelling must meet the requirements for replacement under Section 4.020.C.10.

B. The application to validate the unit of land is not subject to minimum lot size requirements.

C. If the application is approved, a partition plat showing the unit of land shall be recorded within 90 days after the date the County decision to validate the unit of land becomes final. The partition plat shall meet the requirements for final plats in Section 5.170. The unit of land will become a lawfully created parcel upon recordation of the plat.

D. Validation of a unit of land under this Section does not validate any other unit of land that was previously part of the same lot or parcel.
SECTION 5.050 - LAND DIVISION APPLICATION REQUIREMENTS

A. APPLICATION REQUIREMENTS

Applications for subdivisions and partitions shall include the following:

1. Three copies of a tentative subdivision or partition plan containing the information required by Section 5.060.

B. One 8½ x 11 drawing of the proposed partition or subdivision for purposes of providing notice. The drawing shall show the proposed new lots or parcels, their size, and the access to each lot. The drawing may be a reduced copy of the tentative plan or a separate drawing.

C. A title report based on research going back in time without limitation, indicating all easements and encumbrances of record that affect the property, and including graphic depictions of the location of all easements and encumbrances that are of record.

D. A statement of the proposed method of obtaining a potable water supply, sanitation and utilities to serve each lot or parcel.

E. If a subdivision is proposed to be completed in phases, a description of the proposed timeframe for platting and completing improvements for each phase.

F. Evidence that the proposed division will comply with all standards and criteria in Section 5.110.

G. Completed application form and application fee.
SECTION 5.060 - TENTATIVE PLAN CONTENTS

An application for a land division must include 3 copies of a tentative plan that includes the information listed below. The tentative plan does not need to be prepared by a surveyor, but must be clearly and legibly drawn on white paper to a standard engineer's scale (i.e., 1" = 100', 1" = 400' etc.). The scale used shall be large enough so that all required information is clearly legible. The tentative plan must contain the following:

A. The words “Tentative Plan”, the township, range, section, and tax lot number(s) of the property, the date, north point, and scale of the plan, and the name and address of the person who prepared the plan.

B. Approximate courses and distances of existing property lines and proposed new property lines. Each lot or parcel shall be numbered and the approximate acreage or square footage indicated.

C. The location of all existing structures and improvements on the property, including wells and installed septic systems, with distances to existing and proposed property lines shown.

D. All water courses and drainage ways, and the location of any floodways and flood plains. The approximate location of any other areas which are subject to inundation or storm water overflow should also be shown.

E. The location of irrigation canals and ditches, including points of diversion.

F. If the application is for a subdivision, the tentative plan must include the proposed name of the subdivision. The name shall not duplicate, be similar to, or resemble in pronunciation the name of any other subdivision in the county unless the land is contiguous to and will be divided by the same party that platted the subdivision bearing that name, or unless the applicant files and records the consent of the party that platted the contiguous subdivision. The tentative subdivision plan must continue the lot and block numbers of the subdivision plat of the same name last filed.

G. The location of approved usable area(s) for subsurface sewage disposal, or location of public or community sewer lines and easements.

H. The location, width and name of all existing roads on or abutting the property, and any proposed new roads. The proposed width, length, maximum grade, surface condition, status (county, local access or private), and name or number of any proposed new road must be included. A first and second choice of names for each proposed road should be specified, in accordance with the requirements of the Gilliam County Code. No road may be named with a name that duplicates, is similar to, or is pronounced the same as the name of any existing road in the county, unless the road will be a continuation of the existing road. All reservations or restrictions relating to the roads shall be indicated.

I. The location, width and purpose of all existing and proposed easements, denoted by fine dotted lines. The reference number of all recorded easements shall be noted. All reservations or restrictions relating to the easements shall be indicated.

J. The location of all utilities on or abutting the property.
K. **Any lot or land area intended to be dedicated** or reserved for public use or common use of the property owners in the partition or subdivision, with the purpose of the reservation clearly labeled.

L. **Topographic information for any area with slopes exceeding 10 percent.** Contour intervals shall be ten feet or smaller. Topographic information is not required when the property is in the Exclusive Farm Use zone and the proposed parcels will exceed the minimum lot size requirement for the zone.

M. **The location of any proposed fire protection system,** hydrants or water supply available for fighting fire.

N. **If a subdivision is proposed to be developed in phases,** each phase shall be clearly delineated and labeled.

O. **A tentative plan to create parcels less than ten acres in size** within an established urban growth boundary or urban reserve area shall include a Conversion Plan showing how the subject property can be divided and developed at densities allowed by the most likely future city zone, including provisions for right-of-way, street and utility extensions in conformance with the city’s future development and transportation plans. The applicant shall submit a copy of the Conversion Plan to the city for comments prior to submitting the tentative plan to the county. The city’s comments as to whether the Conversion Plan complies with the city’s future development plans shall be submitted with the tentative plan. The tentative plan will not be approved if the city indicates that the division will interfere with future urban development or transportation plans. Existing and future structures and other improvements will be required to be sited on lots or parcels in a location and manner consistent with the Conversion Plan.
SECTION 5.070 - LAND DIVISION PROCEDURES

A. TENTATIVE PLAN PROCEDURES

An application for approval of a tentative plan for a subdivision or partition will be processed under the Administrative Review procedures of Section 11.090.

B. NOTICE TO AFFECTED AGENCIES

Notice of an application for approval of a tentative plan will be sent to city, county, state and federal agencies and special districts that may be affected by the proposed division, asking for their comments and recommendations.
SECTION 5.080 - APPROVAL OF TENTATIVE PLAN

Approval of a tentative plan shall not constitute final acceptance of the final plat for recording, but shall be binding upon the County for the purposes of the preparation of the final plat. The County may require only such changes in the final plat as are necessary for compliance with the conditions of approval of the tentative plan.
SECTION 5.090 - EXPIRATION OF TENTATIVE PLAN APPROVAL

A. Approval of a tentative plan is valid for two years, within which time the final plat must be prepared and submitted to the County Planning Department for review. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the original two year approval period. Notice of a decision to grant an extension shall be provided in accordance with Section 11.150. After two years, or at the end of any extension that has been granted, the tentative plan approval will be void if the final plat has not been submitted.

B. When approval has been granted to develop a subdivision in phases, the final plat for the first phase shall be submitted in accordance with the time limitations outlined in (A). The final plat for each subsequent phase shall be submitted within two years of the date the final plat for the previous phase was recorded. An extension may be granted by the Planning Director, for good cause, based upon a written request from the applicant made prior to the expiration of the two year period. The total time period for submittal of the final plats for all phases of the subdivision shall not exceed ten years from the date of final approval of the tentative plan.
SECTION 5.100 - EXPEDITED LAND DIVISIONS

An applicant for a partition of residentially zoned land inside an urban growth boundary may request that the application be processed according to the standards and procedures for expedited land divisions in ORS 197.360 through 197.380 rather than the procedures in this Section.
SECTION 5.110 - STANDARDS AND CRITERIA FOR APPROVAL

A. TENTATIVE PLAN APPROVAL CRITERIA: The County may approve a tentative plan for a subdivision, partition or replat upon finding that it complies with the following:

1. The tentative plan complies with all applicable standards of the Comprehensive Plan and this Section, meets the minimum lot size, setback and other requirements of the zone in which the property is located, and complies with any other applicable standards of this Ordinance such as Significant Resource Combining Zone dimensional standards. The area to the centerline of a road right-of-way that will be created as part of the land division may be included when calculating the size of a proposed lot or parcel.

2. The physical characteristics of the proposed lots or parcels and the surrounding area will not preclude development for the proposed use, taking into consideration the size and shape of the lots or parcels, topography, soil conditions, and potential hazards such as flood plain, fire danger, landslide potential and pollution.

3. Any new roads or other transportation improvements are laid out so as to conform to any adopted Transportation System Plan and the plats of subdivisions and partitions already approved for adjoining property as to width, general direction and other respects, unless the County determines that it is in the public interest to modify the road pattern. Roads may be required to provide access to adjacent properties when deemed necessary by the County to allow the adjoining land to be developed or divided in conformance with the standards of the zone in which the adjoining property is located. Dead-end roads may serve a maximum of 19 lots.

4. All lots or parcels will have at least 25 feet of road frontage that will provide legal and physically practicable access that complies with the access standards in Section 8.020. The frontage may be on a public road, a private road in a destination resort, an existing nonconforming private road, or a federal road (Bureau of Land Management, US Forest Service). A variance to this standard may be requested if the property that is proposed to be divided does not have road frontage. When phased development is proposed, the access standards must be met for each phase, including adequate turnarounds at the end of the improved portion of any partially completed road, even if the road will later be extended to serve the next phase.

5. The traffic generated by the proposed new lots or parcels will not result in traffic volumes that will reduce the performance standards of a transportation facility below the minimum acceptable level identified in the Transportation System Plan (LOS C). This criterion may be met through a condition of approval requiring improvements to the transportation facility.

6. The following standards are met if access will be provided through a flag lot configuration:

   a. The flagpole section of the flag lot shall be at least 50 feet, but not more than 60 feet in width.

   b. No more than one flag lot is permitted to the rear of another lot or parcel.
c. Access to the rear lot or parcel shall be by way of a driveway located entirely within the flagpole section of the lot or parcel. No re-division or property line adjustment shall be allowed that would alter the status of the flagpole for driveway use unless other access meeting all the requirements of this Ordinance is provided.

e. A flag lot may have only one flagpole section.

f. Adjoining flagpole sections of flag lots are not allowed.

g. The driveway within the flagpole will have at least 75 feet of separation from any other existing driveway.

7. **Utility easements are provided** abutting roads where necessary to provide services to proposed lots and parcels, and where necessary to allow for development of adjoining lands. Utility easements may be required in other locations if specifically requested by a public utility provider. The easements shall be clearly labeled for their intended purpose on the tentative plan. All utilities serving a proposed division shall be placed underground where the surrounding area is presently developed, or is in the process of developing with underground utilities. For land within an urban growth boundary, utilities shall be placed underground if the county’s regulations would require underground utilities.

8. **Existing improvements** (e.g., septic systems, wells, driveways, etc.) shall be located on the same lot or parcel as the use or structure they serve, unless an easement to allow the improvement to be on a different lot is provided and is shown on the final plat.

9. **If a lot or parcel that is partially in another county** or the incorporated limits of a city is proposed to be divided, the following regulations apply:

   a. No new lots or parcels shall be created that will be partially inside a city and partially outside. If an existing lot or parcel overlaps a city limits, the property may be divided along the city limits line provided that the portion of the property outside the city meets the standards of this Ordinance.

   b. No new lots or parcels shall be created that will overlap the county line. If an existing lot or parcel overlaps the county line, the property may be divided along the county line provided the portion in Gilliam County meets the standards of this Ordinance.

10. **If the tentative plan is for a subdivision, the following additional standards are met**:

   a. The proposed name of the subdivision has been approved by the County Surveyor. The name shall not duplicate, be similar to, or be pronounced the same as the name of any existing subdivision in the county unless the proposed new lots are contiguous to and platted by the same party that platted the subdivision bearing that name, or the party that platted the contiguous subdivision consents in writing to use of the name.
b. Subdivision block lengths and widths are suitable for the uses contemplated and will not inhibit the proper development of adjoining lands. Block widths shall allow two rows of lots unless exceptional or topographic conditions make this unfeasible. The subdivision shall not use block numbers or letters unless it is a continued phase of a previously recorded subdivision bearing the same name that has previously used block numbers or letters, in which case the lot and block numbers must be continued.

11. If the subdivision will be developed in phases, each phase when considered individually shall comply with all standards and criteria in this section.
SECTION 5.120 – CONDITIONS OF APPROVAL

A. In granting approval of a tentative plan, the County may impose conditions of approval deemed necessary to comply with the requirements of this Ordinance. The recommendations and comments of other public agencies will be considered and may also provide the basis for conditions of approval.

B. Conditions may require that substandard roads leading to the land being divided be improved to the road standards. Any requirement for road improvements or dedication of additional right-of-way will be based on a direct nexus between the level of road impacts that will be caused by the increased traffic generated by the new lots or parcels and the level of road improvements that are required.

C. Installation of fire-fighting water supplies may be required when recommended by the appropriate fire protection agency.

D. Conditions may include dedication of land for roads or other public improvements, in accordance with 5.140.

E. Conditions will require that the standards of Section 5.110 be met prior to approval of the final plat.

F. A traffic control device in the form of an easement granted to the county may be required for the purpose of controlling access to or from a lot or parcel for any of the following reasons:

1. To prevent or limit access to roads.

2. To prevent access to a transportation facility from abutting property that is not part of the subdivision or partition.

3. To prevent access to land unsuitable for development.

   Traffic control device easements shall be shown on the final plat and shall include a note prohibiting direct motor vehicle access across the traffic control device easement unless authorized by the road authority having jurisdiction over the adjacent road.

G. A condition of approval may require the provision of areas for school bus stops and turnarounds and mail boxes.

H. If the division includes common area(s) for use as open space, recreation, utility facilities or other purposes, a condition of approval will require evidence of provisions to guarantee ongoing property tax responsibility and maintenance of the area. The common area may be conveyed by leasing or conveying title to a corporation, homeowner’s association or other legal entity. The terms of the lease or other instrument of conveyance shall include provisions that guarantee:

1. The continuation of use of the land as common area;
2. The continuity of property maintenance, including the necessary financial arrangements for such maintenance; and

3. That the legal entity formed for the joint ownership and maintenance of the common area will not be dissolved, nor will it dispose of any common area by sale or otherwise, except to another legal entity which has been conceived and organized for the purpose of maintaining the common area.

I. **When approval is granted to allow a subdivision** to be platted and developed in phases, conditions of approval will specify the improvements that must be completed prior to approval of the final plat for each phase.
SECTION 5.130 – DEDICATION REQUIREMENTS

The County may require dedication of improvements, lands, or rights-of-way for public purposes as a condition of approval of a land division, subject to the requirements and conditions of this Ordinance and state and federal law.
SECTION 5.140 - DEDICATION OF LAND FOR PUBLIC USE

A. Approval of a tentative plan may be conditioned on the reservation or dedication of land for public use, provided the dedication of the land is reasonably related to a public purpose and the amount of land to be dedicated is roughly proportional to the demand on public services generated by the proposed development. Dedication may be for, but is not limited to, roads, sidewalks, walkways, bikeways, parks and recreation areas, and open space, or easements for slopes or utilities.

B. Areas reserved or dedicated for parks and recreation areas shall be of suitable size, dimension, topography, accessibility, and general character for the intended purpose. A developer may improve recreation areas for common and exclusive use of persons residing in a subdivision or partition. However, adequate provisions must be established at the time of final plat approval to guarantee ongoing property tax responsibility for, and permanent maintenance of, the area by owners of the lots or parcels benefited.

C. Open space may be reserved or dedicated for public use or common use of persons residing in the subdivision or partition. Areas set aside for the purpose of preserving or restoring them to a pristine condition may not be improved, but shall be maintained, such as for fire prevention or weed control. Adequate provision must be established at the time of final plat approval to guarantee ongoing property tax responsibility and maintenance of lands reserved as passive open space.

D. If the County, a school district, or other public agency wishes to acquire a specific portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, the County may require that those portions of the division be either dedicated for public uses or reserved for public acquisition for a period not to exceed six months from the date of approval of the tentative plan. The final plat may not be submitted for review prior to the final outcome of the negotiations, unless the area that may be acquired is shown as being in public ownership.

E. All lands or rights-of-way proposed for dedication by the applicant or required by the County shall be offered for dedication for public use at the time the final plat is filed. Such areas shall be clearly shown on the final plat as dedicated for public or common use purposes.

F. No document or instrument dedicating land, rights-of-way, or an easement to public use shall be accepted for recordation unless it has been accepted by the County Court. A title report must accompany the final map or plat describing ownership of the lands affected by the dedication. The County will not accept an offer of dedication for a road unless clear title without encumbrances is established in the title report.

G. Final deeds for acquisition of land for public purposes shall be based upon accurate surveys and monuments filed with the County Surveyor and accepted by the County Court.
SECTION 5.150 – FINAL PLATS

A. Once a tentative plan has been approved, a final plat shall be prepared consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. Final plats must conform to the tentative plan and any conditions of approval.

B. Lots and parcels shall be surveyed and monumented by an Oregon registered professional land surveyor, consistent with the requirements of ORS 92, ORS 209.250 and any additional requirements of the County Surveyor. However, parcels larger than 10 acres that are created outside an urban growth boundary are not required to be surveyed and monumented, provided the approximate acreage of each unsurveyed parcel is shown on the plat and the word “unsurveyed” is placed in bold letters adjacent to the parcel number.

C. When presenting the final plat for filing, an extra paper copy must be included if the property contains water rights subject to ORS 92.120(5) or a water right permit.

D. Final plats that include the creation of a road shall be accompanied by any written certificates pertaining to improvement assurances or responsibilities, such as a road maintenance agreement.
SECTION 5.160 - FINAL PLAT PROCEDURES

A. The final plat shall be submitted to the County Surveyor, who will review the plat for conformance with the requirements of ORS 92 and ORS 209.250, and will sign the plat if all requirements have been met.

B. The plat shall be forwarded to the County Assessor, County Treasurer and Planning Director for signature prior to filing the plat with the County Clerk. Final subdivision plats must also be signed by the Judge of the County Court. Plats that include a dedication of land to the public must be signed by the County Court. Granting approval or withholding approval of a final plat by any of the required signatories is not a land use decision or a limited land use decision, as defined in ORS 197.015.

C. The Planning Director shall review the final plat for consistency with the approved tentative plan. If the final plat complies with the approval criteria of Section 5.170, the Planning Director will sign the final plat. No additional conditions will be imposed on the final plat. If the Planning Director determines the final plat does not comply with the requirements of Section 5.170 the plat will be returned to the applicant to correct the deficiencies. The corrected plat must be resubmitted for approval prior to expiration of the approval period specified in Section 5.230. The determination of whether the final plat conforms to the tentative plan is not a land use decision or limited land use decision, as defined in ORS 197.015.

D. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date the last required approving signature has been obtained. A subdivision or partition plat may not be recorded unless all ad valorem taxes have been paid, including additional taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees or other charges required by law to be placed upon the tax roll that have become a lien upon the land or which will become a lien during the tax year, in accordance with ORS 92.095.
SECTION 5.170 – APPROVAL CRITERIA FOR FINAL PLATS

A FINAL PLAT MAY BE APPROVED IF ALL OF THE FOLLOWING ARE MET:

A. The final plat conforms to the tentative plan as approved by the County, including compliance with any conditions imposed or modifications required at the time of tentative plan approval.

B. The final plat was prepared according to applicable specifications of ORS Chapters 92 and 209.

C. All public and private roads are named and shown on the final plat. The surveyed center line and easement width of private roads must be included on the plat.

D. Unless specifically stated otherwise in the conditions of approval for the tentative plan, all roads, drainage and other required improvements are completed, unless a bonding agreement has been executed in accordance with the provisions in Section 5.190. Improvements include, but are not limited to, the construction of roads and repair of existing roads and any other public facilities damaged in the development of the partition or subdivision. Where the County is not empowered to inspect and approve public improvements (e.g., improvements to a state highway), written certification of the acceptance by the appropriate agency shall be submitted.

E. The plat contains a donation to the public of all common improvements that were required as a condition of the approval of the tentative plan. Public roads and easements for public utilities shall be dedicated without any reservation or restriction other than reversionary rights upon vacation. Land dedicated for public purposes may be provided by dedication on the final plat or by a separate dedication or donation document on a form provided by the county. The County Court must agree to accept any lands dedicated to the public, except utility easements in partition plats may be granted for public and other regulated utility purposes without an acceptance from the Court.

F. Explanations of all common improvements required as conditions of approval of the tentative plan have been recorded and referenced on the plat.

G. If the final plat is for a subdivision, the County has received and accepted:

1. A certification by a city owned domestic water supply system, or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commission of Oregon, that water will be available to the lot line of each and every lot or parcel in the proposed division; or

2. A bond, irrevocable letter of credit, contract, or other assurance that a domestic water supply system will be installed by or on behalf of the developer to the lot line of each and every lot or parcel in the division. The amount of any such assurance shall be determined by a registered professional engineer, subject to any change in the amount the County considers necessary; or

3. In lieu of (1) or (2), a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel in the division, even though a domestic water supply source may exist. A copy of any such statement, signed by the property owner and endorsed by the County, shall be filed with the Real Estate Commissioner and shall be included by the commissioner in any public
If the making of a public report has been waived or the division is otherwise exempt under the Oregon Subdivision Control Law, the property owner shall deliver a copy of the deed declaration to each prospective purchaser of a lot or parcel in the division at or prior to the signing by the purchaser of the first written agreement for the sale of the lot or parcel. The property owner shall take a signed receipt from the purchaser upon delivery of such a deed declaration, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

H. If the final plat is for a subdivision, the County has received and accepted:

1. A certification by a city-owned sewage disposal system, or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon, that a sewage disposal system will be available to the lot line of each and every lot or parcel in the proposed division; or

2. A bond, irrevocable letter of credit, contract, or other assurance will be provided to the County, that a sewage disposal system will be installed to the lot line of each and every lot or parcel in the division. The amount of such assurance shall be determined by a registered professional engineer, subject to any change in the amount as the County considers necessary; or

3. In lieu of (1) or (2), a statement that no sewage disposal facility will be provided to the purchaser of any lot or parcel in the division, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the division in its evaluation report described in ORS 454.755(1)(b). A copy of any such statement, signed by the developer and endorsed by the County, shall be filed with the Real Estate Commissioner and shall be included by the Commissioner in the public report made for the division under ORS 92.385. If the making of a public report has been waived or the division is otherwise exempt under the Oregon Subdivision Control Law, the property owner shall deliver a copy of the statement to each prospective purchaser of a lot or parcel in the division at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The property owner shall take a signed receipt from the purchaser upon delivery of such a deed declaration, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

I. If the subdivision or partition is located within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, the County has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.
SECTION 5.180 – CHANGES TO A RECORDED PLAT

A. **A recorded plat of a subdivision or partition** may be amended to correct errors by an affidavit of correction in accordance with ORS 92.170.

B. **A subdivision or partition plat** may be modified or vacated through the replat procedures in Section 5.200. The procedures in ORS 368.326 to 368.366 may be used as an alternative method to vacate a subdivision, part of a subdivision, a public road, public easement or other public property.

C. **The County has the authority** to review an undeveloped subdivision to determine whether it should be vacated in accordance with the procedures in ORS 92.205 through 92.245.

D. **Interior lot lines** affecting private property within a subdivision or part of a subdivision may be vacated if the person holding title to the property submits an application with a description of the property proposed to be vacated; a statement of the reasons for requesting the vacation; the names, addresses and notarized signatures of all persons holding any recorded interest in the property; and notarized signatures of either: 1) owners of 60 percent of the land abutting the property proposed to be vacated, or 2) 60 percent of the owners of land abutting the property proposed to be vacated. The Planning Director shall review the application and determine whether the proposed vacation complies with applicable land use regulations and facilitates development of the property. A written report shall then be filed with the Board of Commissioners, who shall determine whether the vacation should be approved. Notice and a public hearing are not required. Vacations of interior lot lines under this subsection shall involve only private property. Proposed vacations involving public property or public roads may be considered by the methods described in Section 5.140.
SECTION 5.190 – IMPROVEMENT GUARANTEES AND BONDING REQUIREMENTS

Before Planning Department approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the County Planner an agreement between himself and the County, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the County for the cost of inspection by the County which shall not exceed 10 percent of the cost of the improvements to be installed.

A. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the district attorney.

2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.

3. Cash.

   a. Such assurance of full and faithful performance shall be for a sum approved by the County Planner as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of inspection.

   b. If the land divider fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the County, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the land divider shall be liable to the County for the difference.
SECTION 5.200 – REPLATS

A. The act of replatting shall allow the reconfiguration of lots or parcels and public easements within a recorded plat, or within a portion of a recorded plat. Upon completion of a replat, the previously platted lots, parcels and easements within the replatted area will be vacated.

B. A replat shall not serve to vacate any public road or street or any recorded covenants or restrictions.

C. The relocation of a common property line between abutting lots or parcels in a recorded plat may be accomplished through a property line adjustment in accordance with the provisions of Section 5.240 rather than through a replat.

D. The vacation of interior lot lines affecting private property within a subdivision or part of a subdivision may be accomplished through the vacation procedures of Section 5.180 rather than through a replat.
SECTION 5.210 – REPLAT PROCEDURES

An application for a replat shall be processed in accordance with the Administrative Review procedures of Section 11.090 and the land division procedures of this Article, with the following additional requirements:

A. If a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies and public agencies shall be notified.

B. An application for a replat that will change the exterior boundary of a recorded plat of a subdivision shall include authorization agreeing to the reconfiguration from the homeowner’s association or governing body of the subdivision, if any.
SECTION 5.220 – APPROVAL CRITERIA

A. A proposed replat that will result in an increase in the number of lots or parcels in a recorded plat shall comply with all approval criteria for a land division in Section 5.110.

B. A proposed replat to reconfigure or reduce the number of lots or parcels in a recorded plat shall comply with the approval criteria for a land division in Section 5.110, except in regards to minimum lot size requirements.
SECTION 5.230 – RE-APPROVAL OF EXPIRED TENTATIVE PLAN

County approval of a tentative plan that has expired due to failure to record a final plat shall not be reinstated unless a new application is submitted and complies with all requirements of this Article. However, an application requesting formation of one parcel may be approved if:

A. The County issued a land use decision approving the parcel prior to January 1, 1994, and:
   1. A plat implementing the previous land use decision was not recorded; or
   2. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not complied with by a previous owner of the land.

B. An application under this section is not subject to the minimum lot size requirement of the Exclusive Farm Use zone.

C. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.
SECTION 5.240 – PROPERTY LINE ADJUSTMENTS

A. PURPOSE AND SCOPE
The purpose of a property line adjustment is to allow the relocation of a known common boundary line between two abutting properties, where no additional lots or parcels are created. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat. A property line adjustment is not required for a boundary line agreement to establish the physical location of an existing property boundary, but is required to relocate that boundary.

B. PROCEDURE

1. Applications for property line adjustments shall be processed in accordance with the Administrative review procedures of Section 11.090.

2. A scaled plot plan shall be submitted with an application for a property line adjustment showing:
   a. All existing property lines;
   b. The proposed location of the adjusted property line;
   c. The location of existing buildings, with distances to the existing and the proposed property line;
   d. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and
   e. The existing size and the proposed size of each lot or parcel, in square feet or acres.

3. All owners of the properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.

4. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, and a survey, complying with ORS 209.250 must be filed with the County Surveyor. However, a survey and monumentation are not required when all parcels will be greater than 10 acres or when the property line adjustment involves the sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property, as described in Section 5.140.

5. A survey, if required, must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment. If a survey is not required, a final map shall be submitted within one year of the date of final approval. The survey or map shall be signed by the County Surveyor, Planning Director and County Assessor.
6. Within one year of the date of final approval of an application for a property line adjustment a deed or other instrument of conveyance must be recorded with the County Clerk. The deed or instrument shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, signatures of all parties with proper acknowledgement, and a reference to the planning application casefile number. If the deed or instrument describes only the area being conveyed from one parcel to the other, a statement shall be included that the conveyance is part of a property line adjustment and the described property is not a separate parcel.

7. If the property line adjustment will result in any portion of a septic system, driveway, utility, or other improvement being located on a different parcel than the structure the improvement serves, an easement granting continued use of the improvement shall be recorded with the County Clerk at the time the deed or other instrument conveying the property is recorded.

8. Prior to filing the final survey or map and recording the instruments of conveyance and any required easements, copies of these documents shall be submitted to the Planning Director for review to determine whether all conditions of approval have been met.

C. APPROVAL CRITERIA

A property line adjustment may be approved if it complies with all of the following:

1. The existing lots or parcels were lawfully created in accordance with Section 5.020.

2. No new parcels will result from the adjustment;

3. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;

4. All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.

5. For property line adjustments involving parcels in the Exclusive Farm Use zone, if the adjustment will result in any parcel being smaller than the minimum lot size of the zone, the adjustment shall not adversely impact existing or potential resource use of the parcels.

6. Property line adjustments in Exclusive Farm Use zone for the purpose of adjusting percentages of nonproductive soils on a vacant parcel for a zone change or to change the requirements to qualify for a dwelling are prohibited.

7. A property line adjustment for the purpose of transferring a dwelling from one parcel to another is prohibited unless the parcel receiving the dwelling:

   a. Is in an Exclusive Farm Use zone and has a non-expired land use approval for the dwelling; or
b. Is in a non-resource zone and does not contain a dwelling.

8. The adjustment shall not result in parcel(s) that overlap a city limit or county line.

9. The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Section 8.020 is provided.

10. The adjustment shall not result in any parcel being reduced in size to less than the minimum lot size of the zone if this would potentially allow the creation of an additional parcel from the parcel being increased in size, unless a restrictive covenant is recorded in the County deed records prohibiting the acreage that was added to the parcel through the adjustment from being considered in the division. For instance, an adjustment between a 6 acre parcel and an 8 acre parcel in the Rural Residential-10 zone, which would result in a 3 acre parcel and an 11 acre parcel, is prohibited unless a deed restriction is recorded prohibiting the 3 acres that were added to the 8 acre parcel from being used to allow the division of the 11 acre parcel, since the average size of the parcels when considered together would be less than the 5-acre minimum.
SECTION 5.250 – CREATION OF A PUBLIC STREET OUTSIDE A SUBDIVISION

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivision except, however, the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

1. The establishment of the public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

2. The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

B. In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the County Planner at least five days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section 5.110 of these regulations, shall be approved with conditions necessary to preserve these standards.
SECTION 5.260 – CREATION OF A PRIVATE STREET OUTSIDE A SUBDIVISION

A street which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street or road in a subdivision or as provided in Section 5.280 of these regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the County Planner at least five days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access so indicated, shall be approved.
SECTION 5.270 – PRINCIPLES OF ACCEPTABILITY

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by this ordinance.
SECTION 5.280 – STREETS

A. **GENERAL.** The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. Where location is not shown in a development plan, the arrangement of streets shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

The intent of this section is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This ordinance shall apply to all arterials and collectors within Gilliam County and to all properties that abut these roadways.

B. **MINIMUM RIGHT-OF-WAY AND ROADWAY WIDTH.** Unless otherwise indicated on the development plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table, provided requirements meet the adjacent County roadway requirements.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Right-of-Way Width</th>
<th>Roadway Width(^1)</th>
<th>Roadway Surface</th>
<th>Shoulder Width</th>
<th>Shoulder Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterial Street</td>
<td>60-120 ft.</td>
<td>32-40 ft.(^2)</td>
<td>Paved</td>
<td>4-8 ft.</td>
<td>Paved</td>
</tr>
<tr>
<td>Collector Street</td>
<td>60-80 ft.</td>
<td>24-32 ft.</td>
<td>Paved or Gravel</td>
<td>2-4 ft.</td>
<td>Paved or Gravel</td>
</tr>
<tr>
<td>Local Street</td>
<td>60 ft.</td>
<td>24-28 ft.</td>
<td>Paved or Gravel</td>
<td>2-4 ft.</td>
<td>Paved or Gravel</td>
</tr>
<tr>
<td>Radius for cul-de-sac turnaround</td>
<td>50 ft.</td>
<td>40 ft.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) Roadway width includes shoulder width.

\(^2\) Roadway width can vary to accommodate passing lanes and/or left-turn refuge lanes.

Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted, ordinarily not less than 50 feet. If necessary, slope easements may be required.

C. **RESERVE STRIPS.** Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these
cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the County under conditions approved by the Planning Commission.

D. **ALIGNMENT.** As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the centerlines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and, in no case, shall be less than 100 feet.

E. **CONNECTIVITY**

1. The road system of proposed subdivisions shall be designed to connect with existing, proposed and planned roads outside of the subdivision as provided in this section.

2. Whenever a proposed development abuts unplatted land or a future development phase of the same development, road stubs shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turnaround unless specifically exempted by the Gilliam County Roadmaster, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.

3. Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic-calming measures are the preferred means of discouraging through traffic.

F. **INTERSECTION ANGLES.** Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.

G. **CORNER CLEARANCE**

1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

2. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
3. Where no other alternatives exist, the County may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right-in/out, right-in only, or right-out only) may be required.

H. **JOINT AND CROSS ACCESS**

1. Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks) shall provide a cross access drive and pedestrian access to allow circulation between sites.

2. A system of joint-use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
   
   a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
   
   b. A design speed of 10 mph and maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, services, and loading vehicles.
   
   c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive.
   
   d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.

4. Pursuant to this section, property owners shall:
   
   a. Record an easement with the deed allowing cross access to and from other properties served by the joint-use driveways and cross access or service drive;
   
   b. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the County and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
   
   c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

5. The County may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
   
   a. Joint-access driveways and cross-access easements are provided in accordance with this section.
b. The site plan incorporates a unified access and circulation system in accordance with this section.

c. The property owner enters into a written agreement with the County, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

6. The County may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

I. ACCESS CONNECTION AND DRIVEWAY DESIGN

1. Driveways shall meet the following standards:

   a. If the driveway is a one-way-in or one-way-out drive, then the driveway shall be a minimum width of 10 feet and a maximum width of 12 feet and shall have appropriate signage designating the driveway as a one-way connection.

   b. For two-way access, each lane shall have a minimum width of 10 feet and a maximum width of 12 feet.

2. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

3. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

J. REQUIREMENTS FOR PHASED DEVELOPMENT PLANS

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.

2. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

K. NONCONFORMING ACCESS FEATURES
1. Legal access connections in place as of April 14, 1999, that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

   a. When new access connection permits are requested;

   b. Change in use or enlargements or improvements that will increase trip generation.

L. **REVERSE FRONTAGE**

1. Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.

2. When a residential subdivision is proposed that would abut on an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to Gilliam County and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

M. **LOT WIDTH-TO-DEPTH RATIOS.** To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature.

N. **SHARED ACCESS.** Subdivisions with frontage on the State highway system shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off a secondary road is possible, then access should not be allowed onto the State highway. If access of a secondary road becomes available, then conversion to that access is encouraged, along with closing the State highway access.

O. **VARIANCES TO ACCESS MANAGEMENT STANDARDS**

1. The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical.

   Applicants shall include proof that:

   a. Indirect or restricted access cannot be obtained;

   b. No engineering or construction solutions can be applied to mitigate the condition; and
c. No alternative access is available from a road with a lower functional classification than the primary roadway.

3. No variance shall be granted where such hardship is self-created.

P. **EXISTING STREETS.** Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

Q. **HALF STREET.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

R. **CUL-DE-SAC.** A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turnaround. Adjacent County requirements must be followed. Cul-de-sacs or permanent dead-end roads may be used as part of a development plan. However, through roads are encouraged except where topographic, environmental, or existing adjacent land use constraints make connecting roads unfeasible. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other roads, or to neighborhood activity centers, as specified in Section 5.300.

S. **STREET NAMES.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.

T. **GRADES AND CURVES.** Grades shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on other streets. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.

U. **STREETS ADJACENT TO RAILROAD RIGHT-OF-WAY.** Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

V. **MARGINAL ACCESS STREETS.** Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line,
or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

W. **ALLEYS.** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

X. **ROADWAY OR STREET REQUIREMENTS ON PARTITIONS.** Excluding farm use roads created for access to areas of farm, roads built which create major partitions with one owner or more for the use of home sites must meet the improvement requirements as per Sections 5.260, 5.340 and 5.350.

Y. **FLAG LOT STANDARDS**

1. Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

2. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways providing internal platted lots with access to a residential road, or preserving natural or historic resources, under the following conditions:

   a. Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.

   b. The flag driveway shall have a minimum width of 10 feet and a maximum width of 20 feet.

   c. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots or more, whichever is greater.

   d. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.

   e. No more than one flag lot shall be permitted per private right-of-way or access easement.
SECTION 5.290 – PEDESTRIAN AND BICYCLE ACCESS AND FACILITIES

A. GENERAL. The purposes of this section are to provide for safe and convenient pedestrian, bicycle, and vehicular circulation consistent with access management standards and the function of affected streets, to ensure that new development provides on-site streets and accessways that provide reasonably direct routes for pedestrian and bicycle travel in areas where pedestrian and bicycle travel is likely if connections are provided, and which avoids wherever possible levels of automobile traffic which might interfere with or discourage pedestrian or bicycle travel.

B. ON-SITE FACILITIES shall be provided which accommodate safe and convenient pedestrian and bicycle access from within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

1. Pedestrian Access and Circulation
   a. Single-family residential developments shall generally include streets and access ways.
   b. Sidewalks shall be required along arterials, collectors, and most local streets in urban areas, except that sidewalks are not required along controlled access roadways, such as freeways.
   c. Pedestrian circulation through parking lots should generally be provided in the form of access ways.
   d. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, access ways, or similar techniques.

2. Bicycle Parking. The development shall include the number and type of bicycle parking facilities required in Section 8.100. The location and design of bicycle parking facilities shall be indicated on the site plan.

3. Commercial Development Standards
   a. New commercial buildings, particularly retail shopping and offices, shall be oriented to the road, near or at the setback line. A main entrance shall be oriented to the road. For lots with more than two front yards, the building(s) shall be oriented to the two business roads.
   b. Off-road motor vehicle parking for new commercial developments shall be located at the side or behind the building(s).
SECTION 5.300 – BLOCKS

A. GENERAL. The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. SIZE. No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exemption.

C. EASEMENTS

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to 6 feet in width.

2. Water Courses. If a tract is traversed by a water course such as a drainage way, channel or stream there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

3. Cul-de-Sac and Access Ways

   a. Where cul-de-sacs are planned, access ways shall be provided connecting the ends of cul-de-sacs to each other, to other roads, or to neighborhood activity centers.

   b. Access ways for pedestrians and bicyclists shall be 10 feet wide and located within a 20-foot-wide right-of-way or easement. If the roads within the subdivision are lighted, the access ways shall also be lighted. Stairs or switchback paths may be used where grades are steep.

   c. Access ways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than 600 feet.

   d. The Hearings Body or Planning Director may determine, based upon evidence in the record, that an access way is impracticable. Such may include but is not limited to:

      (1) Physical or topographic conditions make an access way connection impractical. Such conditions include but are not limited to extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided.

      (2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.

      (3) Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, that preclude a required accessway connection.
SECTION 5.310 – BUILDING SITES

A. SIZE AND SHAPE. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. ACCESS. Except as set forth in Section 5.110, each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet.

C. THROUGH LOTS AND PARCELS. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic artery or other incompatible use.

D. LOT AND PARCEL SIDE LINES. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
SECTION 5.320 – GRADING OF BUILDING SITES

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

A. Cut slopes shall not exceed one-and-one-half feet horizontally to one foot vertically.

B. Fill slopes shall not exceed two feet horizontally to one foot vertically.

C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.
SECTION 5.330 – BUILDING LINES

If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions. Existing ordinance setback requirements must be considered.
SECTION 5.340 – LARGE BUILDING SITES

In dividing tracts into large lots or parcels which at some future time are likely to be re-divided, the Planning Commission may require that the blocks be of such a size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.
SECTION 5.350 – PARTITIONING FOR FINANCIAL PURPOSES

A. Upon application to the Planning Director, said person may grant a special permit authorizing creation of a security interest or leasehold in a parcel of land.

B. Permits issued under the authority of this section shall be subject to the following limitations and restrictions.

1. A unit of land possessed by a person under the terms of a lease or a security interest, and the remaining parcels, must remain in the legal use that the parcels were at the time the interest became possessory; except the parcel(s) may be put into agricultural or forest uses; but in no case may an additional structure or improvement, except as may be the basis of the security interest, be added to any parcel by the authority of the permit authorized in Subsection A of this section.

2. The permit authorized in Subsection (1) of this section shall only be valid for the time of the lease or the life of the security interest, except when there is a default and foreclosure upon a security interest.

3. At the end of the life of the security interest, if there is no default or foreclosure, or in the case of leaseholds at the end of the lease, the parcels shall be rejoined into a contiguous unit of land under one ownership and, if possible, shall be reunited or combined into a single tax lot. The owner of the property shall be in violation of this ordinance if he has not, within 30 days of the permit becoming void, made written application to the County Assessor for the combination of the parcels into a single tax lot.

C. The permit issued under this section shall be immediately void if the owner of the property attempts any transfer of the subject parcels, except as provided by the terms of the permit.