

TITLE 9

COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code Division 2 — Changes in Property Lines

CHAPTER 926 SUBDIVIDING CODE

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I. GENERAL PROVISIONS

926.005 Title; short title

This Chapter, LCC 926.005 to 926.999, shall be known and cited as the “Linn County Subdividing Code.” This Chapter may also be referred to and cited as the “Subdividing Code.”

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §7 eff 6/30/99]

926.010 Definitions

(A) For purposes of this Chapter, the following definitions apply.

(1) “**Preliminary plat**” means a tentative plan map that has met the requirements of this Chapter and has been approved by the Director.

(2) “**Tentative plan**” includes tentative plan map as described in LCC 926.120, and, as required by LCC 926.130 and 926.140, improvement plans, and any other documents and information. The tentative plan shall clearly indicate the design and objectives of the subdivision.

(3) “**Tentative plan map**” means a map that complies with LCC 926.120 but that has not yet met other requirements of this Chapter and has

not yet been approved as a preliminary plat by the Director.

[Adopted 98-002 §3 eff 3/4/98]

926.010 Statement of purpose

The purpose of this Chapter is to set forth the requirements and standards regulating the preliminary and final platting procedures for subdivisions.

[Adopted 98-002 §3 eff 3/4/98]

926.020 Prohibition against sales of lots

(A) No person may at any time negotiate to sell a lot until the preliminary plat has been approved.

(B) No person shall sell or convey any interest in a lot:

(1) Until the plat has been signed by the Director and recorded with the County Clerk.

(2) By reference to, or exhibition or other use of, a plat until that plat has been recorded.

[Adopted 98-002 §3 eff 3/4/98]

policies and guidelines, applicable Development Code standards and any other applicable Linn County Codes.

(D) Within the letter of intent the applicant shall indicate:

(1) The location of the proposed subdivision by township, range, section number(s), and tax-lot number(s);

(2) The proposed land uses in the subdivision and the proposed lot dimensions and acreages; and

(3) Any other information relevant to the proposal.

(E) If the applicant fails to file a tentative plan with the Department within one year from the date of the conference, an additional review will be required prior to the filing of the tentative plan. The purpose of this review is to insure that the regulations under which the original review was conducted have not changed or that new regulations which may have been enacted do not affect the proposal.

[Adopted 98-002 §3 eff 3/4/98]

II. TENTATIVE PLAN

926.100 Pre-application conference

(A) Any person proposing to subdivide land within the unincorporated areas of Linn County shall file a letter of intent and four copies of a tentative plan map of the proposal with the Department.

(B) Within 21 calendar days of the receipt of the information required by subsection (A), the Director shall call a conference at which representatives from the Environmental Health Program, the County Road Department, the County Surveyor's Office, and a member of the Department shall be present to review and discuss the proposal with the applicant or the authorized representative of the applicant.

(C) The purpose of this conference is to inform all parties of the proposal, discuss existing and potential problems, coordinate actions and evaluations, and in general, to determine if the proposal conforms to the *Comprehensive Plan*

926.110 Application procedure

(A) In addition to the requirements of LCC 926.120 the applicant shall file an application in compliance with the requirements of this section.

(B) The applicant shall include with the application filed in subsection (A) a tentative plan including

(1) eight copies of the tentative plan map meeting the requirements of LCC 926.120; and

(2) the information required by LCC 926.130 and 926.140.

[Adopted 98-002 §3 eff 3/4/98]

926.120 Tentative plan map; contents

(A) The applicant shall provide the Director with all the information set forth in subsection (B).

(B) *Contents of tentative plan map.* The tentative plan map shall be in sufficient detail to illustrate the proposed development and shall include, but not be limited to, the following information:

(1) Proposed name of subdivision.

(a) The subdivision name shall be approved by the county surveyor.

(b) This name shall not be the same as, similar to or pronounced the same as the name of any other subdivision in Linn County, unless the land platted is contiguous to and platted by the same party that platted the contiguous subdivision bearing the name.

(c) All subdivision plats must continue the lot numbers of the subdivision plat of the same name last filed.

(2) The tentative plan map shall

(a) be clearly and legibly drawn.

(b) show all pertinent information and

(c) be drawn at a scale of

(i) one inch equals 100 feet
(1" = 100'),

(ii) one inch equals 50 feet
(1" = 50'), or

(iii) other scale appropriate to the size of the area involved but consistent with common engineering scales.

(3) North arrow, scale and date of the completed drawing, and boundary lines.

(4) The boundaries of the proposed subdivision and each of the proposed lots.

(5) The total acreage involved in the request.

(6) The layout of the proposed road system and the location of existing and proposed easements of road access.

(7) Appropriate identification clearly stating the map is a tentative plan.

(8) Location of the subdivision by township, range, section, tax-lot(s), and donation land claim is sufficient to define the location and boundaries of the proposed subdivision.

(9) Location of at least one temporary bench mark within the plat boundaries.

(10) Contour lines related to the temporary bench mark or other datum approved by the county surveyor and having contour intervals as follows:

(a) For slopes not in excess of 10 percent: two-foot contours.

(b) For slopes over 10 percent: five-foot contours.

(11) Location, acreage and dimensions of all lots and the proposed lot numbers.

(12) Location, acreage and dimensions of areas proposed for public use.

(13) Sites, if any, allocated for a purpose other than single-family dwellings.

(14) Existing uses on the property, including location of all existing structures.

(15) Lots not intended for sale shall be designated by an alphabetic symbol and the intended usage of the lot shall be noted.

(16) Existing locations, widths and names of both opened and unopened roads within or adjacent to the subdivision, together with easements of road access or rights-of-way and other important features such as section lines, corners, monuments, city boundary lines, urban growth boundaries and zoning district boundaries.

(17) Location, width, name, approximate grade and radii of curves of all proposed roads and the relationship of such roads to any projected or existing roads adjoining the proposed subdivision.

(18) Location, width and purpose of proposed easements of road access and private roads for private use, where permitted, and all reservations or restrictions relating to such easements of road access and private roads.

(19) Notations indicating any existing barrier strips or limitations on rights of access to or from roads or to or from other authorized units of land proposed by the developer.

(20) Location of significant natural features such as rock outcroppings, marshes and wooded areas.

(21) Location and direction of all water-courses, wetlands and bodies of water and the location of all areas in the floodplain.

(22) Location of all existing or proposed below-grade or above-grade utility lines or utility easements.

(23) The location of any approved septic system sites for each of the proposed lots which meets the rules and regulations of the Environmental Quality Commission of the State of Ore-

gon as administered by the Department of Environmental Quality or its contract agent.

(24) Additional information as the Director deems appropriate.

[Adopted 98-002 §3 eff 3/4/98]

926.130 Tentative plan; supplemental contents

(A) The applicant shall, in addition to the information required in LCC 926.120, include the information set forth in subsection (B) where appropriate at the time the tentative plan map is filed with the Director.

(B) *Supplemental information.*

(1) Names, addresses, phone numbers and zip codes of all owners, subdividers or surveyors responsible for designing the subdivision.

(2) A vicinity map showing the relationship of the proposed subdivision to surrounding development, roads and any sewer and water services within ¼ mile of the exterior boundaries of the proposed development.

(3) Name of irrigation district, drainage district, water control district, water improvement district or district improvement company within which the property proposed for the subdivision is located.

(4) An applicant may propose a subdivision plat in not more than three phases.

(5) *Road design.* The applicant shall submit a letter documenting tentative plan map approval from the Roadmaster of the proposed road design.

(6) *Water system.* The subdivider shall demonstrate that an adequate supply of potable water is available to the proposed lots.

(a) In order to maintain a rural scale of development, a public water system (i.e., serving more than three residences) is not permitted unless:

(a) a public health hazard for lands within the proposed subdivision has been declared by the county; or

(ii) the subdivision lots are entitled to service from an existing public water system through a previously recorded agreement.

(b) *Public Water Systems.* Public water systems are regulated by the Linn County Environmental Health Program.

(c) *Non-public water systems.* When a subdivision is to be served by a non-public water system, sufficient evidence shall be submitted to show that each lot will have available at time of development an adequate supply of potable water that meets minimum state microbiological and chemical standards for drinking water. A 4-hour or longer pump test which demonstrates 5 gallons per minute or more of flow or storage capacity equaling or exceeding that level shall be considered adequate water. Such evidence may include, but is not limited to, test wells, existing well logs, pump tests, chemical analysis and geologist's reports for the subject property and the surrounding area.

(i) Production test wells shall be completed prior to approval of subdivision preliminary plat. The wells shall be in sufficient number and distribution pattern to represent the total area of the subdivision. The minimum number of test wells shall be the total number of lots divided by six (round all fractions to next highest number).

(ii) A preliminary plat may be considered for conditional approval prior to the actual construction or testing of the required wells so that the location or possible need for the wells may be better determined. Prior to drilling, the subdivider shall submit a map drawn to scale showing the location of all proposed test wells and obtain a report of the site-evaluation review conducted by the EHP. The EHP shall review the proposed well locations for compatibility of the proposed test well locations with the locations of existing septic systems and approved drain field and replacement areas of record.

(iii) No construction or development work shall be started following conditional approval of preliminary plat until all required water tests are completed and approved.

(7) The nature and type of improvements proposed for the subdivision and a timetable for their installation.

(8) A description of community facilities which would serve the subdivision and a timetable for the completion or installation of the facilities.

(9) If the Director has determined that all of or a portion of a proposed subdivision may be subject to unstable subsurface geology, geologic faults or other problems related to local geology, then the applicant shall submit a complete geologic study of the area done by an independent geologist. The applicant shall submit the independent geologist's report prior to any review of the tentative plan. The fee for such study and report shall be paid by the subdivider.

(10) If the Department of Environmental Quality has determined that a surface or subsurface water-quality problem exists then the applicant shall submit a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist. The applicant shall submit the report prior to any review of the tentative plan. The fee for such study and report shall be paid by the subdivider.

(11) If the Water Resources Department has determined that a water-quantity problem exists, then the applicant shall submit a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist. The applicant shall submit the report prior to any review of the tentative plan. The fee for such study and report shall be paid by the subdivider.

(12) Subdividers shall provide a list of any restrictive covenants which are to be recorded.

(13) Proposed plan for draining surface water, including the location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties. If any filling or excavation is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of back-up or ponding of surface water on adjacent properties as well as within the proposed development. Any filling and excavation activities require a permit consistent with LCC Chapter 850 (Linn County Fill and Excavation Code).

(14) Except as otherwise provided in paragraph (16) of this subsection, all proposed

tentative plans located within the boundaries of an irrigation district, drainage district, water control district, fire district, or district improvement company or other special district shall be submitted to the board of directors of the district or company and its approval obtained before submission of the tentative plan.

(15) If the subdivider is unable to obtain action or approval of any district or company within 45 calendar days, the subdivider shall notify the Director in writing and thereafter the Department shall serve notice on that district or company by certified mail advising that any objection must be filed in writing with the Department within 20 calendar days. Failure to respond shall be considered as approval of the proposed plan. The Director shall endorse a finding upon the proposed plan that the district or company failed to act and may approve the proposed plan without the approval of such district or company.

(16) In addition to the special district notice and approval requirement of paragraph (14) of this subsection, the subdivider shall contact each school district in which the proposed subdivision is located and obtain a written statement from the school district of the impact of the proposed subdivision on the school district.

(17) If a proposed subdivision is located within an urban growth area or planning area of any city, the subdivider shall supply to the city a copy of all materials given to the county.

(18) The Director, in conducting the technical review, shall contact the city and request a written report of the city's review of the proposed subdivision and any recommendation(s) made by the city.

[Adopted 98-002 §3 eff 3/4/98]

926.140 Subdivision phasing

The applicant shall provide in the tentative plan all phases proposed. Each phase proposed shall be subject to the time limitations described in subsections (A) to (C).

(A) Phase 1 shall be recorded within 12 months of preliminary approval.

(B) Phase 2 shall be recorded within 36 months of preliminary approval.

(C) Phase 3 shall be recorded within 60 months of preliminary approval.

[Adopted 98-002 §3 eff 3/4/98]

926.150 Public notice

The Director shall mail notice to all agencies, special districts and property owners entitled to notice in accordance with LCC Chapter 921 (Administration of the Land Development Code).

[Adopted 98-002 §3 eff 3/4/98]

926.160 Review and decision

(A) The Director shall review the tentative plan and reports of other reviewing agencies and comments from the general public before making a decision.

(B) Approval of a tentative plan map by the Director changes the status of the map to a preliminary plat.

(C) The Director shall base the decision to approve or deny the tentative plan on the criteria in LCC 926.170.

(D) If it is the Director's determination that a deviation is a minor deviation in lot dimensions, occurring as a result of field survey information, the Director may not withhold approval of the tentative plan. If the Director determines that substantial changes not mandated by the Director are made, the Director shall require a new application. The Director shall have the authority to revoke approval of the tentative plan.

(E) The Director shall have the authority to impose conditions of approval on the tentative plan.

(F) The Director may approve, conditionally approve, or deny the tentative plan.

[Adopted 98-002 §3 eff 3/4/98]

926.170 Decision criteria

(A) The Director may give tentative approval for a subdivision plan if, on the basis of the application, investigation, testimony and evidence submitted, findings and conclusions, all of the decision criteria set forth in subsection (B) are met.

(B) *Decision criteria.*

(1) All the information required by LCC 926.110;

(2) All the proposed lots conform to the minimum standards set forth in LCC Chapter 923 (Lot and Parcel Design Standards Code);

(3) The tentative plan conforms to the *Comprehensive Plan*;

(4) The tentative plan complies with the Land Development Code;

(5) An adequate supply of potable water has been demonstrated to be available for the entire proposal; and

(6) Each lot has an approved septic system site in accordance with state requirements;

(7) The road design and location have received approval from the Roadmaster. Appendix A following LCC Chapter 935 (Access Improvement Standards Code), provides a summary of the text regarding road design standards. Drawings and details are available from the Road Department.

(8) If a performance security is required under LCC 926.340 to be posted, the subdivider has agreed in writing to post the security;

(9) Written approval from a fire district has been given or if the area proposed for development is outside a fire district, the entire development shall be annexed to a fire district or form their own district prior to the filing of the final plat.

(10) Unless excepted by LCC 926.130 (B) (14), written certification from an irrigation district, drainage district, water control district, water improvement district or district improvement company within whose boundaries the proposed partition is located as to whether or not the property is within the district and is subject to district fees (ORS 92.090).

(11) The non-resource part of a resource/non-resource (split-zoned) property may be divided from the resource part through the subdivision process without first being partitioned if the non-resource part meets the minimum lot size for the subdivision.

[Adopted 98-002 §3 eff 3/4/98]

926.180 Appeal

Appeal of a decision may be made pursuant to LCC Chapter 921 (Administration of the Development Code).

[Adopted 98-002 §3 eff 3/4/98]

III. PRELIMINARY PLAT

926.200 Preliminary plat

(A) Following approval of the tentative plan, the preliminary plat shall be binding upon the county provided that the preliminary plat is not substantially changed after the approval unless the Director approval requires such changes.

(B) The subdivider may rely on the preliminary plat as approved for the purpose of preparing the final plat.

(C) The preliminary plat shall be valid for 24 months from the date of approval. Unless an extension is granted for the filing of a final plat, approval of the preliminary plat shall be voided 24 months after the date of approval.

[Adopted 98-002 §3 eff 3/4/98]

926.210 Extensions

(A) The Director shall have the authority to grant an extension to the 24-month limitation in LCC 926.200 (C).

(B) The Director shall have the authority to grant an extension to any of the time limitations imposed by LCC 926.140 on a phase of a subdivision being developed in phases.

(C) The extension authorized by subsection (A) and to each of the phases in subsection (B) is limited to 12 months.

(D) Any subdivider may request an extension authorized by this section by filing a written request setting forth the reasons why an extension should be granted by the Director. After receiving the written request from the subdivider, the Director shall review the facts presented and based on those facts may grant an. The Director may also establish any conditions necessary for the implementation of the Land Development Code. Any extension granted for a request under subsection

(B) of this section shall not affect any other phases not under development.

(E) The grant of an extension authorized by this section shall be noted on two copies of the preliminary plat. Any conditions imposed shall also be noted on the copies of the preliminary plat. One signed copy shall be given to the subdivider. The other copy shall be retained by the Director.

[Adopted 98-002 §3 eff 3/4/98]

926.220 Limitations on renewal or re-filing of applications

Where a tentative plan has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the Director, for good cause, shall grant permission to do so.

[Adopted 98-002 §3 eff 3/4/98]

IV. FINAL PLAT

926.300 Survey requirements

(A) Within 24 months after the date of the tentative plan approval or within any extension of time approved by the Director pursuant to LCC 926.210, the subdivider shall cause the subdivision to be surveyed and a duplicate set of final subdivision plats to be prepared by a surveyor pursuant to the requirements of ORS 92.050 to 92.080, ORS 209.250, and LCC 926.320 and 926.320. The final plat shall conform to the approved preliminary plat and any mandated changes.

(B) A complete and accurate survey of the land to be subdivided shall be made by a surveyor in accordance with standard practices and principles of land surveying.

(C) The County Surveyor shall approve all subdivision surveys to be recorded in Linn County subject to the requisite fees.

(D) The surveyor's stamp and the notarized signature of the owner of the land proposed for subdivision shall be required on the plats.

(E) The final subdivision plats shall bear a signature line under which the following words

shall appear: Director, Linn County Planning and Building Department.

(F) A signature line on the plat shall be provided for the County Sanitarian whenever the subdivision is located within the unincorporated areas of Linn County, including urban growth areas of incorporated cities within Linn County.

(G) The plat may be placed on as many sheets as necessary, but a face sheet and index page shall be included for subdivision documents placed upon three or more sheets.

(H) One of the final plats offered for approval and recording shall be permanently stored with the county recording officer. The other is to be returned to the County Surveyor after recording and it is this plat from which copies will be made.

[Adopted 98-002 §3 eff 3/4/98]

926.310 Final plat information

(A) The following information shall be shown on the final plat:

(1) The name of the subdivision, the date the plat was prepared, the scale, north arrow and legend;

(2) Legal description of the subdivision boundary;

(3) Reference by distance and bearings to adjoining recorded surveys, if any, and referenced to a field book or maps as follows:

(a) Stakes, monuments or other evidence found on the ground and used to determine the boundary of the subdivision.

(b) Adjoining corners of adjoining subdivision.

(c) Other monuments found or established in making the survey of the subdivision, or required to be installed by provisions of the Land Development Code.

(4) Numbering of lots as follows: lot number beginning with the number "1" and numbered consecutively. (See ORS 92.090)

(5) All dimensions shall be in feet and decimal fractions of a foot, to the nearest hundredth (.01 or 1/100) of a foot;

(6) Location of all permanent monuments within the proposed subdivision;

(7) In addition to locational information required in LCC 926.050 (B), city limits, county lines or an adjacent subdivision's boundary line shall be referenced when appropriate.

(8) Acreages of each lot to the nearest hundredth (.01 or 1/100) of an acre and total acreage of the subdivision;

(9) All sites to be utilized for public purposes shall be clearly noted on the plat;

(10) Exact location and width of roads and easements of road access intersecting the boundary of the subdivision;

(11) Subdivision lot lines and road right-of-way and center lines, bearings, arc length, chord length, chord bearings, radius and central angle, distances and tangent bearings with dimensions to the nearest hundredth (.01 or 1/100) of a foot. Subdivision boundary, lot lines and road bearings shall be shown with a basis of bearing.

(12) Names and width of the portion of roads being dedicated, the width of any existing right-of-way, and the width on each side of the centerline. For roads on curvature, curve data shall be based on the road centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

(13) Easements of road access denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement of road access is not of record, there shall be written statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication;

(14) Locations and widths of drainage channels, railroad rights-of-way, barrier strips at the end of stubbed roads or along the edge of partial-width roads on the boundary of the subdivision;

(15) The location of all utility easements within the subdivision; and

(16) Any conditions specified by the Director upon granting preliminary approval.

(17) The Department's case file number.
[Adopted 98-002 §3 eff 3/4/98]

926.320 Supplemental information with final plat

The subdivider shall supply the county with the following information at the time the final plat is recorded:

(A) A subdivision guarantee report containing the following information shall accompany the final plat: name of current owner; any easements of record; and any other encumbrances on the subject property.

(B) A copy of any restrictive covenant(s) shall be filed with the final plat. Restrictive covenants are optional with the subdivider unless the final plat indicates area(s) of common ownership. These final plats having areas jointly owned or used by the various owners in the subdivision shall be governed by a covenant document which shall be filed with the county.

(C) The subdivider shall provide traverse data to the county surveyor on form worksheets or complete computer printouts showing the closure of the exterior boundary of the subdivision and of each lot in the subdivision.

(D) Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider including drainage plans, subsurface septic system plans, water plans, curb and gutter, sidewalk, and road plans and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for property analysis in accordance with sound engineering practice. Where such plans are the same as those included in the county's standard specifications, they may be submitted by reference to such standard specifications.

(E) All land shown on the final plat as being dedicated to the public for public use shall be offered for dedication at the time the final plat is filed and must be expressly accepted by the Board prior to the final plat being accepted for recording.

Land dedicated for public use, other than roads, shall be established as public by the Board with the acceptance of a deed and by no other means. The deed shall be properly recorded with the clerk's office.

(1) Land for property dedicated for public purposes may be provided to the county by any of the following methods:

(a) By dedication on the land subdivision plat; or

(b) By a separate dedication or donation document on the form provided by the county.

(2) Notwithstanding paragraph (1) of subsection (E) of this section, easements in subdivision may be granted for public utility purposes without an acceptance from the governing body.

(F) All roads, pedestrian ways, easements of road access, other rights-of-way, drainage channels, barrier strips and easements other than for roadway purposes shown on the final plat intended for public use shall be offered for dedication for public use at the time the final plat is filed. A statement signed by the subdivider shall be affixed on the final plat offering the above-described rights-of-way for dedication to the public.

(G) Rights of access to and from roads and to and from authorized units of land, shown on the final plat shall not have final approval until such time as the Roadmaster is satisfied that the required road improvements are completed in accordance with applicable standards and specifications. The subdivider must petition separately to the Board for acceptance of any dedicated land, access rights or facilities. Acceptance of the final plat shall not be construed as approval of dedicated land rights, easements or other facilities.

(H) One-foot (1') barrier strips shall be provided across the end of stubbed roads adjoining unsubdivided land or along roads or half roads adjoining subdivided land and shall be designated as a barrier strip on the plat. The barrier strip shall be included in the dedication, granting title to the Board for the purpose of controlling access over the barrier strip to assure road management. This

barrier strip shall overlay the dedicated road right-of-way. The Board may require a barrier strip in other areas of the subdivision in order to control access.

(I) Any road and barrier strip dedications shall be conveyed to Linn County by separate document other than on the final partition plat. The separate conveying document for dedicated roads and barrier strips shall be recorded concurrently and its recordation number shall be referenced on the final partition plat.

(J) The final plat shall be accompanied by a drainage plan showing road grades, curbs, natural drainage ways and other drainage works in sufficient detail to enable the engineer to determine the adequacy of provisions for drainage and the disposal of surface and storm waters within the subdivision and other adjoining areas. Subsequent changes to the drainage plan may be approved by separate action by the Board after receiving the recommendation by the Roadmaster.

(K) The final plat shall be accompanied by a fill and excavation plan that conforms to LCC Chapter 850 (Linn County Fill and Excavation Code).

(L) A statement signed by the subdivider which holds Linn County harmless and in which the subdivider agrees to defend Linn County and pay any judgment against Linn County arising from any action, suit or other legal or quasi-legal proceeding arising out of the approval granted by Linn County concerning the water supply of the subdivision as a result of information submitted by the subdivider as required in LCC 926.130 (B). The statement shall be affixed to the final plat.

(M) A quotation from the Linn County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place, in accordance with ORS 92.095.

[Adopted 98-002 §3 eff 3/4/98]

926.330 Agreement for improvements

(A) The subdivider shall improve or agree to improve lands dedicated for roads, alleys, pedestrian ways, drainage channels, easements of road access and other rights-of-way as a condition

preceding the acceptance and approval of the final plat. The road improvements within subdivisions set forth in LCC 926.600 are subject to LCC 926.610 and Appendix A of LCC Chapter 935 (Access Improvement Standards Code, including related diagrams available at the Road Department.

(B) Prior to certifying approval on the final plat by the Director, the subdivider shall either install all required improvements and repair existing roads and other public facilities damaged in the development of the subdivision or they shall execute and file with the Board an agreement between the subdivider and the county specifying the period within which all the required improvements and repairs shall be completed. The agreement shall provide that if all of the work is not completed within the time frame specified, the county may complete the work and recover the full cost and expense thereof from the subdivider. The subdivider shall also comply with the requirements for performance security under LCC 926.340.

(C) Provisions for the construction of the improvements in phases under specified conditions may be made upon prior agreement with the Department.

(D) Extensions of time for the required improvements may be granted only if the subdivider requests the extension prior to the required time period elapsing. If the specified time for the improvements has elapsed, provisions to complete the improvements as provided in LCC 926.330 (B) shall be followed.

[Adopted 98-002 §3 eff 3/4/98]

926.340 Performance security

A performance security shall be required with the agreements as provided in LCC 926.330. To assure full faith and faithful performance of the agreement, the subdivider shall file a performance complying with LCC 933.110.

[Adopted 98-002 §3 eff 3/4/98]

926.350 Final plat approval

(A) Prior to any county official signing approval of the final plat, all persons who own

land in the subdivision and the mortgagee, if any, shall sign approval on the final plat.

(B) The signature and seal of the surveyor who is responsible for preparing the subdivision plat shall also be affixed to the final plat prior to approval by any county official. All signatures must be with permanent, black, India-type ink.

(C) Within 21 calendar days of the submission of the final plat and all supplemental information required by LCC 926.310 to 926.340, the Director shall determine if the subdivider has complied with all of the requirements of this Chapter. The Director shall also determine if the final plat conforms to the preliminary plat and any mandated changes.

(D) If the Director determines that the final plat does not conform to the above-mentioned requirements, the subdivider shall be so notified and afforded an opportunity to make the necessary corrections.

(E) Upon receipt of the final plat consisting of the exact transparent copy thereof, prints, and supplementary information, the Director shall review the final plat and accompanying documents to determine that the plat conforms with the approved preliminary plat, conditions of approval and the requirements of the Land Development Code.

(F) The Director shall not approve the final plat if it does not conform to the approved preliminary plat, conditions of approval, and the requirements of the Land Development Code. The Director shall either return the plat to the subdivider to have the required information included or review the changes as an amended tentative plan.

(G) The Director shall approve a final subdivision plat if the Director determines that the final plat conforms to the approved preliminary plat, including any conditions of approval that were imposed. The Director shall approve the final plat by signing the appropriate signature line on the final plat.

(H) Following the Director's approval of the final plat, the following county officials shall also approve and so indicate by affixing their signatures on the final plat. When all of the signatures

of all the following county officials have been placed upon the final plat, it shall be considered final by Linn County:

- (1) Surveyor;
- (2) Engineer;
- (3) Sanitarian;
- (4) Assessor/Tax Collector;
- (5) No fewer than two members of the Board; and
- (6) Clerk.

(I) Pursuant to ORS 92.100 (2), the Linn County Surveyor shall check the subdivision site and the plat and shall take such measurements and make such computations as are necessary to determine that the subdivision plat complies with the requirements of the Land Development Code and with ORS 92.050 prior to signing approval on the final plat.

(J) A fee, as prescribed by ORS 92.100 (2), shall be paid by the subdivider to the County Surveyor prior to the County Surveyor undertaking these computations.

(K) *Dedication acceptance.* Approval of a final plat by Linn County shall constitute an acceptance by the public of the dedication of any road shown on the plat. Acceptance of a road by approval of the final plat shall not constitute an acceptance to maintain the road. Acceptance of the maintenance of any road accepted by approval of a final plat shall be by a separate process of petitioning the Board for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the Board of any other land for public purposes.

[Adopted 98-002 §3 eff 3/4/98]

926.360 Time limits for recording final plat

The subdivider shall record the final plat within 30 calendar days of the date that the last signature of approval, as required in LCC 926.350, has been obtained. In the event the final plat is not recorded within the time frame herein provided, it shall be resubmitted to the Department which may require changes or alterations deemed necessary due to potential changes within the area of the subdivision.

V. MISCELLANEOUS PROVISIONS

926.400 Approved phasing; requirements

(A) If a subdivider has proposed a subdivision that is phased as described in LCC 926.140, and the phasing was approved by the Director, the phasing must comply with this section.

(B) All sections of any subdivision which have an approved phasing plan under preliminary plat approval, shall fall under control of the various ordinances in effect at the time of preliminary approval, unless state or local law shall determine that the revised ordinance or laws are to be followed.

(C) The Director shall review each phase prior to the recording of that particular section to determine that the phase is in accord with the preliminary approval.

(D) Amendments not consistent with the original approval will require that

(1) the applicant submit a new application, or

(2) conform the preliminary plat proposed to be recorded with the preliminary plat as approved.

(E) If any of the time limitations as set forth in LCC 926.210 are exceeded, the Director shall void the preliminary approval issued for the subdivision or any phase of the subdivision not yet recorded.

[Adopted 98-002 §3 eff 3/4/98]

926.500 Replatting procedures

Once a final plat has been recorded with the county, the property shall be developed as platted.

(A) A single property line adjustment or a series of adjustments that are so minor as not to constitute a reconfiguration of the platted subdivision shall not require a replat. Such property line adjustments are filed in the Department.

(B) The act of replatting shall allow the vacation and reconfiguration of lots and public easements within a recorded plat. The replatting shall not vacate any public road.

(C) The Director shall review the replat to determine conformance with the *Comprehensive Plan* and all other applicable provisions of Linn County Code including the purpose and intent of this Development Code.

(D) If the Director finds that the replat does not conform to all of the applicable provisions of Linn County Code, the subdivider shall be given the opportunity to make the changes necessary to bring the replat into conformance. The Director shall have the authority to approve, conditionally approve or disapprove the proposed replat.

(E) The developer shall make all corrections deemed appropriate by the Director and file the replat which the director shall review pursuant to LCC 926.350.

(F) This section shall apply to all subdivision for which final plats have been recorded, both prior to and after the effective date of the Land Development Code.

(G) Replats of subdivisions are not subject to the review authority of irrigation districts, drainage, water control, fire or other special districts.

[Adopted 98-002 §3 eff 3/4/98]

926.600 Subdivision road improvements

(A) Work shall not commence until plans have been reviewed for adequacy and approved by the Roadmaster. To the extent necessary for evaluation of a subdivision proposal, the access plans will be required before approval of the preliminary plat pursuant to this Chapter. All plans shall be prepared in accordance with requirements of the Roadmaster. If work is discontinued, for any reason, for a period of more than 90 days as determined by the Roadmaster, it shall not be resumed until the Roadmaster has been notified.

(B) Road improvements shall not have final approval until such time as the Roadmaster is satisfied that the required road improvements are completed in accordance with the specifications and standards set forth in this Chapter and any further specifications deemed appropriate by the Roadmaster. Once roads have been completed to county standards and are approved by the Road-

master, they may be accepted by the Board for maintenance purposes. However, acceptance for maintenance purposes must be requested from the Board in addition to normal procedures for subdivision and such acceptance cannot be construed from approval of the plat. Acceptance of the completed work as part of the county road system shall be done only by the Board, upon the recommendation of the Roadmaster. The petitioning process, separate from approval of the final plat, must be initiated by the subdivider.

(C) Once the final subdivision or road improvement project plans have been approved, subsequent approvals of plans, specifications and construction shall be under control of the Roadmaster and the appropriate provisions of Appendix A of LCC Chapter 935 (Access Improvement Standards Code), including related diagrams available at the Road Department.

(D) Improvements of roads shall be made on the following basis:

(1) All new county roads in Linn County are required to be paved prior to approval by the Board or acceptance into the county road system and assumption of maintenance by the county (see ORS 368.546).

(2) At the request of a city, the requirement to have curbs and gutters within a stated distance of city boundaries may be waived.

(3) Sidewalks may be required where the Director determines these are necessary.

(4) Bicycle paths or lanes may be required on arterials or collectors when it has been determined by the Director and the Roadmaster that a hazard may exist to pedestrians and cyclists as a result of traffic volume and the combination of pedestrians, non-motorized and motorized traffic moving within the same undifferentiated traffic route and flow. (See the Transportation Element of the *Comprehensive Plan* for identification of arterials and collectors.)

(E) Roads shall be completed as follows:

(1) Clearing and full right-of-way limits.

(2) Surface drainage facilities both within and outside of right-of-way limits.

(3) Underground facilities, sanitary sewer and storm drains installed in roads by the subdivider prior to the surfacing of the roads. Service laterals for underground utilities and sanitary sewer placed to lengths that will avoid the need to disturb road improvements when service connections are made.

(4) Base and pavement for roadways in place and compacted.

(5) Concrete curbs, sidewalks and/or bicycle paths in place where required.

[Adopted 98-002 §3 eff 3/4/98]

926.610 Subdivision road improvement specifications

(A) The location, width and grade of roads shall be considered in their relation to existing and planned roads, topographical conditions, public convenience and safety and to the proposed use of the land to be served by the road. Where location is not shown in the *Comprehensive Plan*, the arrangement of roads in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal roads in surrounding areas; or

(2) Conform to a plan for the neighborhood, approved or adopted by the Director, to meet a particular situation where topographical or other conditions make continuance or conformance to existing roads impractical.

(B) *Alignment*. As far as practical, roads other than minor roads shall be in alignment with existing roads by continuations of right-of-way center lines. Staggered road alignment resulting in "T" intersections shall, whenever practical, leave a minimum distance of 250 feet between the center lines of roads having approximately the same direction.

(C) *Alleys*. Shall be provided in commercial and industrial zoning districts when requested by the Director for access to off-road parking and loading facilities. The corner of alley intersections shall have a radius of not less than 12 feet.

(D) *Bicycle Paths*. When determined by the Director to be desirable or necessary as a result of existing or anticipated traffic volumes or other

factors, bicycle paths shall be constructed to specifications set forth by the Roadmaster, either within the dedicated right-of-way for roads or within a separately dedicated right-of-way. Any design for such paths shall have approval of the Roadmaster prior to commencing construction.

(E) *Curbs and Sidewalks.* When required, concrete curbs and concrete sidewalks and their location and width shall be determined by the Director. In making such determination, the Director shall take into consideration topography of the land, the presence of improvements, trees or other plantings, the type of road and the location of the sidewalks, if any, on adjacent properties. When required, sidewalks shall be placed within the dedicated right-of-way one foot from the property line

(F) *Existing Roads.* Whenever existing roads adjacent to or within a tract are of substandard width, additional right-of-way shall be required at the time of subdivision.

(G) *Frontage Roads and Reversed Frontage lots.* Where a residential subdivision abuts or contains an existing or proposed arterial road or railroad right-of-way, the Director may require frontage roads or reversed frontage lots. The lots shall be designed with adequate depth for screen planting and fencing and may, where desirable or necessary, include reservations restricting access to adequately protect residential properties and to afford separation of through and local traffic.

(H) *Future Extension of Roads.* Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, roads shall be extended to the boundary of the subdivision. The resulting dead-end roads may be approved without a turnaround. A barrier strip, or a barrier strip and a physical barrier, meeting the approval of the Roadmaster may be required to preserve the objectives of road extensions.

(I) *Grades and Curves.* Grades and curves of roads shall meet the minimum standards and specifications shown in Appendix A of LCC Chapter 935 (Access Improvement Standards Code), including related diagrams available at the Road for the particular type of road. Where exist-

ing conditions, particularly topography, make it impractical to provide buildable lots, the Director may accept steeper grades and sharper curves provided that favorable recommendation of the Roadmaster has been secured in advance.

(J) *Half Roads.* Half roads, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformance with the other requirements of these regulations and when the Director finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever half of the road is to be platted within such tract, a barrier strip, or a barrier strip and a physical barrier, meeting the approval of the Roadmaster may be required to preserve the objective of half roads. No development is permitted on a half road.

(K) *Intersection Angles.* Roads shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle. In no case shall the angle be less than 75 degrees unless there is a special intersection design. The intersection of arterial or collector roads with other arterial or collector roads shall have at least 100 feet of tangent adjacent to the intersection unless otherwise required due to the topography. In this case, approval by the Roadmaster shall be required. Other roads shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial roads shall have a corner radius of not less than 20 feet.

(L) *Road Names.* Except for extensions of existing roads, no road name shall be used which will duplicate or be confused with the names of existing roads. Road names and house numbers shall conform to LCC Chapter 960 (Rural Addressing Code) and if near a city, to the pattern in the city. Road names shall be subject to the approval of the Board.

(M) *Surfacing.* Subdivision roads shall be improved to full county standards shown in

Appendix A of LCC Chapter 935 (Access Improvement Standards Code), and related diagrams available at the Road Department. Subdivision roadways shall be constructed to approved grade including ditches, culverts, bank slopes and other standards as the Roadmaster shall require.

[Adopted 98-002 §3 eff 3/4/98]

926.620 Adjustment of road specifications

At the Roadmaster's discretion, the Roadmaster may adjust any of the above mentioned specifications and standards in order to provide flexibility and to cover situations which differ from one site to another.

[Adopted 98-002 §3 eff 3/4/98]

Statutory References and Other Authorities:

ORS 92; 197; 203; 209; 215; 368

Legislative History of Chapter 926:

Adopted 98-002 eff 3/4/98

Amendments to 98-002

#1 99-121 §7 eff 6/30/99

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