

# EXHIBIT A

*Ordinance 21-05*

**BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF CLATSOP**

In the Matter of:

**An Ordinance amending Sections  
1.0500, 2.9000, and 3.9500-3.9800 of  
the Clatsop County *Land and Water  
Development and Use Code***

**ORDINANCE NO. 21-05**

Doc # \_\_\_\_\_

Recording Date: \_\_\_\_\_

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**RECITALS**

WHEREAS, the Clatsop County Board of Commissioners adopted Ordinance 20-03 on December 9, 2020, establishing the *Land and Water Development and Use Code* (LAWDUC); and

WHEREAS, Sections 1,0500, 2.9000, and 3.9500-3.9800 detail requirements, regulations, and standards for subdividing and partitioning property and for road construction; and

WHEREAS, Clatsop County Public Works and Community Development staff have identified revisions necessary to update code citations and terminology; eliminate or update outdated methodologies and practices; eliminate inconsistencies; provide clearer road standard definitions; and update road standards to modern requirements; and

WHEREAS, the Clatsop County Planning Commission reviewed these amendments at a public hearing on November 9, 2021, and unanimously (5-0) recommended the Board of Commissioners approve the revisions; and

WHEREAS, no members of the public spoke in favor of or against the proposed amendments; and

WHEREAS, notice was sent to all property owners in unincorporated Clatsop County in November 2021;

**THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAINS AS FOLLOWS:**

**SECTION 1. ADOPTION**

The Board of County Commissioners hereby adopts amendments to Sections 1.0500, 2.9000, and 3.9500-3.9800 of the Clatsop County *Land and Water Development and Use Code* as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

**SECTION 2. SEPARABILITY**

The provisions of this ordinance are severable. If any portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. CONFORMANCE OF STATE LAW

This Ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the state of Oregon, or its agencies, or any ordinance, rule, or regulation of Clatsop County.

SECTION 4. INCONSISTENT PROVISIONS

This Ordinance shall supersede, control and repeal any inconsistent provision of any County Ordinance as amended or any other regulations made by Clatsop County.

SECTION 5. APPLICABILITY

This Ordinance shall apply within the unincorporated areas of Clatsop County but shall not apply within the boundaries of any incorporated City.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect on the 30<sup>th</sup> day following adoption by the Board of Commissioners as provided in Chapter III, Section 8(B) of the Home Rule Chapter for the Government of Clatsop County.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022

THE BOARD OF COUNTY COMMISSIONERS  
FOR CLATSOP COUNTY, OREGON

By \_\_\_\_\_  
Mark Kujala, Chair

Date \_\_\_\_\_

By \_\_\_\_\_  
Theresa Dursse, Recording Secretary

First Reading: December 8, 2021

Second Reading: \_\_\_\_\_

Effective Date: \_\_\_\_\_

**EXHIBIT 1**  
**SECTIONS 1.0500, 2.9000,**  
**AND 3.9500-3.9800**  
*Land and Water Development and Use Code*

## **SECTION 1.0500. DEFINITIONS**

As used in this Ordinance, the following words and phrases shall have the following meanings:

### **Staff comment: Updated to current ORS 92.010(3)**

LAWFULLY ESTABLISHED UNIT OF LAND -- "Lawfully established unit of land" means:

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
- (2) Another unit of land created:
  - (a) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (b) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

"Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account.

### **Staff comment: Updated to current ORS 92.010(9)**

PARTITION LAND -- ~~To divide land into two or three parcels of land within a calendar year, but does not include: Dividing land to create not more than three parcels of land within a calendar year, but does not include:~~

- 1) ~~A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots~~ Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- 2) ~~An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance~~ Adjusting a property line as property line adjustment is defined in Section 1.0500;
- 3) ~~Dividing land as a result of the recording of a subdivision or condominium plat;~~
- 4) ~~Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.283(2)(q) to (2). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivision or partitioned; or~~

- 5) ~~A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned~~ Selling or granting 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 shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partitioned lots are subject to the standards of Section 1.0500, 2.9000-2.9120, and 3.9800 of this Ordinance.

**Staff comment: Updated per recommendations from the County Surveyor**

SURVEY AND MONUMENT -- To locate and monument the boundaries of a subdivision lot, partition parcel, road right-of-way or road easement. A survey shall be completed by a state licensed surveyor and be in compliance with ORS 92 and 209, such that the error of closure shall not exceed one foot in 5,000 feet. At a minimum, the corners of all parcels and the boundaries of all roads which are created or easements which are utilized shall be monumented. Points shall be monumented along road boundaries at the point of beginning, at road intersections and where the boundary line changes direction. If a cul-de-sac is proposed, the center of the cul-de-sac shall be monumented.

## **SECTION 2.9000. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS**

### **Section 2.9010. Purpose**

In accordance with the provisions of ORS 92 and 215, this section sets forth the minimum standards governing the approval of land divisions, including subdivisions, partitions and property line adjustments within Clatsop County as necessary to carry out the County's Comprehensive Plan and to promote the public health, safety and general welfare.

No person may subdivide, partition land or perform a property line adjustment within Clatsop County except in accordance with ORS 92, **209** and 215 and the provisions of this ordinance.

### **Section 2.9020. Applicability.**

Whenever land owners wish to sell part of **their property a lawfully established unit of land**, or place a second home on **property a lawfully established unit of land** that already has a home on it, a **land division partition or subdivision** is necessary with the exception of the following:

- 1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property; **or**
- 2) the creation of cemetery lots; or
- 3) **the relocation of a common property line between two abutting properties a property line adjustment.**

**Whenever abutting lawfully established units of land are in common ownership and the land owner wishes to build on or near the common property line(s), an approved restrictive covenant shall be recorded by the owner stating that the abutting units of land shall remain in common ownership until such time the buildings and common property lines meet setback and building code requirements. After recording of said restrictive covenant, the exterior boundary of the combined units of land therein described shall be used for applying the setback and building code requirements. A recorded restrictive covenant is not required for a building that meets setback and building code requirements within the boundaries of a single unit of land abutting other units of land in common ownership.**

***County Surveyor comment: This requirement will solve the issue with setbacks to interior property lines in common ownership.***

Land divisions can be in the form of partitions or subdivisions. No land shall be divided prior to approval **and recording** of a partition or subdivision.

***Staff comment: Revised to current ORS 92.025***

Oregon Revised Statutes (ORS) 92.025 states:

- 1) A person may not sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording office of the county in which the lot or parcel is situated. A person may not sell a lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot or parcel is situated.
- 2) A person may not sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of the subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for the subdivision or partition. A person may not sell a lot in a subdivision or a parcel in a partition by reference to or exhibition or other use of a plat of the subdivision or partition before the plat for the subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or a parcel in a partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for the subdivision or partition.

Partitions are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance access ways shall be categorized as follows:

Private road -- an improved travel surface placed within a private road easement or privately owned tract that is intended to provide access from a state, county, or public road to three or more lots, parcels, areas or tracts of land or units of land and which is maintained by private funds for the exclusive use of private parties.

Public road -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.

County road -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county for and which is maintained by the county.

Minor Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 2.9030 through 2.9080 of this Ordinance.

Major Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major

partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 2.9050 through 2.9130.

Property Line Adjustment -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot, parcel, or unit of land or parcel.

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 2.9140 through 2.9300 of this Ordinance pertains to the processing of subdivision requests.

### **Section 2.9030. Processing Property Line Adjustments**

Proposed property line adjustment requests will be processed by the Department Director under a Type I procedure and include the following steps:

- 1) The applicant will submit a tentative property line adjustment plan, certificate from a land surveyor that abutting properties to be adjusted are lawfully established units of land, completed application and filing fee, to the Department of Community Development. The tentative property line adjustment shall follow the format outlined in Section 2.9090. ***County Surveyor comment: ORS 92 requires a survey for a property line adjustment. The surveyor is required to list the records proving each abutting property is a lawfully established unit of land for a property line adjustment.***
- 2) The Director shall evaluate the tentative property line adjustment to determine conformity with lot size and dimension standards of the base zone of the proposed partition. The tentative plan may be modified, if needed, to meet these standards. The Director shall apply conditions as required by Section 2.9070 and conditionally approve, or deny the application.
- 3) Conditional approval of a tentative property line adjustment shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval attached by the Director prior to expiration of the conditional approval. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. If all conditions of approval for a property line adjustment are not completed prior to expiration of the tentative plan the approval shall be considered void as of the applicable expiration date.

- 4) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement, and contain the words Property Line Adjustment.
- 5) A property line adjustment survey must list the clerk's recording instrument number of the corresponding property line adjustment deed(s) that conforms with ORS 92.190(4) before the permanent survey map is submitted for recording per ORS 209.250.
- 6) The area between the old property line and the new property line is combined with the existing lawfully established unit of land on the same side of the new property line and is not a separate lawfully established unit of land.

***County Surveyor comment: This is a much needed clarification of the property line adjustment process.***

### **Section 2.9040. General Standards for Property Line Adjustments**

- 1) For all areas except those identified as a Resource Zone in Section 1.0500 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.
- 2) For all areas except those zoned AF, F-80 and EFU:
  - (A) Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.
  - (B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.
- 3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:
  - (A) the remaining substandard parcel is not used as a basis for considering and approving a built upon or irrevocably committed exception, and
  - (B) the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and
  - (C) it is determined that the tract proposed for transfer can be better managed for resource use, and
  - (D) the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.

### **Section 2.9050. Processing Minor and Major Partitions**

The processing of proposed minor and major partition requests will include the following steps:

- 1) The applicant will submit a tentative partition plan completed application and filing fee, to the **Department of** Community Development **Department**. The tentative partition plan shall follow the format outlined in Section 2.9090.
- 2) The Director shall evaluate the tentative partition plan to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750 feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.1020, shall apply conditions as required by Section 2.9050 and conditionally approve or deny the tentative plan.
- 3) Conditional approval of a tentative partition plan shall be valid for two years from the date of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 2.9080. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
- 4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.
- 5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.
- 6) If the final partition plat conforms to the tentative plan and applicable conditions, the **County Surveyor and the** Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.

### **Section 2.9060. Appeal of Partitions or Property Line Adjustments**

Any appeals of partitions or property line adjustment shall be done after approval or denial of the tentative partition plan map or property line adjustment decision and follow the process as set forth in Section 2.2190.

### **Section 2.9070. General Standards for Minor and Major Partitions**

Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.

- 1) Standards for partitions in resource zones (as defined in Section 1.0500):
  - (A) Minor Partitions in Resource Zones shall meet the following standards:
    - 1) Road approach approval from the appropriate agency shall be demonstrated.
    - 2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards.
    - 3) County-wide Forest Lands Policy #22 shall be applied to all AF and F-80 partitions.
  - (B) Major Partitions in Resource Zones shall meet the following standards:
    - 1) Standards in Section ~~2.9050~~ 2.9070(1)(A)(1-3) above shall be met.
    - 2) (a) If a County road is created, the right-of-way shall meet the standards from ~~the "Basic Major Partition Improvement Standards Table"~~ Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners.
    - b) If a public road is created, ~~the right-of-way shall meet the standards from the "Basic Major Partition Improvement Standards Table"~~ Table 3.2 – Right-of-way and Improvements Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.
    - c) If a private road or easement is created or utilized, the easement shall meet the standards from ~~the "Basic Major Partition Improvement Standards Table"~~ Table 3.2 – Right-of-way and Improvement Standards Table. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.
- 2) Standards for Partitions in Non-Resource Zones (as defined in Section 1.0500):
  - (A) Minor Partitions in ~~All Zones~~ all zones other than Resource Zones shall meet the following standards:
    - 1) Road approach approval from the appropriate agency shall be demonstrated.
    - 2) Except as set out in Section 5.9070(1) the boundaries of all parcels shall be surveyed and monumented.
  - (B) Major Partitions in Non-Resource Zones shall meet the following

standards

- 1) Standards in ~~5.9050~~ 5.9070(2)(A)(1-2) above shall be met.
- 2) (a) If a County Road is created, the right-of-way shall meet the standards from the ~~"Basic Major Partition Improvement Standards Table"~~ Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County's A-20 road standard.
- (b) If a public road is created, the right-of-way shall meet the standards from the ~~"Basic Major Partition Improvement Standards Table"~~ Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's ~~A-20~~ G-20 road standard at a minimum. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.
- (c) If a private road or easement is created ~~or utilized~~, the entire road easement shall meet the standards from the ~~"Basic Major Partition Improvement Standards Table"~~ Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and monumented in its entirety. The road shall be improved to the County's ~~A-12~~ G-14 road standard at a minimum and one vehicle turnout shall be provided for every ~~250'~~ 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds ~~48~~ 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not the County.
- (d) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the partitioned parcels. In the event that the partitioning party intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior

to the issuance of any development permit involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the partitioning party has not completed required road improvements at the time of final partition approval, the Department of Community Development will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.

- (e) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the County Engineer or Community Development Director shall, where practicable, require that roads be designed and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities. The County Engineer or the Community Development Director may require a potential development plat showing the location of potential lots and the right-of-way improvements, including those identified in the County Transportation System Plan (TSP). The full right-of-way width shall be reserved on the initial partition plan to ensure that future structures will not encroach into the ultimate right-of-way or easement area.

***Assistant Public Works Director comment: If the tract to be partitioned is of sufficient area to allow for additional future partitioning or subdividing, the initial road required should be built all the way to the partition boundary. This keeps the initial partitioner from selling the tract on the far side of the partition and then having to complete the road from the legal access point of the last lot to the first lot in their partition.***

#### **Section 2.9080. Extent of Road Improvements**

- 1) Required access road improvements and recorded access easements for the parcels involved shall be completed to provide access from the partitioned parcels to an existing public, county or state road.

#### **Section 2.9090. Exceptions to General Standards for Minor and Major Partitions and Property Line Adjustments**

- 1) Surveys for Large Parcel Partitions and Property Line Adjustments.
  - (A) When a partition is proposed which includes parcels that are greater than ten (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved. For a major partition the entire roadway being created shall be surveyed and monumented.

~~(B)~~ Partitions creating parcels in excess of 80 acres do not need to be shown on a partition plat. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

**County Surveyor comment: There is no provision in state statute to allow the waiving of the partition plat requirement based on area. There is a waiver of the surveying and monument requirement based on area, but not a waiver of the entire plat.**

(C) A property line adjustment created by the relocation of a common boundary as described in ORS 92.010(7)(b) shall be surveyed and monumented in accordance with Oregon law and it shall be filed with the County Surveyor.

~~(D)~~ The provisions of Section 5.9090(1)(C) shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary except for the following reasons:

- ~~1)~~ if the Community Development Director determines that a yard setback requirement might be violated; or
- ~~2)~~ if the Community Development Director determines that the lot size requirement of the zone might be violated; or
- ~~3)~~ if the Community Development Director determines that a dimensional requirement of the zone might be violated.

**County Surveyor comment: This exemption was removed from state statutes in 2007 and is no longer allowed in statute.**

~~(E)~~~~(D)~~ No survey or monumentation is required for a property line adjustment when ~~both parcels affected are~~ the abutting properties are each greater than 10 acres. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

**Staff comment: Updated to current ORS 92.060(8).**

~~(F)~~~~(E)~~ Altering Access to Improve Public Safety. If, in reviewing a minor partition application, the Community Development Director, in conjunction with the County ~~Roadmaster Engineer~~ or State Highway Engineer, determines that a consolidated, single access would better serve the public health, safety and welfare by reducing access points onto a public road such a condition of approval may be attached. The area utilized for such a consolidated access shall not be reduced from a parcel's lot area for the purpose of determining minimum lot size. Such a consolidated access shall serve a minimum of 3 parcels; if additional partitioning is proposed off a consolidated access, major partition road standards will be applied. Access easements shall be provided for the involved parcels.

~~(G)~~~~(F)~~ A shared common driveway may be utilized in a proposed minor partition if the following circumstances exist:

~~(H)~~~~(G)~~ Each parcel in the minor partition has the required 25 foot minimum frontage on a state, county or public road.

~~(I)~~~~(H)~~ Each parcel has an alternate means of access to the adjoining state,

county or public road within its own boundaries.

~~(J)~~(L) The shared common driveway serves no more than three parcels.

~~(K)~~(J) Recorded access easements shall be provided for the involved parcels.

### **Section 2.9100. Tentative Partition Plan Submission Requirements**

An applicant for a minor or major partition shall submit a copy of a plan for partitioning showing the following information (except as otherwise provided herein, the following does not require a survey):

- 1) A sketch of the original parcel of land (all contiguously owned land) on an 8 ½" x 11" sheet of paper.
- 2) The date, north point, and scale of the drawing.
- 3) The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
- 4) The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned.
- 5) The existing use or uses of the property, including approximate locations of all structures on the property.
- 6) The width and location of all easements for drainage or public utilities.
- 7) The location of zoning boundaries on the property, ~~to the detail provided by the Department of Community Development.~~
- 8) Approximate location of physical features on the property, such as wetlands and streams.

### **Section 2.9110. Submission of Final Partition Plat**

Prior to expiration of a tentative partition approval, a final plat shall be submitted subject to the Standards of Section 2.9210.

### **Section 2.9120. Submission and Review of Final Plat**

A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

### **Section 2.9130. Approval Signature for Final Partition Plat**

Following review and approval of a final partition plat, the Director shall take the following actions:

- 1) ~~Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. The Surveyor may cause field investigations to be made to certify that the map survey is sufficiently accurate. If it is determined that there has been a failure to comply, the applicant shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Surveyor.~~

***County Surveyor comment: Field checks are only done for subdivision plats.***

2) ~~The County Surveyor shall submit the final partition plat to the Clatsop County Department of Community Development. The Planning Division will review the file for completion of conditions of approval.~~

**Staff comment: Typically, Community Development reviews the partition plat prior to the County Surveyor.**

3)(1) The Clatsop County ~~Department of~~ Community Development ~~Department~~ shall notify the applicant that the approved partition plat has been signed by the Community Development Director.

(2) Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. If it is determined that there has been a failure to comply, the plat surveyor shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the County Surveyor.

4)(3) The ~~Department of Community Development~~ County Surveyor shall notify the applicant that the approved partition plat has been signed. The applicant shall take ~~will forward~~ the Plat ~~plat~~ to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collector. The County Tax Office shall notify the applicant when the Plat is ready for recording.

5)(4) The applicant shall take the final partition plat to the County Clerk's Office for recording.

### Section 2.9140. Subdivisions

An applicant application for a subdivision ~~for of~~ six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than ~~thirty (30)~~ 30 lots within the same calendar year, (January 1-December 31), in the Rural designation in the Clatsop Plains planning area; and

2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units for both seasonal and permanent by the year 2000."

### Section 2.9150. Preliminary Plat

An applicant for a subdivision shall submit nine (9) paper copies and one electronic (pdf) copy of the Preliminary Plat preliminary plat, together with improvement plans and

other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.

### **Section 2.9160. Form and Scale of Preliminary Plat**

The Preliminary Plat preliminary plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.

### **Section 2.9170. Preliminary Plat Information**

The Preliminary Plat of the proposed subdivision shall include the following information:

- 1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.
- 2) Northpoint, North arrow, scale, and date of the completed drawing, approximate acreage, and boundary lines.
- 3) Appropriate identification clearly stating the map is a Preliminary Plat.
- 4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.
- 5) Names, addresses and zip codes of all owners, subdividers applicants, and engineers or and surveyors responsible for laying out the subdivision.
- 6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.
- 7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.
- 8) Location of at least one (1) temporary bench mark within the plat boundaries.
- 9) Contour lines related to the temporary bench mark or other datum approved by the County Surveyor Engineer and having contour intervals together with the calculated degrees of slope as follows:
  - (A) For slopes not in excess of 10 percent: two-foot contours.

- (B) For slopes over 10 percent: five-foot contours.
- (C) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees to be preserved or removed.
- (D) Location of any rare, threatened and endangered species (plant or animal) or habitat located on or within 1,000 feet of the proposed subdivision.
- (E) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.
- (F) Existing uses on the property, including location of all existing structures.
- (G) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The subdivider applicant shall submit documented preliminary approval, from the County Roadmaster Engineer, of his the road design.
- (H) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.
- (I) 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 is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.
- (J) Location, acreage and dimensions of lots and the proposed lot numbers.
- (K) Site, if any, allocated for a purpose other than single family dwellings.
- (L) Location, acreage and dimensions of areas proposed for public use.
- (M) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).
- (N) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:
- (O) Phase I - shall be recorded within twelve (12) months of preliminary approval.
- (P) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
- (Q) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 2.2020-2.2050.

For any subdivision which has an approved phasing plan as granted by the Commission under the Preliminary Plat preliminary plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The subdivider applicant shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

- 10) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the Preliminary Plat preliminary plat, addressing the following items:
  - (A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon Oregon Department of Environmental Quality as administered by the Department of Environmental Quality Environmental Health Division of the County Public Health Department or its contract agent.
  - (B) An acceptable and approved method of water supply.
  - (C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.
  - (D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.
  - (E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, County Sanitarian, Environmental Health Division of the County Public Health Department, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The fee cost for such study shall be paid by the subdivider applicant.
  - (F) Subdividers Applicants shall provide a list of any restrictive conditions, covenants and restrictions (CCRs) which are to be recorded.
  - (G) A demonstration that lot size and use are in compliance with the applicable zone.
  - (H) An access road improvement plan.
  - (I) Recorded access easements shall be provided for access from the subdivision boundary to an existing public, county or state road if not abutting said roads.
- 11) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance Code, and ORS 92 and 215.

~~12)~~ Lots not intended for sale shall be designated by alphabetic symbol which indicates the intended usage. The acreage for each dedicated lot, if any, is to be shown.

***County Surveyor comment: We need to limit the use of these lots to not include areas covered by easements. They get foreclosed on if they are not intended for sale. Also, lots can only have numbers per OS 92.050.***

~~13)~~~~12)~~ Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.

~~14)~~~~13)~~ A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.

~~15)~~~~14)~~ If any federal or state permit or license is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.

~~16)~~~~15)~~ In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 5.3000.

### **Section 2.9180. Preliminary Plat Review**

- 1) Upon receipt of a completed Preliminary Plat preliminary plat, the Planning Division shall set a date for a public hearing before the Planning Commission. Copies of the Preliminary Plat preliminary plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Planning Division within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.
- 2) The Preliminary Plat preliminary plat, supplementary information and recommendations of the Planning staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.
- 3) The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within ~~thirty (30)~~ 30 days of the date of conditional approval showing the design approved by the Planning Commission.
- 4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 2.9140 to and including Section 2.9170 and Section 3.9600 to and including Section 3.9720 of this Ordinance, and the road standards as set forth in Section 3.9800.

- 5) Preliminary ~~Plat~~ plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions as set forth by the Commission in its preliminary approval and Section 3.9600 to and including Section 3.9720 and road standards as set forth in Section 3.9800. Such approval of Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.
- 6) Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Director if said amendments concur with the Planning Commission's conditions of approval. Such amendments will only be valid for the twelve-month period following their approval and will become invalid if not implemented within that time.

### **Section 2.9190. Granting of Extensions**

- 1) The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12) months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry out the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than two (2) extensions be granted by the Community Development Director. Any request for an extension shall be processed under a Type I procedure, 2.1010.
- 2) ~~A subdivider~~ An applicant who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.
- 3) The granting of an extension by the Director shall be noted on two (2) copies of the ~~Preliminary Plat~~ preliminary plat, including any conditions imposed. One signed copy is to be given to the ~~subdivider~~ applicant while the other copy is retained in the Planning Division file.

### **Section 2.9200. Submission of Final Plat**

Within two (2) years after approval of the ~~Preliminary Plat~~ preliminary plat, or within such time as set forth by the Commission under the provisions of Section 2.9190(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved ~~Preliminary Plat~~ preliminary plat. Before approval by any County official, the ~~Final Plat~~ final plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.

### **Section 2.9210. Form and Scale of Final Plat**

- 1) The Final Plat offered for approval and recording shall be made pursuant to the ~~following~~ standards in Section 3.9730 and shall be surveyed pursuant to ORS 92.
- 2) At the time of filing the ~~Final Plat~~ final plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the ~~Final Plat~~ final plat offered for recording. This copy shall be made with black India ink.

~~or silver halide permanent photocopy on polyester film~~ having the same or better characteristics of strength, stability and transparency, and shall have an affidavit that the ~~photocopy or~~ tracing is an exact copy of the ~~Plat plat~~.

***Staff comment: Silver halide has been discontinued.***

- 3) The scale on the ~~Final Plat final plat~~ will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18" x 24" plat, but in all cases the scale shall be in multiples of ten.
- 4) The ~~subdivider applicant~~ shall provide, at his/her own expense, up to six (6) prints at the request of the Commission and/or Board.
- 5) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink ~~or silver halide permanent photocopy~~, upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.
- 6) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.

### **Section 2.9220. Information on Final Plat**

The ~~following~~ information ~~shown on the final plat shall conform to the requirements in ORS 92.050 through 92.080 and shall also include the following: shall be shown on the Final Plat and is required by ORS 92.~~

- 1) The name of the subdivision, the date the plat was prepared, the scale, north point, legend and existing features such as highways and railroads.
- 2) Legal description of the subdivision boundaries.
- 3) Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:
  - (A) Stakes, monuments or other evidence found on the ground and used to determine the boundaries 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 this Ordinance.

- (D) Exact location and width of streets and easements intersecting the boundary of the subdivision.
- (E) Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of ORS 92.
- (F) Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, long chord bearing and distance shall be indicated.
- (G) Easements denoted by fine dotted lines, clearly identified and, if already 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.
- (H) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
- (I) Location of all permanent monuments within the proposed subdivision.
- (J) Ties to any city, county, or adjacent subdivision's boundary lines.
- (K) Acreage of each parcel to the nearest 1/100th of an acre.
- (L) Any conditions specified by the Commission or Board upon granting preliminary approval.
- (M) A statement of water rights noted on the subdivision plat or partition plat.
- (N) A copy of the acknowledgment from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

### **Section 2.9230. Survey Requirements**

A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.

### **Section 2.9240. Supplementary Information with Final Plat**

- 1) **Evidence of Title.** The Commission shall require Evidence of Title accompanying the **Final final** plat by a letter or **Final final** plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the **same parcel unit of land** being subdivided and shall state that the **Final final** plat and certificates have been reviewed. **It shall also list exceptions, if any, that will be imposed by the County when the Final plat is recorded.**
- 2) **Restrictive Covenants.** A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory

as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.

- 3) ~~Traverse Data. The subdivider shall provide traverse data on form work sheets or complete computer printouts showing the closure of the exterior boundaries of the subdivision and of each lot and each block of the subdivision.~~

***Public Works comment: Traverse data is not required for current land surveying practices.***

- 4) **Improvement Plans.** Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.

- 5) Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.

(A) ~~All land shown on the Final Plat intended for dedication to the public for public use shall be offered for dedication at the time the 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 accepted by the Board by the acceptance of a deed and by no other means. Land for property dedicated for public purposes may be provided to the county by any of the following methods:~~

- (1) ~~By dedication on the land subdivision plat;~~
- (2) ~~By dedication on the partition plat, provided that the county indicates acceptance on the dedication of the face of the plat; or~~
- (3) ~~By a separate dedication or donation document on the form provided by the county.~~

***County Surveyor comment: The county currently uses the Board Chair signature line to accept public dedications per OS 92.175.***

- (B) All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the ~~Final Plat~~ final plat as intended for public use, shall be offered for dedication for public use at the time the ~~Final Plat~~ final plat is filed.
- (C) Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The ~~subdivider~~ applicant 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.
- (D) **Reserve Strips.** ~~One (1) foot reserve strips shall be provided across the end of stubbed streets adjoining unsubdivided land or along streets or half~~

~~streets adjoining unsubdivided land and shall be designated as a reserve strip on the plat. The reserve strip shall be included in the dedication granting to the Board the authority to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.~~ The Board may require a reserve strip in other areas of the subdivision in order to control access.

***County Engineer comment: This practice is not normally used. This used to be a technique used by developers who would create a reserve strip to control access. Subsequent owners would then have to pay for improvements to utilize the reserve strip.***

- (E) **Drainage Plan.** The ~~Final Plat~~ final plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways 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 County Engineer.
- (F) Common Open Space. Maintenance of common open space shall be subject to Section 3.3060.
- (G) **Road Standards.** New roads shall comply with the following standards:
- (1) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County’s A-20 road standard.
  - (2) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County’s A-20 road standard at a minimum for new subdivisions. Existing subdivisions may qualify to construct a G-20 road if the existing roadways are not paved. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.

- (3) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and monumented in its entirety. The road shall be improved to the County's G-14 road standard at a minimum and one vehicle turnout shall be provided for every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not by the County.
- (4) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the subdivided lots.

### **Section 2.9250. Agreement for Improvements**

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the **Final Plat final plat**.

Before the Commission approval is certified on the **Final Plat final plat**, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 2.9260 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

### **Section 2.9260. Performance Bond**

- 1) The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
  - (A) A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the **District Attorney County Counsel**.
  - (B) In lieu of a surety bond, (a) the subdivider may deposit with the County

Treasurer cash money in an amount ~~fixed-determined~~ by the County Engineer, or (b) file certification by a bank or other reputable lending institution that money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.

- (C) Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and ~~may shall~~ include an additional ~~ten (10) percentage as determined by the County Engineer~~ to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.
- (D) If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
- (E) If subdivision extensions are granted, the bond may need to be revised.

### **Section 2.9270. Final Plat Approval**

Upon receipt of the ~~Final Plat final plat~~, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the ~~Final Plat final plat~~ and documents to determine that the plat conforms with the approved ~~Preliminary Plat preliminary plat~~ and that there has been compliance with provisions of the law and this Ordinance.

If the County Surveyor, Sanitarian, ~~and~~ Engineer and the Community Development Director or the Commission determine that the ~~Final Plat final plat~~ conforms fully with the approved ~~Preliminary Plat preliminary plat~~ and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the ~~Final Plat final plat~~ is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the ~~Final Plat final plat~~ shall be by a majority of those present. If the ~~Plat plat~~ is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, ~~his the~~ duties and powers with respect to action of ~~Final Plat final plat~~ shall revert to the Vice-Chairperson of the Commission.

Approval of a ~~Final Plat final plat~~ by the ~~Board of~~ Commissioners shall constitute an acceptance by the public of the dedication of any street or way shown on the ~~Plat plat~~. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the ~~Final Plat final plat~~, shall be by a separate process

of petitioning the Board of acceptance of road maintenance. Approval of the **Final Plat final plat** shall not act as an acceptance by the public of any other land for public purposes.

#### **Section 2.9280. Filing of Final Plat**

The subdivider shall, without delay, submit the **Final Plat final plat** for signature of the following County officials in the order listed:

- 1) **Community Development Director;**
- 2) **County** Surveyor, in accordance with the provisions of ORS 92.100;
- 3) **Community Development Director;**
- 4) **County** Assessor;
- 5) Board of Commissioners or its designee (upon consent of the Board);
- 6) Clerk.

#### **Section 2.9290. Time Limit for Recording of a Plat**

The Final Plat shall be recorded within thirty (30) days of the date that the signatures and approvals as required in Section 2.9280 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

#### **Section 2.9300. Partial Platting**

If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.

## **SECTION 3.9500. VEHICLE ACCESS CONTROL AND CIRCULATION**

### **Section 3.9510. Purpose**

The following access control standards apply to industrial, commercial and residential developments including land divisions as noted in the Land and Water Development and Use Ordinance. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the Clatsop County Transportation System Plan. Major roadways, including arterials, and collectors, serve as the primary system for moving people and **goods commerce** within and through the county. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

### **Section 3.9520. Definitions**

The following definitions apply to this section.

**ACCESS.** The place, means, or way by which pedestrians, bicycles, and vehicles enter or leave property.

**ACCESS MANAGEMENT.** The control of street (or highway) access for the purpose of improving the efficiency safety, and/or operation of the roadway of vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

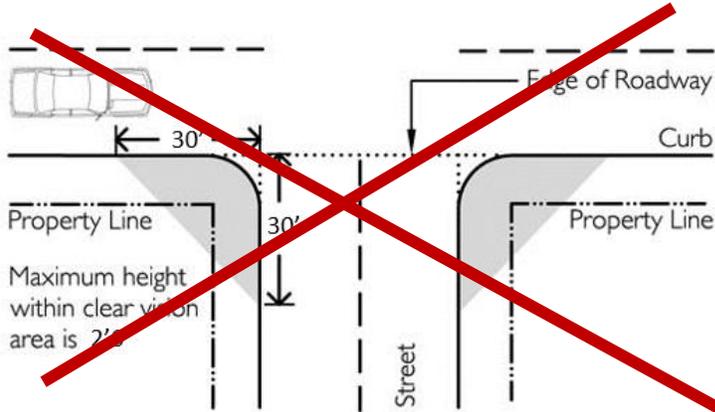
**FIRE EQUIPMENT ACCESS DRIVE.** A road which complies with the requirements for fire apparatus access roads as described in the Uniform Fire Code.

**FLAG LOT.** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way line.

**FRONTAGE STREET.** A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage street provides access to private properties which separating them from an arterial street.

**SHARED DRIVEWAY.** A driveway connecting two or more contiguous sites to the public street system.”

## Section 3.9530. Clear Vision Area



CLEAR-VISION AREAS -- (See Section S2.210)

1. A clear-vision area is a triangular area, two sides of which are lot lines for a distance of 20 feet, or where the lot lines have rounded corners, the lot lines extend in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the adjoining non-intersecting ends of the other two sides.

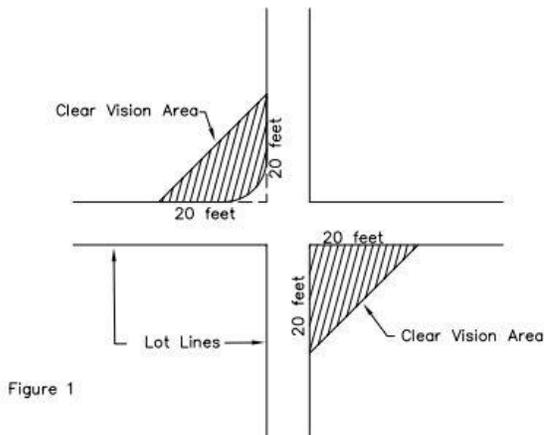


Figure 1

2. Service drives and accessways to public streets shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line, and a straight line joining said lines through points twenty (20) feet from their intersection.

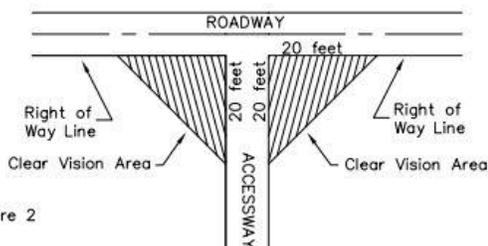


Figure 2

3. A clear-vision area contains no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage area removed to a height of eight feet above grade.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- 1) A clear vision area shall consist of a triangular areas, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- 2) A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.
- 3) The following measurements shall establish clear vision areas:
  - A. In an agricultural or residential zone the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.
  - B. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

### **Section 3.9540. Access Control Standards**

- 1) **Traffic Impact Study Requirements.** The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 2.9510 – Traffic Impact Study.)
- 2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- 3) **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider.
  - (A) **Option 1.** Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
  - (B) **Option 2.** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
  - (C) **Option 3.** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or

consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.

- (D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director, **or County Engineer or designee.**
- 4) **Subdivisions Fronting onto an Arterial Street.** New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
- 5) **Double-Frontage Lots.** When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA- SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).
- 6) **Reverse Frontage Lots.** When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.
- 7) **Access Spacing.** The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director, **County Engineer or designee** determines that site and or road conditions make it impractical to meet the access spacing standard.

Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing Between Driveways and/or Streets	Minimum Spacing Between Traffic Signals
Arterial	35 mph or less	265 feet	Per ODOT Standards
	40 mph	265 feet	
	45 mph	265 feet	

	50 mph	265 feet	
	55 mph	265 feet	
Major Collector	25-35 mph	130 feet	
Minor Collector	25-35 mph	65 feet	
Local Street	25 mph	Access to each lot permitted	
Subdivision (10+ lots)	25 mph	Access to each lot permitted	N/A
Subdivision (4-9 lots)	20 mph		
Partition (> 3 ***)	20 mph		
Partition (1-3 lots)	15 mph		

- 8) **Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section 3.9540(9), below, in order to maintain the required access spacing, and minimize the number of access points. An additional access point may be allowed ~~on a case-by-case basis by permit issued as determined~~ by the Public Works Director, or County Engineer or designee.
- 9) **Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
- (A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

- (B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - (C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- 10) **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
- (A) **Block Length and Perimeter.** No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1,800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.
  - (B) **Street Standards.** Public and private streets shall also conform to Sections 3.9800 – Transportation Improvements and Road Standard Specifications for Design and Construction, and Section 3.9550 - Pedestrian and Bicycle Access and Circulation, Figures 3.1-3.5, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.
  - (C) **Driveway Openings.** Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:
    1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.
    2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
    3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Community Development Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

4. Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Sections 3.9800 – Transportation Improvements and Road Standard Specifications for Design and Construction.
  5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete or asphalt and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 4 feet in width, with a cross slope not exceeding 2 percent.
- 11) **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and **Public Works Director, County Engineer or designee**. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 3.9620(10) - Cul-de-Sac.
  - 12) **Vertical and Horizontal Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width **and horizontal clearance of no less than 20'**.
  - 13) **Vision Clearance.** See Section 3.6530. Clear Vision Area.
  - 14) **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:
    - (A) **Surface Options.** Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the **Public Works Director, County Engineer or designee**.
    - (B) **Surface Water Management.** When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the **Public Works Director, County Engineer or designee**.
    - (C) **Driveway Aprons.** ~~When driveway~~ **Driveway** approaches or "aprons" are required to connect driveways to the public right-of-way **when the existing roadway is constructed of asphalt or concrete, they** ~~Driveway aprons~~ shall be paved with concrete or asphalt surfacing.

## **SECTION 3.9550. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION**

### **Section 3.9560. Purpose**

To ensure safe, direct and convenient pedestrian and bicycle circulation, all new development in rural communities, except single family detached housing (i.e., on

individual lots), shall provide a continuous pedestrian and/or shared use pathway system. (Pathways only provide for pedestrian circulation. Shared use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below:

- 1) **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.9540 - Access Control Standards, and Section 3.9800 - Transportation Improvements and Road Standard Specifications for Design and Construction
- 2) **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets based on the following definitions:
  - (A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - (B) **Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- 3) **Connections Within Development.** For all developments subject to Site **Design Plan** Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site.
- 4) **Street Connectivity.** Shared use pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.9630. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Pathways used to comply with these standards shall conform to all of the following criteria:
  - (A) Shared use pathways (i.e., for pedestrians and bicyclists) are no less than 10-feet wide and located within a 14 foot right-of-way or easement that allows access for emergency vehicles;
  - (B) If streets within a subdivision or neighborhood are lighted, pathways shall also be lighted;
  - (C) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a shared use pathway where grades are steep;

- (D) The ~~decision-maker~~ **Community Development Director** may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.
1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
  2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
  3. **Crosswalks.** Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it should consist of thermo-plastic striping or similar type of durable application.
  4. **Pathway Surface.** Pedestrian pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide.
  5. **Accessible routes.** Pathways shall comply with the federal Americans With Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following **minimum** standards:
    - (a) Shall not contain curbs or stairs;
    - (b) Must be at least 3 feet wide;
    - (c) Is constructed with a firm, stable, slip resistant surface; and
    - (d) The slope shall not be greater than 1:12 in the direction of travel.

## **SECTION 3.9600. SUBDIVISION DESIGN STANDARDS**

### **Section 3.9610 Principles of Acceptability**

A subdivision shall conform to the current Comprehensive Plan and shall take into consideration preliminary plans made in anticipation thereof a subdivision shall conform to the requirements of state law and the standards established by this Ordinance.

### **Section 3.9620. Streets**

- 1) **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 the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:
  - (A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (B) 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.
- 2) **Minimum right-of-way and roadway widths.** The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section 3.9800 of this Ordinance.
- 3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission, **in coordination with the Public Works Director, County Engineer, or designee** may accept a narrower right-of-way. If necessary, special slope easements may be required.
- 4) **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.
- 5) **Alignment.** As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.
- 6) **Future extension of streets.** Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- 7) **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 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street 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 or 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 roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

- 8) **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 subdivision.
- 9) **Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, 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 subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.
- 10) **Cul-de-sacs.** a cul-de-sac shall be as short as possible and shall terminate with a turnaround.
- 11) **Street names.** Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city, ~~and shall be subject to the approval of the Planning Commission.~~ Applications for new subdivisions shall include a list of street names pre-approved by the County Road Naming Review Committee.
- 12) **Grades and curves.** Grades and curves shall be in accordance with Table 3.2 – Right-of-way and Improvement Standards Table. ~~not exceed 6 percent on arterials, 10 percent on collector streets, 12 percent on any other street. Center line 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 topography, make it otherwise impractical to provide buildable lots, the County Engineer Planning Commission may accept steeper grades and sharper curves.
- 13) **Streets adjacent to railroad right-of-way.** Wherever the proposed subdivision 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.
- 14) **Marginal access streets.** Where a subdivision 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 non-access 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.

- 15) **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.

### Section 3.9630. Blocks

- 1) **General.** The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- 2) **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 street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.
- 3) **Easements.**
  - (A) **Utility lines.** Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 12 15 feet wide and centered on lot lines where possible, except for Electric lines or other similar utilities along with utility pole tieback easements which may be reduced to six feet in width as appropriate for the particular utility.
  - (B) **Water courses.** If a subdivision 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 major water courses may be required.
  - (C) **Pedestrian ways.** When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section 3.9550.

### Section 3.9640. Lots

- 1) **Size and shape.** Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average width of 50 feet and a corner lot a minimum average width of 60 feet. a lot shall have a minimum average depth of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:
  - (A) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.
  - (B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the

off-street parking and service facilities required by the type of use contemplated.

- 2) **Access.** Each lot shall abut upon a street other than an alley for a width of at least 25 feet.
- 3) **Through lots.** Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential 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 lots abutting such a traffic artery or other incompatible use.
- 4) **Lot side lines.** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

### **Section 3.9650. General Soil Development**

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 5.3000.

### **Section 3.9660. Building Lines**

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

### **Section 3.9670. Large Lot Subdivision**

In subdividing tracts into large lots which at some future time are likely to be further re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

### **Section 3.9680. Land for Public Purposes**

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

## **SECTION 3.9690. SUBDIVISION IMPROVEMENTS**

### **Section 3.9700. Improvement Procedures**

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

- 1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with requirements of the County.
- 2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.
- 3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- 4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- 5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

### **Section 3.9710. Specifications for Improvements**

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following (Figures 3.1-3.5):

- 1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.
- 2) Drainage facilities.
- 3) Sidewalks in pedestrian ways.
- 4) Sewers and sewage disposal facilities.
- 5) Public water supplies and water distribution systems.

In absence of specifications prepared by the County Engineer, the latest edition of the Oregon Standards Specifications for Construction prepared by the Oregon Department of Transportation shall be used. Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address.

### **Section 3.9720. Improvement Requirements**

The following improvements shall be installed at the expense of the subdivider:

- 1) **Water supply.** Lots within a subdivision shall either be served by a public domestic water supply system conforming to state State or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian or Oregon Department of Environmental Quality considers adequate for soil and water conditions.
- 2) **Sewage.** Lots within a subdivision either shall be served by a public sewage disposal system conforming to state State or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.
- 3) **Drainage.** Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.
- 4) **Streets.** Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streams streets to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in 3.9800.
- 5) **Pedestrian ways.** A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.
- 6) **Underground utilities.** Underground utilities shall be required.

## **SECTION 3.9800. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION**

### **Section 3.9810. General Road and Access Policies**

- 1) **Purpose.** The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

The Clatsop County Road Standards are intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future land divisions and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

- 2) **Conditions of Development Approval.** No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.
- 3) **Criteria.** Roads in Clatsop County shall be designed, constructed, and maintained to:
  - (A) Be capable of ensuring unrestricted travel to and from a property.
  - (B) Provide adequate, safe, and legal access with minimum public cost.
  - (C) Place the burden of the costs on the benefited person(s).
  - (D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.
  - (E) Provide for drainage ways and utility services.
  - (F) Be compatible with adjoining land use.
  - (G) Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource, Open Space Reserve, Rural and Rural Service Areas designated by the Clatsop County Comprehensive Plan.

- (H) Ensure that the new road will minimize interference with forest management or harvesting practices.
  - (I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.
  - (J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.
  - (K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.
  - (L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.
- 4) **Standards, Generally:**
- (A) The following are a variety of types or forms of access used to gain ingress and egress to property within Clatsop County:
    1. County roads
    2. Federal roads
    3. State highways
    4. Dedicated ways
    5. Flag lots
    6. Ways of necessity
    7. Public roads
    8. Private roads
    9. Prescriptive roads
  - (B) Publicly dedicated and maintained roads provide superior access.
  - (C) Flag lots may provide access, but can hinder future development of the surrounding area.
  - (D) Private roads function best if they are designed to serve a predetermined, limited amount of development.
  - (E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.
  - (F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.
  - (G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.
- 5) **Standards, Specifically:**
- (A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.
  - (B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. The County may also require the improvement of such rights-of-way or easements in a

Class "a" division. A a temporary turnaround may be required for the resulting dead end road in accordance with Oregon Fire Code.

**Staff comment: "Class 'A'" divisions are not defined in code and staff was not able to locate a definition in ORS.**

- (C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.
- (D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.
- (E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

### **Section 3.9820. Improvement Plans**

The Improvement Plans will include, but not be limited, to the following:

- 1) **A plan view showing:**
  - (A) Dimensioning necessary to survey and relocate the roadway.
  - (B) Right-of-way lines as shown on the final plat.
  - (C) Proposed drainage structures, showing both size and type of structure.
  - (D) Location of all existing and proposed utilities.
  - (E) Location and dimensions of the pedestrian circulation system.
  - (F) Location of bicycle parking.
  - (G) Location and type of signs.
  - (H) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
  - (I) Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.
  - (J) Vicinity map in the upper left hand corner of the on the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
  - (K) The stamp and signature of the Registered Professional Engineer preparing the plans.
- 2) **A profile showing:**
  - (A) Centerline grades and vertical curves.
  - (B) Curb profiles where curbs are required.
  - (C) Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.
- 3) **Typical roadway cross-section showing:**
  - (A) Width and depth of base.
  - (B) Width and depth of paving.
  - (C) Curbs if required.
  - (D) Side slopes.
  - (E) Ditch section in cut areas.

- 4) Detail plans of all bridges, stamped by a registered professional engineer.
- 5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.
- 6) Any other information required by the County **Road Public Works** Department.

### **Section 3.9830. Public and County Road Standards**

#### **1) Road Design:**

- (A) The radius of curvature, grade and intersection curb return radius of streets shall conform to the minimum standards prescribed in Tables 3.2, 3.3, and 3.4 of these standards.
- (B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.
- (C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.
- (D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.
- (E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.
- (F) Streets in Subdivision Adjoining Unsubdivided Land:
  1. Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.
  2. Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing half street is adjacent and parallel to the boundary line of a

proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

- (G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.
  - (H) 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 subdivision. When existing streets are to be used as access to the subdivision they shall be constructed as to provide reasonable access as determined by the County Public Works Director or County Engineer.
  - (I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 3.2 Road Right-of-Way and Improvement Standards.
- 2) **Improvement Plans:** A complete set of Improvement Plans shall be submitted and approved by the **Public Works Director** County **Engineer**, or designee prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.
  - 3) **Surveying:** All roads shall be located by a survey crew so as to **ensure insure** that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.
  - 4) **Monumentation:** **All Center line** P.C. and P.T. points on horizontal curves shall be referenced with **permanent monuments in accordance with the County Surveyor's requirements.** ~~a 5/8" x 30" steel rod driver twenty four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P.C. or P.T. point and shall be witnessed by a white 4" x 4" cedar post forty eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P.C. or P.T. point. As an alternative to the white cedar posts, a forty eight (48) inch steel post painted white may be used for such witness posts.~~
  - 5) **Standard Specifications:** All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the current edition of the Oregon Department of Transportation "Oregon Standard Specifications for Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard specifications and special provisions, they shall govern in the following order:
    - A. Special Provisions
    - B. Plans specifically applicable to the project.
    - C. Standard or general plans.
    - D. Supplemental Standard Specifications.
    - E. Standard Specifications.
  - 6) **Testing:** All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", current Edition. All lab costs for testing will be borne by the developer.

- 7) **Inspection:** The County Read Public Works Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement. If proper notification for inspection has not been given, the Clatsop County Read Public Works Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.
- 8) **Subgrade:** All subgrades will be compacted in accordance with the Standard Specifications.
- 9) **Aggregate Base:** Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be in accordance with Table 02630-1 of the most current edition of the Oregon Department of Transportation Oregon Standard Specifications for Construction. ~~such that the maximum size shall not exceed 75 percent of the compacted thickness of the layer in which it is incorporated. The aggregate fraction passing a 1/4" sieve shall constitute not less than 10 percent nor more than 50 percent of the whole, by weight, and not more than 8 percent of the total aggregate shall pass a no. 200 sieve. Within the above limits, the subbase aggregate shall be so graded that the materials will be dense and firm when watered and compacted. If crushed aggregate meeting the requirements of Standard Specifications is used, a 2-inch reduction in aggregate base depth will be allowed.~~
- 10) **Asphalt Prime Coat:** For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 408 705 of the Standard Specifications. Application rate and type of oil will be as approved by the County Engineer Public Works Director. The aggregate shall be 3/4 3/4 to 1/2 or as approved by the Public Works Director, County Engineer or designee and specified in Section 703.12 705.10 of the Standard Specifications. The aggregate shall be applied approximately at the rate within the range of 0.004 to 0.013 cubic yards/square yard. A three-day curing period will be required.
- 11) **Asphalt Penetration Macadam:** Where any oil mat is required it shall be applied in accordance with the Standard Specifications. The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.
- 12) **Asphalt Concrete Pavement:** Where asphalt concrete pavement is required it shall be done in accordance with the Standard Specifications. The asphalt cement shall be as approved by the Public Works Director, County Engineer or designee. The class of asphalt concrete shall be Class B Level 2. Density testing shall be supplied for all asphalt concrete pavement.
- 13) Where required Portland cement concrete curbs and sidewalks shall be constructed in accordance with Clatsop County "curb driveway" Oregon Department of Transportation Standard Drawings and the Standard

Specifications. The concrete shall be **Class 3300** as specified in the Standard Specifications.

- 14) **Select Backfill:** The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall be compacted to at least 90 percent of its relative maximum density.
- 15) **Clearing:** The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way. Any change in the alignment should be done to provide a safe and aesthetic looking roadway.
- 16) **Signs:** Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

- (A) Intersection of two County maintained roads:
  1. Stop signs - County
  2. Name signs - County
- (B) Intersection of a County maintained road and a public way:
  1. Stop signs - County
  2. Name signs - County
- (C) Intersection of two public ways:
  1. Stop signs - Others
  2. Name signs - Others
- (D) Intersection of two private ways:
  1. Stop signs - Others
  2. Name signs - Others
- (E) Intersection of private way and public way:
  1. Stop signs - Others
  2. Name signs - Others

Clatsop County Road Department may furnish and install the signs which **were** **are** referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

17) **Drainage:**

(A) **Size of culverts:** The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency **standard of** all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities **be are** adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100-year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

(B) **Drainage easements:** When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the **Department County** and said owner or owners.

If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.

(C) **Connections to roadside ditches:** Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.

- 18) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a public road, and include the following terms:
  - (1) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.
  - (2) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
  - (3) All public road maintenance agreements shall be reviewed and approved by Public Works prior to recording.

### Section 3.9840. Private Road Minimum Requirements

Table 3.4 and the following minimum requirements shall apply for any action relating to the approval of a private road:

- 1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas.

Surf Pines, and The Highlands at Gearhart, and Castle Rock Estates are exempt from this requirement. These ~~two three~~ areas are served by private roads and already exceed the 10-lot standard.
- 2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.
- 3) The minimum easement for a private road shall be in accordance with Table 3.2 – Right-of-way Improvement Standards Table, ~~25 feet, except where the natural slope of the land within the easement (cross-slope) is greater than 21 percent, in which case the easement width shall be 50 feet.~~ The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.
- 4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.
- 5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.
- 6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is

determined by the County that the access and transportation needs of the public would be better served by such a change.

The determination made by the County will include the following:

- (A) proximity of other roads being used for the same purpose,
  - (B) topography of the parcel and contiguous parcels,
  - (C) potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,
  - (D) safety factors such as visibility, frequency or road access points.
- 7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround **as determined by the local fire chief or State fire marshal.**
  - 8) A private road shall directly connect only to a public, county or state road.
  - 9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:
    - (A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction. As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.
    - (B) **Two Four** inches of 3/4-inch minus top course.
  - 10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:
    - (A) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.
    - (B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
  - 11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

### **Section 3.9850. Minimum Construction Standards for Private Roads**

- 1) **Twelve (12) Fourteen (14)** foot wide improved travel surface (see **a-12 G-14 (Figure 3.1)** standard cross-section).
- 2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.
- 3) Cut and fill slope requirements, and ditch lines as detailed on the **a-12-G-14** standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.

- 4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.
- 5) The finished grade ~~within 20 feet of the traveled portion of the roadway shall not exceed +3 percent. Elsewhere the finished grade of the roadway~~ shall not exceed ~~18~~ 16 percent. Any finished grade in excess of ~~14~~ 12% shall be asphalt or concrete paved.
- 6) A ~~30 foot radius cul-de-sac, or other~~ suitable turnaround acceptable to the fire chief or State fire marshal shall be provided; at the terminus of the private road or within ~~200~~ 150 feet of its terminus.
- 7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. a typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.
- 8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the profile grade shall not exceed +/- three (3) percent. A greater landing area may be required to allow for future road improvements.
- 9) Surveying: All roads shall be located by a surveyor so as to ensure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.
- 10) Inspection by the County is required for all private road improvements. The County Public Works Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement.

### **Section 3.9860. Roadway Construction in Serial Partitions**

- (1) This section applies to properties being developed through the use of sequential or serial partitions rather than through a typical subdivision process.
- (2) When developing parcels through a partition process the minimum road standard for the partition shall be based on Table 3.2 – Right-of-way and Improvement Standards Table for the number of proposed parcels including any potential parcels from planned or unplanned future divisions. It shall also include any other properties utilizing the roadway.
- (3) If the intent of the development is to not develop future parcels the applicant may record a development restriction on any large parcels restricting their future division. The applicant may then construct the roadway as applicable taking into account that those parcels may not be divided in the future.
- (4) All other roadway requirements shall be adhered to.

***County Engineer comment: This language has been added to resolve issues that have arisen when land is serially-partitioned as opposed to being platted through the subdivision process. When land is serially-partitioned, insufficient land may be reserved for future road improvements required to serve new parcels. This results in substandard roads or insufficient land to construct new dwellings. The intent to ensure that the property owner is aware of future requirements and plans the full partitioning of the property to maximize available land for future developments.***

**Table 3.2 - Right-of-Way and Improvement Standards Table**

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width <sup>(7)</sup>	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
<b>County Road Standards</b>									
Resource Route	300-1000	A-38	38	48-54	A.C. <sup>(6)</sup> /Oil	35/40	12	500	(1)
Arterial	>1000	A - 32 38	24-38	80	A.C. <sup>(6)</sup>	45	12	750	(1)
Major Collector	300 - 1000	A - 30 28	22 28***	60	A.C. <sup>(6)</sup>	40	12	500	(1)
Minor Collector		A-28	22 28***	60	A.C. <sup>(6)</sup>	35/40	12	500	(1)
Local	60 - 300	A - 24 20	20	60 50	A.C. <sup>(6)</sup> /Oil	35	12	350	(1)
<b>Public and Private Road Standards</b>									
Subdivision Land Division (10+ lots)	>60	A - 22 20	20	50	A.C. <sup>(5)</sup>	25	12	250	(1)
Subdivision Land Division (4 7-9 lots)	30 - 60	A - 20	18 20	50	A.C. <sup>(5)</sup>	20	12**	150	(1)
Partition Land Division (>3 4-6 lots/parcels***)	<60	A-G - 20	18 20	50	Gravel	20	12**	150	(1)
Partition Land Division (1-3 lots)	<30	A-G - 14 <sup>(4)</sup>	14	25	Gravel	15	16 14*	50	(1)
<p>* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving or concrete.</p> <p>** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving or concrete.</p> <p>*** May be reduced to 22 24 feet as specified in AASHTO if approved by the County Engineer.</p> <p>(1) One (1) approved street sign will be provided at each intersection for each named street.</p> <p>(2) All dead-end streets will be terminated with a 50' radius cul-de-sac or other approved turnaround acceptable to the fire chief or State fire marshal. See Design Standard Typical Cul-de-sac for details.</p> <p>(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.</p> <p>(4) A-G-14 roads require turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.</p> <p>(5) Minimum A.C. thickness is 3" nominally compacted ODOT 1/2" Class C Level 2, or approved</p>									

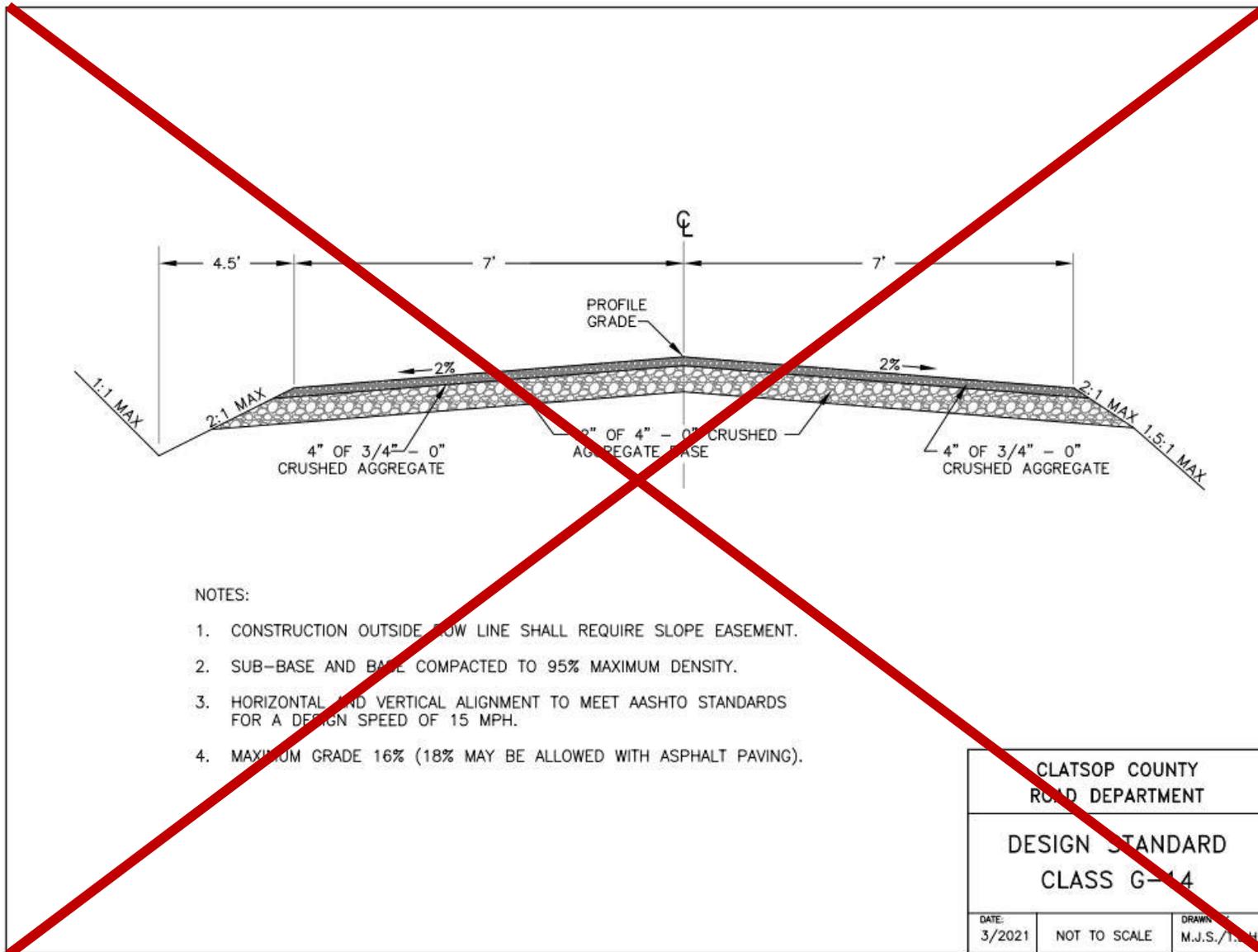
equal. Any roadway intended to be brought in to the County Road system will require 4" of AC.

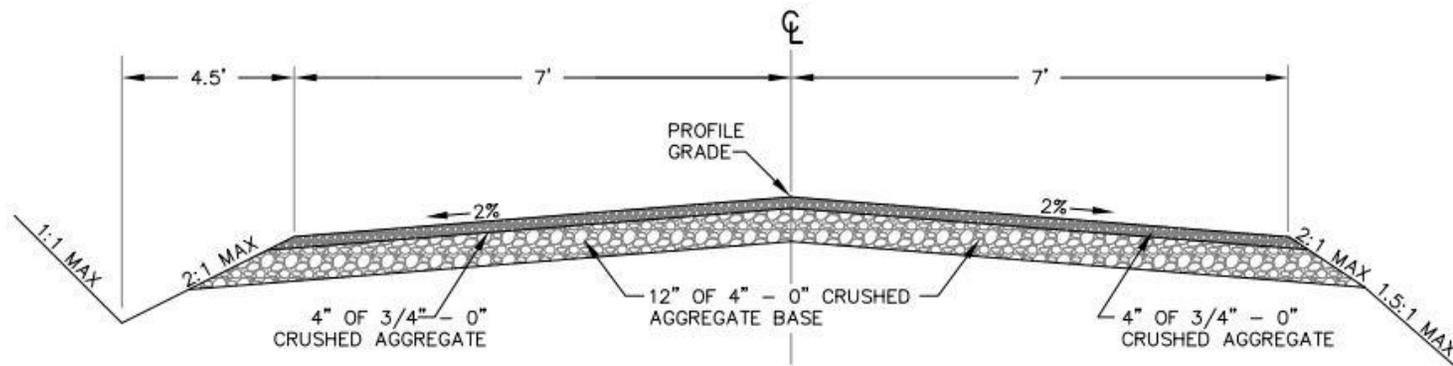
(6) Minimum AC thickness is 4" nominally compacted ODOT 1/2" Level 2, or approved equal.

(7) Easement width in the case of a private road.

This space deliberately left blank.

Figure 3.1





NOTES:

1. CONSTRUCTION OUTSIDE ROW LINE SHALL REQUIRE SLOPE EASEMENT.
2. SUB-BASE AND BASE COMPACTED TO 95% MAXIMUM DENSITY.
3. HORIZONTAL AND VERTICAL ALIGNMENT TO MEET AASHTO STANDARDS FOR A DESIGN SPEED OF 15 MPH.
4. MAXIMUM GRADE 14% (16% MAY BE ALLOWED WITH ASPHALT PAVING).

CLATSOP COUNTY  
ROAD DEPARTMENT

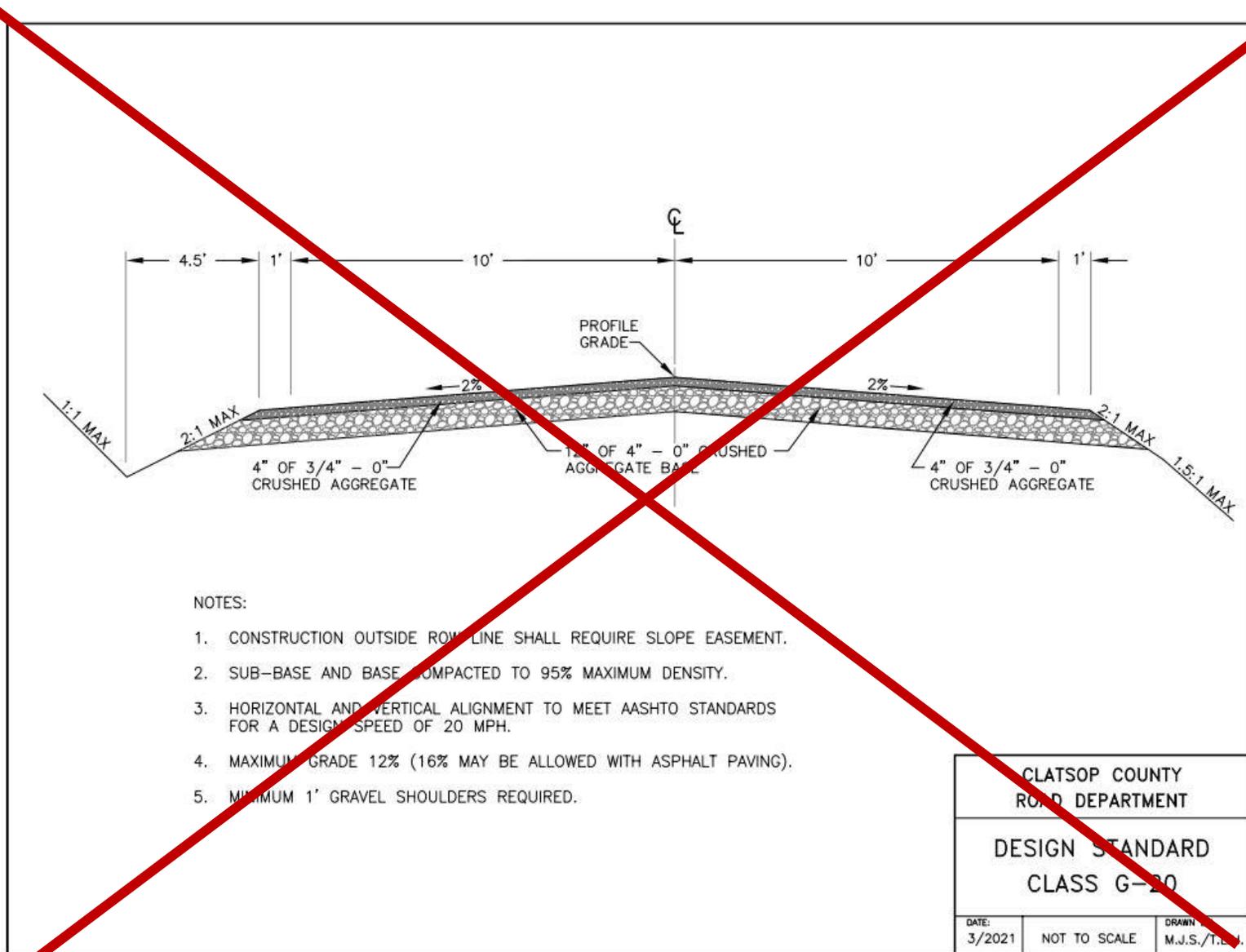
DESIGN STANDARD  
CLASS G-14

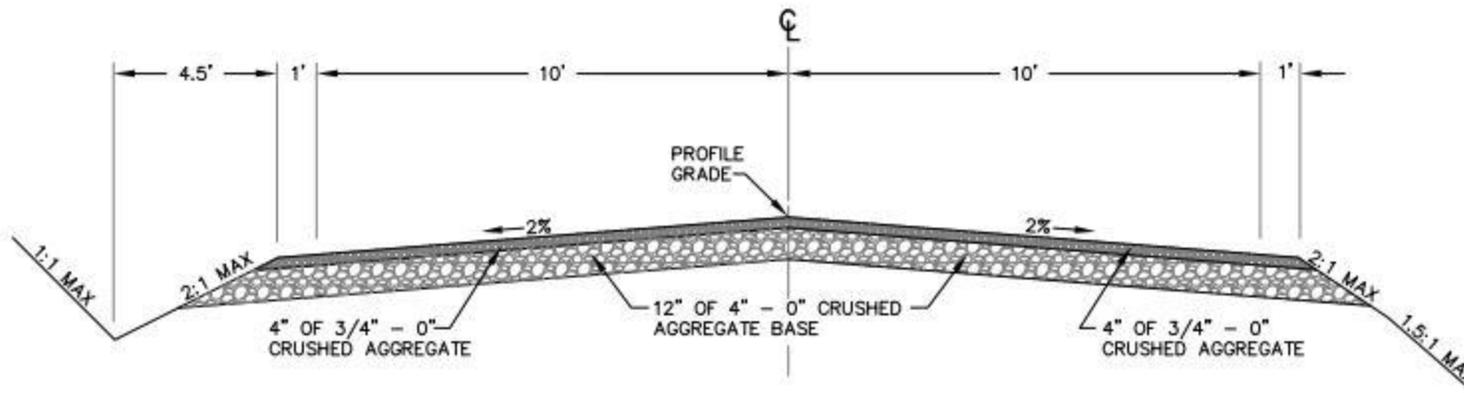
DATE:  
3/2021

NOT TO SCALE

DRAWN BY:  
M.J.S./T.L.H.

Figure 3.2



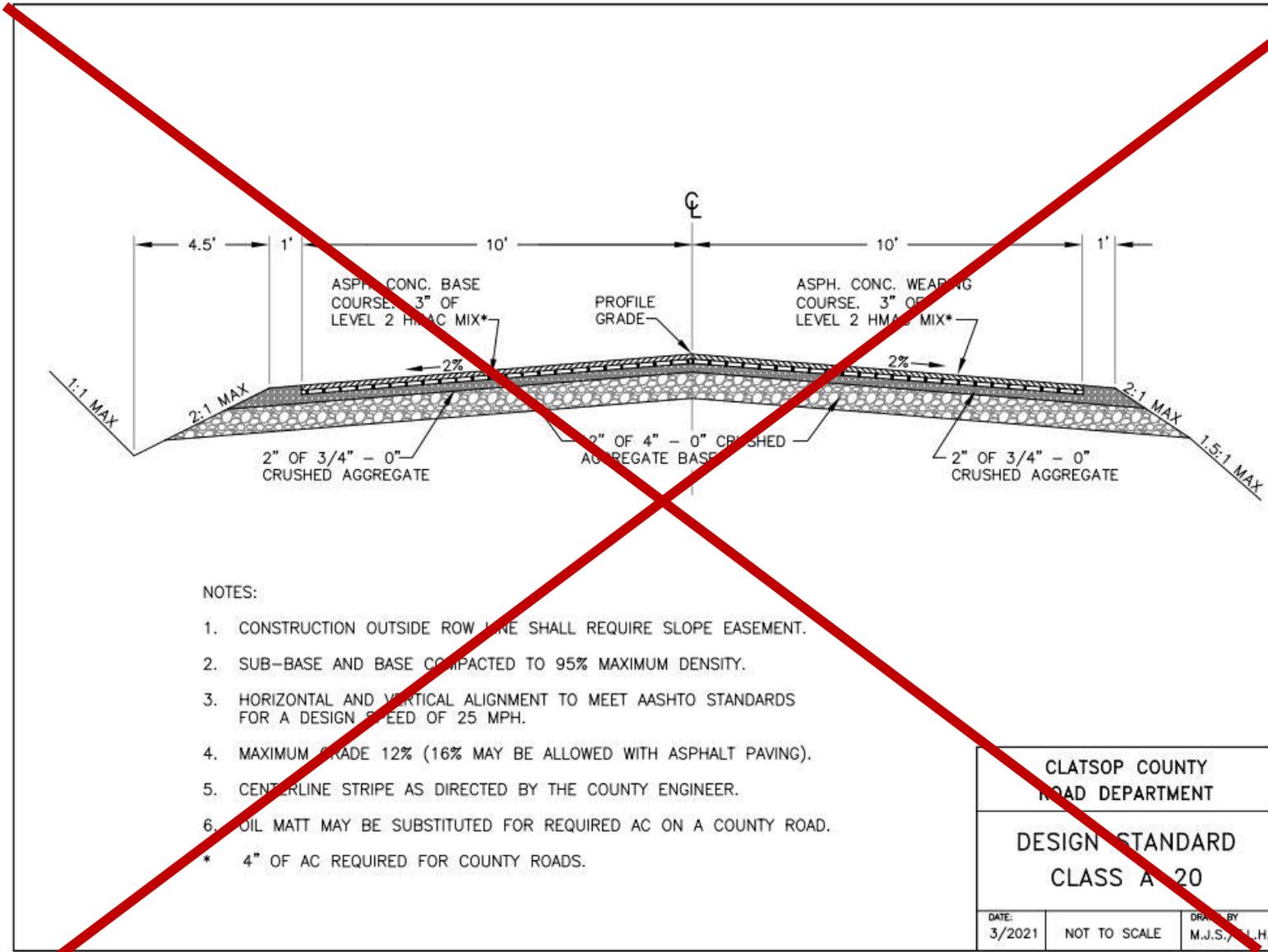


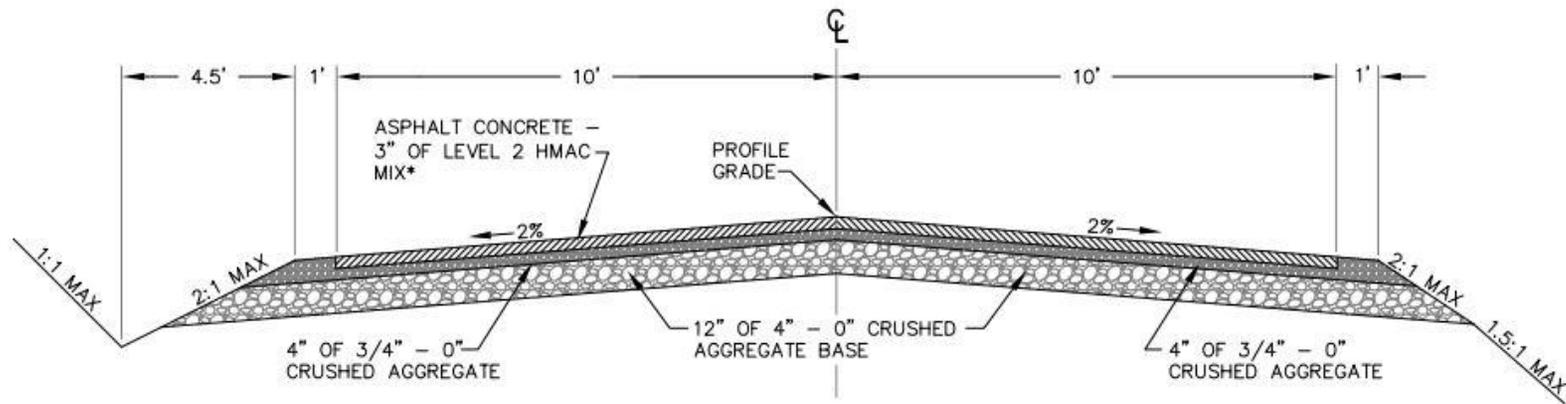
NOTES:

1. CONSTRUCTION OUTSIDE ROW LINE SHALL REQUIRE SLOPE EASEMENT.
2. SUB-BASE AND BASE COMPACTED TO 95% MAXIMUM DENSITY.
3. HORIZONTAL AND VERTICAL ALIGNMENT TO MEET AASHTO STANDARDS FOR A DESIGN SPEED OF 20 MPH.
4. MAXIMUM GRADE 12% (16% MAY BE ALLOWED WITH ASPHALT PAVING).
5. MINIMUM 1' GRAVEL SHOULDERS REQUIRED.

CLATSOP COUNTY ROAD DEPARTMENT		
DESIGN STANDARD CLASS G-20		
DATE: 3/2021	NOT TO SCALE	DRAWN BY: M.J.S./T.L.H.

Figure 3.3





NOTES:

1. CONSTRUCTION OUTSIDE ROW LINE SHALL REQUIRE SLOPE EASEMENT.
  2. SUB-BASE AND BASE COMPACTED TO 95% MAXIMUM DENSITY.
  3. HORIZONTAL AND VERTICAL ALIGNMENT TO MEET AASHTO STANDARDS FOR A DESIGN SPEED OF 25 MPH.
  4. MAXIMUM GRADE 12% (16% MAY BE ALLOWED WITH ASPHALT PAVING).
  5. CENTERLINE STRIPE AS DIRECTED BY THE COUNTY ENGINEER.
  6. OIL MATT MAY BE SUBSTITUTED FOR REQUIRED AC ON A COUNTY ROAD WITH THE WRITTEN CONSENT OF THE DIRECTOR, COUNTY ENGINEER OR THEIR DESIGNEE.
- \* 4" OF AC REQUIRED FOR COUNTY ROADS.

CLATSOP COUNTY  
ROAD DEPARTMENT

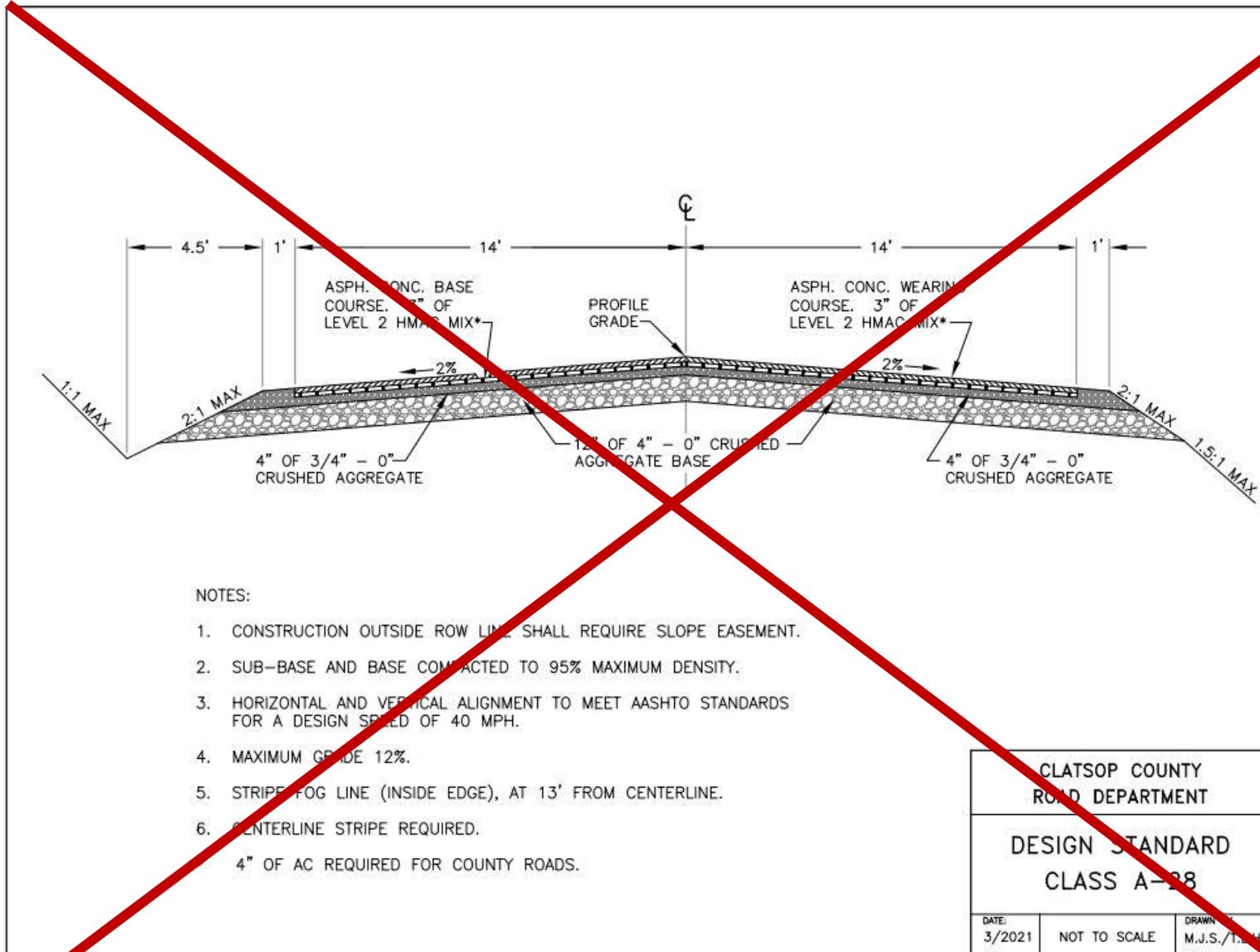
DESIGN STANDARD  
CLASS A-20

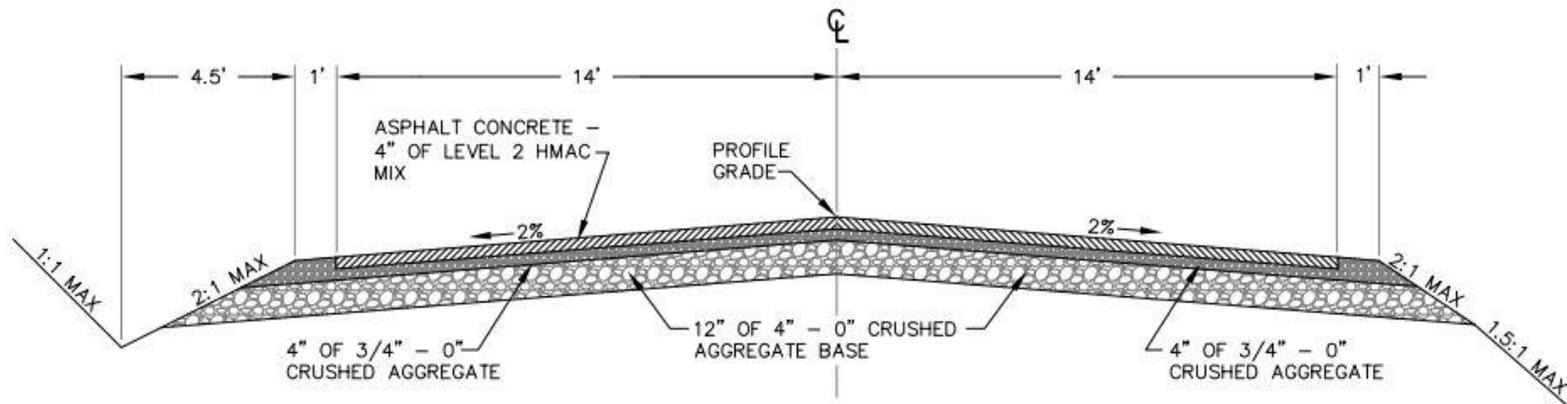
DATE:  
3/2021

NOT TO SCALE

DRAWN BY  
M.J.S./T.L.H.

Figure 3.4





NOTES:

1. CONSTRUCTION OUTSIDE ROW LINE SHALL REQUIRE SLOPE EASEMENT.
2. SUB-BASE AND BASE COMPACTED TO 95% MAXIMUM DENSITY.
3. HORIZONTAL AND VERTICAL ALIGNMENT TO MEET AASHTO STANDARDS FOR A DESIGN SPEED OF 40 MPH.
4. MAXIMUM GRADE 12%.
5. STRIPE FOG LINE (INSIDE EDGE), AT 13' FROM CENTERLINE.
6. CENTERLINE STRIPE REQUIRED.

CLATSOP COUNTY  
ROAD DEPARTMENT

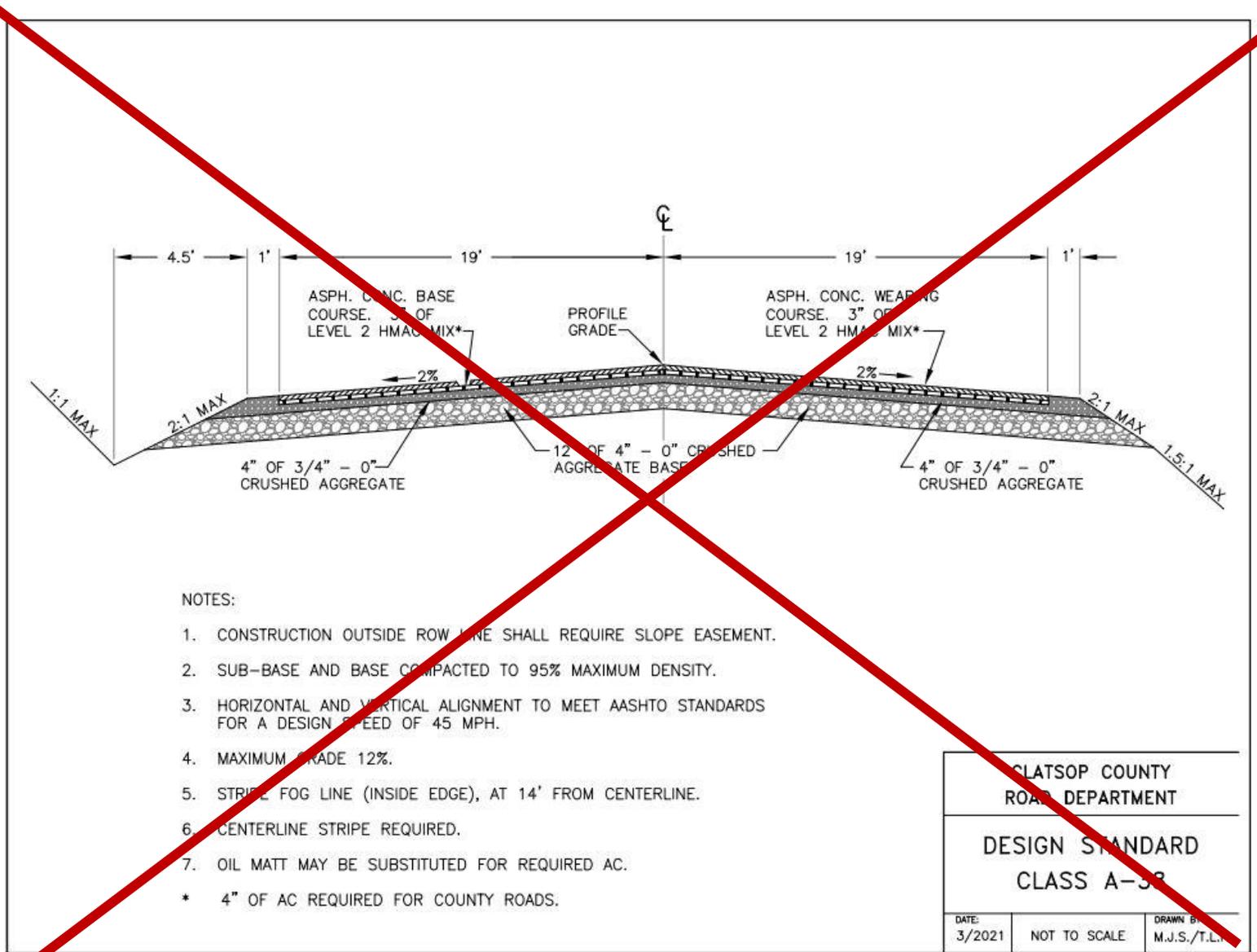
DESIGN STANDARD  
CLASS A-28

DATE:  
3/2021

NOT TO SCALE

DRAWN BY  
M.J.S./T.L.H.

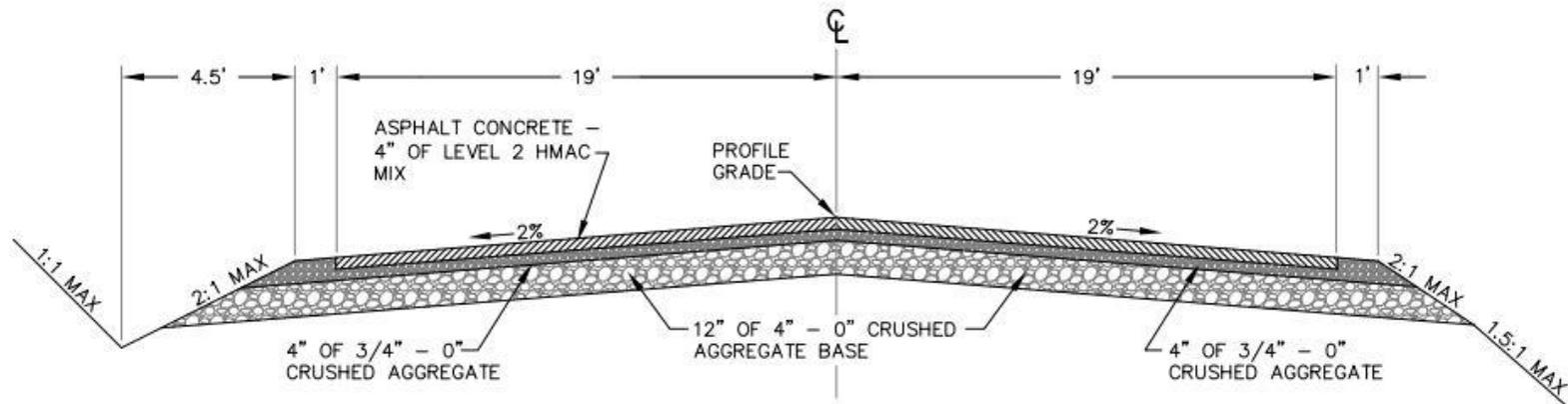
Figure 3.5



NOTES:

1. CONSTRUCTION OUTSIDE ROW LINE SHALL REQUIRE SLOPE EASEMENT.
  2. SUB-BASE AND BASE COMPACTED TO 95% MAXIMUM DENSITY.
  3. HORIZONTAL AND VERTICAL ALIGNMENT TO MEET AASHTO STANDARDS FOR A DESIGN SPEED OF 45 MPH.
  4. MAXIMUM GRADE 12%.
  5. STRIPE FOG LINE (INSIDE EDGE), AT 14' FROM CENTERLINE.
  6. CENTERLINE STRIPE REQUIRED.
  7. OIL MATT MAY BE SUBSTITUTED FOR REQUIRED AC.
- \* 4" OF AC REQUIRED FOR COUNTY ROADS.

CLATSOP COUNTY ROAD DEPARTMENT		
DESIGN STANDARD CLASS A-38		
DATE: 3/2021	NOT TO SCALE	DRAWN BY: M.J.S./T.L.P.



NOTES:

1. CONSTRUCTION OUTSIDE ROW LINE SHALL REQUIRE SLOPE EASEMENT.
2. SUB-BASE AND BASE COMPACTED TO 95% MAXIMUM DENSITY.
3. HORIZONTAL AND VERTICAL ALIGNMENT TO MEET AASHTO STANDARDS FOR A DESIGN SPEED OF 45 MPH.
4. MAXIMUM GRADE 12%.
5. STRIPE FOG LINE (INSIDE EDGE), AT 14' FROM CENTERLINE.
6. CENTERLINE STRIPE REQUIRED.
7. OIL MATT MAY BE SUBSTITUTED FOR REQUIRED AC.

CLATSOP COUNTY  
ROAD DEPARTMENT

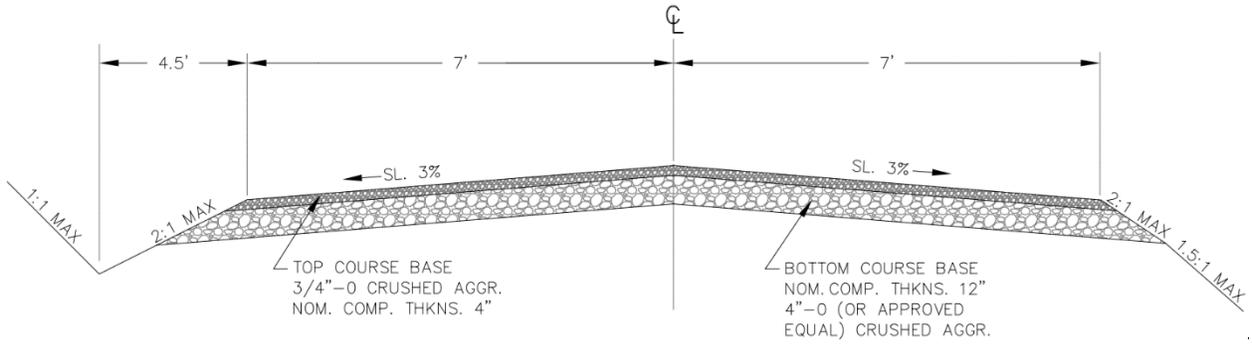
DESIGN STANDARD  
CLASS A-38

DATE:  
3/2021

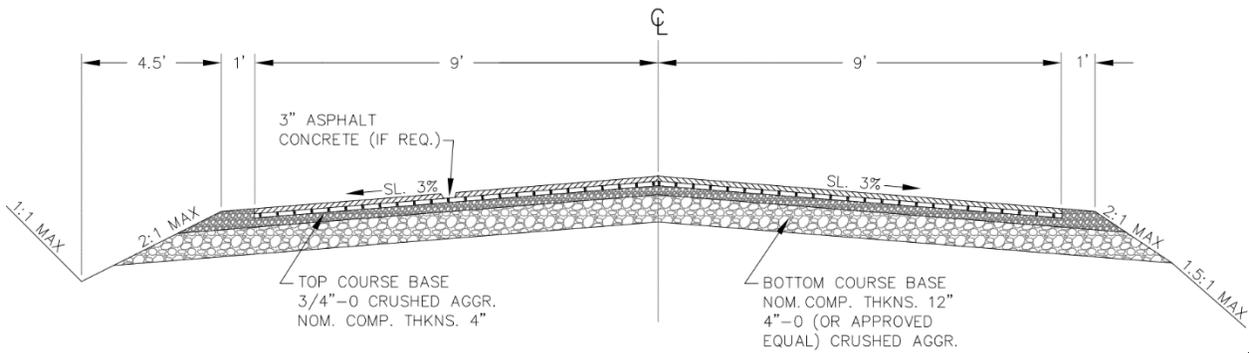
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M.J.S./T.L.H.

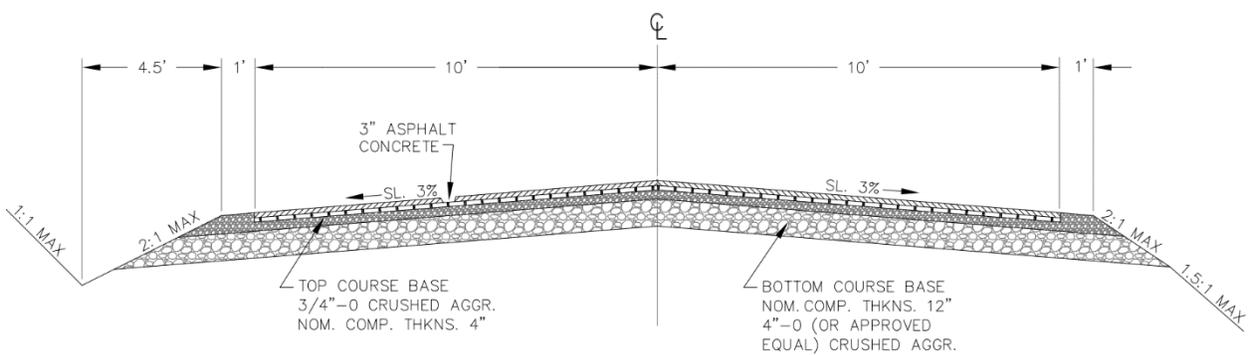
### A-14 Cross-Section



### A-20 Cross-Section



### A-22 Cross-Section



**Table 3.3 - Road Improvement Policy Matrix (For Reference Purposes Only)**

	Resources Zones	Non-Resource Zones	
	New Road Created or Existing Road	New Road Created	Existing Road Used
1. Must a road be improved in conjunction with a partition?			
A. Private Road	No	Yes	Yes <sup>(1)</sup>
B. Public Road	No	Yes	No
C. County Road	Yes <sup>(2)</sup>	Yes	No
2. Minimum Road Standard Required?			
A. Private Road	n/a	<b>A-14 G-14</b>	<b>A-14 G-14</b> <sup>(1)</sup>
B. Public Road	n/a	<b>A-20 G-20</b>	<b>A-20 G-20</b>
C. County Road	<sup>(2)</sup>	A-20 <sup>(3)</sup>	A-20

<sup>(1)</sup> If an existing private road provides access to a parcel, this road must be improved to at least an **A-14 G-14** standard. See Table 3.2, **Road**, Right-of-way and Improvement Standards.

<sup>(2)</sup> If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.

<sup>(3)</sup> If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).

**Table 3.4- Minimum Road Standards for Private Roads**

Revision Class	Maximum # of Parcels to be Served	Maximum Grade	Lane Width	Minimum Lanes Required Travel Width	Recommended Easement Width	Design Speed	Top Course	Base Course
A <sup>(4)</sup>	Private Roads are not allowed within Class "A" Division except as noted							
B	10	<b>48 16%</b> <sup>(3)</sup>	<b>40</b>	1 <sup>(2)</sup> <b>See Table 3.2</b>	<b>25-See Table 3.2</b>	--	--	--
C	10	<b>48 16%</b> <sup>(3)</sup>	<b>40</b>	1 <sup>(2)</sup> <b>See Table 3.2</b>	<b>25-See Table 3.2</b>	--	--	--

<sup>(1)</sup> "A" - Within an Urban Growth Boundary or Rural Service Area Boundary.  
 "B" - Zoned for 5 acres or smaller, excluding Class "A" divisions.

"C" - Zoned for larger than 5 acres in size.

- (2) Turnouts shall be provided intervisibly or at 800-foot intervals, whichever is less.
- (3) Grades greater than 14% shall be paved asphalt or concrete.
- (4) A private road is not permitted in an Urban Growth Boundary or Rural Service Area except that it may be permitted outside UGBs or RSAs.

Note: See Sections 3.9840 and 3.9850 for complete standards.

# EXHIBIT B

## *Significant Revisions Memo*



# Clatsop County

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**TO:** Board of Clatsop County Commissioners

**CC:** Don Bohn, County Manager  
Joanna Lyons-Antley, County Counsel  
Ted Mclean, Public Works Director  
Terry Hendryx, Assistant Public Works Director  
Dean Keranen, County Engineer

**FROM:** Gail Henrikson, Community Development Director

**DATE:** November 17, 2021

**RE:** **EXPLANATION OF SIGNIFICANT REVISIONS IN ORDINANCE 21-05**

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***NOTE:** These revisions incorporate amendments received from Clatsop County Public Works on November 4, 2021.*

## **Section 1.0500**

- Definitions updated to reflect wording in ORS 92.010

## **Section 2.9020**

- Add language to clarify how the process to establish setbacks from interior property lines. The language clarifies that setbacks will be measured from the outer boundary of the combined properties. This will resolve a problem that repeatedly occurs and ensure that when pieces of the combined parcels are sold that all structures will continue to meet setback requirements.
- Updates wording from ORS 92.025

## **Section 2.9070(2)(B)(1)(e)**

- Add language to clarify that roads be designed and located to accommodate future partitions or subdivisions. Per information from the Assistant Public Works Director, requiring the full easement width or right-of-way width to be reserved with the initial partition or subdivision will ensure that future structures will have sufficient buildable area and that structures will not encroach into the easement or right-of-way.

## **Section 2.9090**

- Delete provisions that are not allowed under state statute or that have been removed from state statute.



# Clatsop County

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## **Section 2.9240(G)**

- Add detailed wording regarding road standards for public and private roads.

## **Section 3.9530**

- Clear Vision Area diagram has been revised to show the standard used by Public Works, which is a 20' x 20' clear vision area. The current diagram shows a 30' x 30' clear vision area.

## **Section 3.9630(3)(A)**

- Increase the minimum-required utility easement width from 12 feet to 15 feet.

## **Section 3.9830(17)(D)**

- Add language to codify the current practice of requiring road maintenance agreements for new partitions and subdivisions. Road maintenance agreements, which are recorded, provide notification and information to potential purchasers regarding the parties responsible for maintaining the road. The County only maintains county-designated roads and does not maintain public or private roads, and those maintenance responsibilities fall to the property owners adjacent to the roadway.

## **Section 3.9840(9)(B)**

- Increase the required depth of top courses on private roads from 2 inches to 4 inches.

## **Section 3.9850(1)**

- Increase the minimum travel surface width of private roads from 12 feet to 14 feet.

## **Section 3.8950(5)**

- Decreases the maximum-allowed finished grade of the road from 18% to 16%.

## **Section 3.9850(9)**

- Add requirements that roads be located by a survey crew to ensure construction in the correct location

## **Section 3.9850(10)**

- Require Public Works inspection for all private roads.

## **Section 3.9860**



# Clatsop County

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- Add new language to resolve issues that have arisen when land is serially-partitioned as opposed to being platted through the subdivision process. When land is serially-partitioned, sufficient land may not be reserved for future road improvements required to serve new parcels. This results in substandard roads or insufficient land to construct new dwellings. The intent is to ensure that the property owner is aware of future requirements and plans the full partitioning of the property to maximize available land for future developments.
- Add new road cross-sections
- Revise Tables 3.3 and 3.4 to reflect revised road standards

**Table 3.2:** Codifies changes to the road standards in a tabular format. These changes include:

- Increase the travel width of new arterial roads from 24' to 38'
- Increase the travel width of new major collector roads from 22' to 28'
- Increase the travel width of new minor collector roads from 22' to 28'
- Increase the travel width of roads serving 4-9 lots from 18' to 20'
- Increase the travel width of roads serving 4-6 lots or parcels from 18' to 20'
- Decrease the maximum grade of roads serving 1-3 lots from 16% to 14%
- Change the Design Speed MPH for a Resource Route from 35 to 40
- Change the Design Speed MPH for a Minor Collector from 35 to 40

## **G-14 Road Standard**

- Revise Note #4

# EXHIBIT C

*Clean Version of Sections 1.0500, 2.9000,  
and 3.9500-3.9800*

## **SECTION 1.0500. DEFINITIONS**

As used in this Ordinance, the following words and phrases shall have the following meanings:

**LAWFULLY ESTABLISHED UNIT OF LAND** -- "Lawfully established unit of land" means:

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.192; or
- (2) Another unit of land created:
  - (a) In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (b) By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

"Lawfully established unit of land" does not mean a unit of land created solely to establish a separate tax account.

**PARTITION LAND** -- Dividing land to create not more than three parcels of land within a calendar year, but does not include:

- 1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- 2) Adjusting a property line as property line adjustment is defined in Section 1.0500;
- 3) Dividing land as a result of the recording of a subdivision or condominium plat;
- 4) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.283(2)(q) to (2). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivision or partitioned; or
- 5) Selling or granting 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 shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partitioned lots are subject to the standards of Section 1.0500, 2.9000-2.9120, and 3.9800 of this Ordinance.

**SURVEY AND MONUMENT** -- To locate and monument the boundaries of a subdivision lot, partition parcel, road right-of-way or road easement. A survey shall be completed by a state licensed surveyor and be in compliance with ORS 92 and 209, such that the error of closure shall not exceed one foot in 5,000 feet. At a minimum, the corners of all parcels and the boundaries of all roads which are created or easements

which are utilized shall be monumented. Points shall be monumented along road boundaries at the point of beginning, at road intersections and where the boundary line changes direction. If a cul-de-sac is proposed, the center of the cul-de-sac shall be monumented.

## **SECTION 2.9000. SUBDIVISIONS, PARTITIONS AND PROPERTY LINE ADJUSTMENTS**

### **Section 2.9010. Purpose**

In accordance with the provisions of ORS 92 and 215, this section sets forth the minimum standards governing the approval of land divisions, including subdivisions, partitions and property line adjustments within Clatsop County as necessary to carry out the County's Comprehensive Plan and to promote the public health, safety and general welfare.

No person may subdivide, partition land or perform a property line adjustment within Clatsop County except in accordance with ORS 92, 209 and 215 and the provisions of this ordinance.

### **Section 2.9020. Applicability.**

Whenever land owners wish to sell part of a lawfully established unit of land, or place a second home on a lawfully established unit of land that already has a home on it, a partition or subdivision is necessary with the exception of the following:

- 1) A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property;
- 2) the creation of cemetery lots; or
- 3) a property line adjustment.

Whenever abutting lawfully established units of land are in common ownership and the land owner wishes to build on or near the common property line(s), an approved restrictive covenant shall be recorded by the owner stating that the abutting units of land shall remain in common ownership until such time the buildings and common property lines meet setback and building code requirements. After recording of said restrictive covenant, the exterior boundary of the combined units of land therein described shall be used for applying the setback and building code requirements. A recorded restrictive covenant is not required for a building that meets setback and building code requirements within the boundaries of a single unit of land abutting other units of land in common ownership.

Land divisions can be in the form of partitions or subdivisions. No land shall be divided prior to approval and recording of a partition or subdivision.

Oregon Revised Statutes (ORS) 92.025 states:

- 1) A person may not sell a lot in a subdivision or a parcel in a partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot or parcel is situated.
- 2) A person may not sell a lot in a subdivision or a parcel in a partition by reference to or exhibition or other use of a plat of the subdivision or partition before the plat for the subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or a parcel in a partition under ORS 92.016(1) and (2), a person may use the approved tentative plan for the subdivision or partition.

Partitions are divided into two types, minor and major, depending on road access. For the purposes of this Ordinance access ways shall be categorized as follows:

Private road -- an improved travel surface placed within a private road easement or privately owned tract that is intended to provide access from a state, county, or public road to three or more lots, parcels, or units of land and which is maintained by private funds for the exclusive use of private parties.

Public road -- an improved travel surface placed within a dedicated public right-of-way which is maintained by private funds.

County road -- an improved travel surface placed within a dedicated public right-of-way which has been formally accepted by the county and is maintained by the county.

Minor Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and each parcel has a minimum of 25 feet of frontage on a state, county or public road and access to each parcel is taken from that frontage and within that parcel. A minor partition shall be processed by the Director under a Type II procedure as outlined in Section 2.9030 through 2.9080 of this Ordinance.

Major Partitions -- occur when a tract of land is divided into no more than three (3) parcels, including the parent parcel, in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county or public or private road or the utilization of a private road is also considered a major partition. Both minor and major partitions shall be processed by the Director under a Type II procedure as outlined in Section 2.9050 through 2.9130.

Property Line Adjustment -- is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot, parcel, or unit of land.

Subdivisions -- occur when a tract of land is divided into four (4) or more lots, including the parent parcel, within a calendar year. A proposed subdivision for six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by the Director under a Type III procedure. Section 2.9140 through 2.9300 of this Ordinance pertains to the processing of subdivision requests.

### **Section 2.9030. Processing Property Line Adjustments**

Proposed property line adjustment requests will be processed by the Department Director under a Type I procedure and include the following steps:

- 1) The applicant will submit a tentative property line adjustment plan, certificate from a land surveyor that abutting properties to be adjusted are lawfully established units of land, completed application and filing fee, to the Department of Community Development. The tentative property line adjustment shall follow the format outlined in Section 2.9090.

- 2) The Director shall evaluate the tentative property line adjustment to determine conformity with lot size and dimension standards of the base zone of the proposed partition. The tentative plan may be modified, if needed, to meet these standards. The Director shall apply conditions as required by Section 2.9070 and conditionally approve, or deny the application.
- 3) Conditional approval of a tentative property line adjustment shall be valid for two years from the date of recording of the conditional approval. The applicant shall meet the conditions of approval attached by the Director prior to expiration of the conditional approval. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. If all conditions of approval for a property line adjustment are not completed prior to expiration of the tentative plan the approval shall be considered void as of the applicable expiration date.
- 4) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement, and contain the words Property Line Adjustment.
- 5) A property line adjustment survey must list the clerk's recording instrument number of the corresponding property line adjustment deed(s) that conforms with ORS 92.190(4) before the permanent survey map is submitted for recording per ORS 209.250.
- 6) The area between the old property line and the new property line is combined with the existing lawfully established unit of land on the same side of the new property line and is not a separate lawfully established unit of land.

#### **Section 2.9040. General Standards for Property Line Adjustments**

- 1) For all areas except those identified as a Resource Zone in Section 1.0500 of this Ordinance, all property which is the subject of a property line adjustment shall be located within the same zone.
- 2) For all areas except those zoned AF, F-80 and EFU:
  - (A) Property line adjustments may be allowed between undersized lots or parcels in the above zones provided that the resulting lots or parcels satisfy the minimum width, depth, frontage, lot width/depth ratio, yard requirements of the zone and setbacks to existing structures are not reduced by the property line adjustment below the minimum setback requirements.
  - (B) Property line adjustments may be allowed between undersized lots or parcels and lots or parcels conforming as to lot size provided the undersized lot meets the requirements in (1) above, and the resulting conforming lot or parcel if partitioned or subdivided would not result in a density greater than the zone(s) in which the property has been designated.
- 3) For all areas zoned AF, F-80 and EFU the adjustment may be approved provided:
  - (A) the remaining substandard parcel is not used as a basis for considering

- (B) and approving a built upon or irrevocably committed exception, and the substandard parcel is not permitted to have more than one non-farm or non-forest dwelling on it, and
- (C) it is determined that the tract proposed for transfer can be better managed for resource use, and
- (D) the tract proposed for transfer may not be used in calculating the lot size of a parcel or parcels for purposes of future land divisions.

### **Section 2.9050. Processing Minor and Major Partitions**

The processing of proposed minor and major partition requests will include the following steps:

- 1) The applicant will submit a tentative partition plan completed application and filing fee, to the Community Development Department. The tentative partition plan shall follow the format outlined in Section 2.9090.
- 2) The Director shall evaluate the tentative partition plan to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750 feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.1020, shall apply conditions as required by Section 2.9050 and conditionally approve or deny the tentative plan.
- 3) Conditional approval of a tentative partition plan shall be valid for two years from the date of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 2.9080. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
- 4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.
- 5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.
- 6) If the final partition plat conforms to the tentative plan and applicable conditions, the County Surveyor and the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's

Office.

**Section 2.9060. Appeal of Partitions or Property Line Adjustments**

Any appeals of partitions or property line adjustment shall be done after approval or denial of the tentative partition plan map or property line adjustment decision and follow the process as set forth in Section 2.2190.

**Section 2.9070. General Standards for Minor and Major Partitions**

Land within resource zones is evaluated by different standards than land in non-resource zones. This is because land divisions in resource zones are considered to be primarily for resource use in resource areas, not for development. Specific road improvement standards are not required except for cluster land divisions, which are evaluated as residential parcels since their purpose is for residential use. As a condition of approving residences as conditional uses in resource zones, road improvements will be required.

- 1) Standards for partitions in resource zones (as defined in Section 1.0500):
  - (A) Minor Partitions in Resource Zones shall meet the following standards:
    - 1) Road approach approval from the appropriate agency shall be demonstrated.
    - 2) Clustering in resource zones shall be subject to the standards for partitioning of non-resource lands in (2) below as well as any other applicable standards.
    - 3) County-wide Forest Lands Policy #22 shall be applied to all AF and F-80 partitions.
  - (B) Major Partitions in Resource Zones shall meet the following standards:
    - 1) Standards in Section 2.9070(1)(A)(1-3) above shall be met.
      - (a) If a County road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners.
      - b) If a public road is created, Table 3.2 – Right-of-way and Improvements Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented.
      - c) If a private road or easement is created or utilized, the easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk.
- 2) Standards for Partitions in Non-Resource Zones (as defined in Section 1.0500):
  - (A) Minor Partitions in all zones other than Resource Zones shall meet the following standards:
    - 1) Road approach approval from the appropriate agency shall be

demonstrated.

- 2) Except as set out in Section 5.9070(1) the boundaries of all parcels shall be surveyed and monumented.

(B) Major Partitions in Non-Resource Zones shall meet the following standards

- 1) Standards in 5.9070(2)(A)(1-2) above shall be met.
  - (a) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County's A-20 road standard.
  - (b) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's G-20 road standard at a minimum. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.
  - (c) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and monumented in its entirety. The road shall be improved to the County's G-14 road standard at a minimum and one vehicle turnout shall be provided for every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not the County.
  - (d) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the partitioned parcels. In the event that the partitioning party intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior

to the issuance of any development permit involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the partitioning party has not completed required road improvements at the time of final partition approval, the Department of Community Development will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.

- (e) In areas where the parcel or lot has the potential to be further partitioned or subdivided, the County Engineer or Community Development Director shall, where practicable, require that roads be designed and located so as to facilitate the future division of land in a manner that accommodates smaller lot sizes and the extension of streets and utilities. The County Engineer or the Community Development Director may require a potential development plat showing the location of potential lots and the right-of-way improvements, including those identified in the County Transportation System Plan (TSP). The full right-of-way width shall be reserved on the initial partition plan to ensure that future structures will not encroach into the ultimate right-of-way or easement area.

#### **Section 2.9080. Extent of Road Improvements**

- 1) Required access road improvements and recorded access easements for the parcels involved shall be completed to provide access from the partitioned parcels to an existing public, county or state road.

#### **Section 2.9090. Exceptions to General Standards for Minor and Major Partitions and Property Line Adjustments**

- 1) Surveys for Large Parcel Partitions and Property Line Adjustments.
  - (A) When a partition is proposed which includes parcels that are greater than ten (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved. For a major partition the entire roadway being created shall be surveyed and monumented.
  - (B) A property line adjustment created by the relocation of a common boundary as described in ORS 92.010(7)(b) shall be surveyed and monumented in accordance with Oregon law and it shall be filed with the County Surveyor.
  - (C) No survey or monumentation is required for a property line adjustment when the abutting properties are each greater than 10 acres. Nothing in

this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

- (D) Altering Access to Improve Public Safety. If, in reviewing a minor partition application, the Community Development Director, in conjunction with the County Engineer or State Highway Engineer, determines that a consolidated, single access would better serve the public health, safety and welfare by reducing access points onto a public road such a condition of approval may be attached. The area utilized for such a consolidated access shall not be reduced from a parcel's lot area for the purpose of determining minimum lot size. Such a consolidated access shall serve a minimum of 3 parcels; if additional partitioning is proposed off a consolidated access, major partition road standards will be applied. Access easements shall be provided for the involved parcels.
- (E) A shared common driveway may be utilized in a proposed minor partition if the following circumstances exist:
- (F) Each parcel in the minor partition has the required 25 foot minimum frontage on a state, county or public road.
- (G) Each parcel has an alternate means of access to the adjoining state, county or public road within its own boundaries.
- (H) The shared common driveway serves no more than three parcels.
- (I) Recorded access easements shall be provided for the involved parcels.

### **Section 2.9100. Tentative Partition Plan Submission Requirements**

An applicant for a minor or major partition shall submit a copy of a plan for partitioning showing the following information (except as otherwise provided herein, the following does not require a survey):

- 1) A sketch of the original parcel of land (all contiguously owned land) on an 8 ½" x 11" sheet of paper.
- 2) The date, north point, and scale of the drawing.
- 3) The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
- 4) The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned.
- 5) The existing use or uses of the property, including approximate locations of all structures on the property.
- 6) The width and location of all easements for drainage or public utilities.
- 7) The location of zoning boundaries on the property.
- 8) Approximate location of physical features on the property, such as wetlands and streams.

### **Section 2.9110. Submission of Final Partition Plat**

Prior to expiration of a tentative partition approval, a final plat shall be submitted subject to the Standards of Section 2.9210.

### **Section 2.9120. Submission and Review of Final Plat**

A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

### **Section 2.9130. Approval Signature for Final Partition Plat**

Following review and approval of a final partition plat, the Director shall take the following actions:

- (1) The Clatsop County Community Development Department shall notify the applicant that the approved partition plat has been signed by the Community Development Director.
- (2) Obtain the approval signature thereon by the County Surveyor certifying that it complies with all applicable survey laws. If it is determined that there has been a failure to comply, the plat surveyor shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be signed and dated by the County Surveyor.
- (3) The County Surveyor shall notify the applicant that the approved partition plat has been signed. The applicant shall take the plat to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collector. The County Tax Office shall notify the applicant when the Plat is ready for recording.
- (4) The applicant shall take the final partition plat to the County Clerk's Office for recording.

### **Section 2.9140. Subdivisions**

An application for a subdivision of six (6) or less lots shall be processed by the Director under a Type II procedure. Any larger subdivision shall be processed by a Type III procedure. A subdivision occurs when four (4) or more lots are created, including the parent parcel, within a calendar year.

- 1) No one subdivision, contiguous group of subdivisions or planned development shall create greater than 30 lots within the same calendar year, (January 1- December 31), in the Rural designation in the Clatsop Plains planning area; and
- 2) The applicant when applying for a subdivision or planned development in the Clatsop Plains Rural designation, shall show how the request addresses the NEED issue of the Clatsop Plains Community Plan below:

"6. Clatsop County intends to encourage a majority of the County's housing needs to occur within the various cities' urban growth boundaries. Approval of subdivisions and planned developments shall relate to the needs for rural housing. Through the County's Housing Study, the County has determined the Clatsop Plains rural housing needs to be approximately 900 dwelling units

for both seasonal and permanent by the year 2000."

**Section 2.9150. Preliminary Plat**

An applicant for a subdivision shall submit nine (9) paper copies and one electronic (pdf) copy of the preliminary plat, together with improvement plans and other supplementary information required by this Ordinance to indicate the design and objectives of the subdivision.

**Section 2.9160. Form and Scale of Preliminary Plat**

The preliminary plat shall be clearly and legibly drawn. It shall show all pertinent information to scale so that the Commission may have an adequate understanding of what is proposed during the review process. Under ordinary circumstances, the scale of the drawing is to be one (1) inch equals fifty (50) feet or one-hundred (100) feet, or for areas over one-hundred (100) acres; one (1) inch equals two-hundred (200) feet.

**Section 2.9170. Preliminary Plat Information**

The Preliminary Plat of the proposed subdivision shall include the following information:

- 1) Proposed name of subdivision. Subdivision plat names shall be subject to the approval of the County Surveyor or, in the case where there is no County Surveyor, the County Assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block number or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.
- 2) North arrow, scale, and date of the completed drawing, approximate acreage, and boundary lines.
- 3) Appropriate identification clearly stating the map is a Preliminary Plat.
- 4) Location of the subdivision by section, township, range, tax lot or lots and donation land claim sufficient to define the location and boundaries of the proposed subdivision.
- 5) Names, addresses and zip codes of all owners, applicants, engineers and surveyors responsible for laying out the subdivision.
- 6) Existing locations, widths, names of both opened and unopened streets within or adjacent to the subdivision, together with easements, or rights-of-way and other important features, such as section lines, corners, city boundary lines and monuments.
- 7) A vicinity map showing the relationship of the proposed subdivision to surrounding development, streets, and sewer and water services, within one-quarter (1/4) mile of the exterior boundaries of the proposed development.
- 8) Location of at least one (1) temporary bench mark within the plat boundaries.
- 9) Contour lines related to the temporary bench mark or other datum approved by

the County Engineer and having contour intervals together with the calculated degrees of slope as follows:

- (A) For slopes not in excess of 10 percent: two-foot contours.
- (B) For slopes over 10 percent: five-foot contours.
- (C) Location of significant natural features such as rock outcroppings, marshes, wooded areas and isolated trees to be preserved or removed.
- (D) Location of any rare, threatened and endangered species (plant or animal) or habitat located on or within 1,000 feet of the proposed subdivision.
- (E) Location and direction of all water courses and/or bodies and the location of all areas subject to flooding.
- (F) Existing uses on the property, including location of all existing structures.
- (G) Location, width, name, approximate grade, and radii of curves of all proposed streets, their relationship of such streets to any projected or existing streets adjoining the proposed subdivision. The applicant shall submit documented preliminary approval, from the County Engineer, of the road design.
- (H) Location, width, and purpose of proposed easements and private roads for private use, where permitted, and all reservations or restrictions relating to such easements and private roads.
- (I) 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 is proposed, the drainage plan must demonstrate that adequate provisions have been made for the prevention of backup or ponding of surface water on adjacent properties as well as within the proposed development.
- (J) Location, acreage and dimensions of lots and the proposed lot numbers.
- (K) Site, if any, allocated for a purpose other than single family dwellings.
- (L) Location, acreage and dimensions of areas proposed for public use.
- (M) Location, acreage and dimensions of areas proposed for common open space (30% in the Rural designation of the Clatsop Plains planning area).
- (N) Any subdivision may be platted in as many as three (3) phases. All phases must be submitted on the Preliminary Plat with proposed time limitations for the recording of the various phases. However, phasing must meet the following time limitations:
  - (O) Phase I - shall be recorded within twelve (12) months of preliminary approval.
  - (P) Phase II - shall be recorded within thirty-six (36) months of preliminary approval.
  - (Q) Phase III - shall be recorded within sixty (60) months of preliminary approval.

The Planning staff shall review each phase prior to recording to make sure the phase, as recorded, is in accord with the preliminary approval given by the Planning Commission. Any submitted phase which does not coincide with the approval as given by the Planning Commission shall be referred to the Planning Commission for a hearing. At such hearing, the Commission shall have the

authority to revoke, revise, amend or alter the prior approval. Notice shall be sent subject to Sections 2.2020-2.2050.

For any subdivision which has an approved phasing plan as granted by the Commission under the preliminary plat approval, all parts of the subdivision shall fall under control of the various Ordinances in effect at the time of preliminary approval, unless state or local law shall determine that newer or current Ordinances or laws are to be followed.

If any time limitation is exceeded, preliminary approval for the subdivision or any phase of the subdivision shall be void. The applicant shall submit any future proposals for development of the property to the Commission for approval.

Agreement for improvements for each phase shall comply with this Ordinance prior to the Final Plat approval of such phase. If a bond is required, such bond shall be for a sum determined by the County Engineer to be sufficient to cover costs of construction for that phase.

- 10) Technical documentation shall be supplied to the Commission by the subdivider at the time of submittal of the preliminary plat, addressing the following items:
  - (A) An acceptable and approved method of sewage disposal for each proposed lot which meets the rules and regulations of the Oregon Department of Environmental Quality as administered by the Environmental Health Division of the County Public Health Department or its contract agent.
  - (B) An acceptable and approved method of water supply.
  - (C) The nature and type of improvements proposed for the subdivision, and a timetable for their installation.
  - (D) A description of community facilities which would serve the subdivision, and a timetable for the completion or installation of the facilities.
  - (E) Where a surface or subsurface water problem may exist, as determined by the Department of Environmental Quality, Environmental Health Division of the County Public Health Department, or other qualified specialist, a complete report by an independent, qualified hydrologist or hydrogeologist or other qualified specialist shall be required prior to any hearing on the Preliminary Plat by the Commission. The cost for such study shall be paid by the applicant.
  - (F) Applicants shall provide a list of any conditions, covenants and restrictions (CCRs) which are to be recorded.
  - (G) A demonstration that lot size and use are in compliance with the applicable zone.
  - (H) An access road improvement plan.
  - (I) Recorded access easements shall be provided for access from the subdivision boundary to an existing public, county or state road if not abutting said roads.
- 11) Compliance with the Clatsop County Comprehensive Plan and Land and Water Development and Use Code, and ORS 92 and 215.

- 12) Notations indicating any limitations on rights-of-access to or from streets and lots or other parcels of land proposed by the developer or established by the Board.
- 13) A quotation from the Clatsop County Assessor on taxes to be paid on a proposed subdivision before final platting shall take place in accordance with ORS 92.095.
- 14) If any federal or state permit or license is required to carry out the preliminary plat approval, approval shall be subject to a condition requiring the subdivision to comply with any applicable federal and state laws.
- 15) In areas subject to the geologic hazard overlay zone, a grading plan prepared in conformance with Section 5.3000.

### **Section 2.9180. Preliminary Plat Review**

- 1) Upon receipt of a completed preliminary plat, the Planning Division shall set a date for a public hearing before the Planning Commission. Copies of the preliminary plat shall be furnished to all affected city, county, state and federal agencies and special districts for review and comment. Failure to provide written comment to the Planning Division within fifteen (15) working days thereof may be deemed a recommendation for approval unless an additional review period is requested by the jurisdiction and approved.
- 2) The preliminary plat, supplementary information and recommendations of the Planning staff and other reviewing agencies shall be submitted to the Commission for review at a public hearing. The Commission shall review the plat and other data submitted, taking action upon the proposal within sixty (60) days from the date of the first hearing at which the request was heard.
- 3) The Commission may approve, conditionally approve or disapprove the proposed subdivision. The Commission may attach as a condition of approval those conditions reasonably necessary to carry out the provisions of this Ordinance and may require the developer to post a bond of an amount set by the County Engineer, for all improvements or construction within the proposed subdivision. The Commission may also require the subdivider to file a map within 30 days of the date of conditional approval showing the design approved by the Planning Commission.
- 4) If the Commission has approved or conditionally approved a subdivision, it shall make specific findings indicating that sufficient water supply is available, that each lot has an approved sewage disposal site or will have access to an area for sewage disposal, and that an approved road system will provide access or will be constructed to provide access to each lot in the subdivision. In addition to those specific findings, the Commission shall make its findings in regard to the standards as set forth in Section 2.9140 to and including Section 2.9170 and Section 3.9600 to and including Section 3.9720 of this Ordinance, and the road standards as set forth in Section 3.9800.
- 5) Preliminary plat approval shall be binding on the Commission and the subdivider for the purpose of preparing the Final Plat, provided that there are no changes of the plan of the subdivision, and that it complies with all conditions as set forth by the Commission in its preliminary approval and Section 3.9600 to and including Section 3.9720 and road standards as set forth in Section 3.9800. Such approval of Preliminary Plat shall be valid for two (2) years from the date of the approval of the Preliminary Plat.

- 6) Minor amendments, such as slight alteration in lot lines, to an approved preliminary plat may be approved by the Director if said amendments concur with the Planning Commission's conditions of approval. Such amendments will only be valid for the twelve-month period following their approval and will become invalid if not implemented within that time.

### **Section 2.9190. Granting of Extensions**

- 1) The Community Development Director may grant an extension of up to twelve (12) months to the Preliminary Plat approval and of up to twelve (12) months to any subdivision being developed in phases. The Director shall have the authority to attach whatever conditions are necessary to carry out the provisions of the Comprehensive Plan and this Ordinance but in no event shall more than two (2) extensions be granted by the Community Development Director. Any request for an extension shall be processed under a Type I procedure, 2.1010.
- 2) An applicant who is developing his subdivision in phases may seek an extension of time from the Director on the phase then under development. The Director upon the facts presented may grant an extension of time of up to twelve (12) months. This extension of time shall not affect any other phases not under development.
- 3) The granting of an extension by the Director shall be noted on two (2) copies of the preliminary plat, including any conditions imposed. One signed copy is to be given to the applicant while the other copy is retained in the Planning Division file.

### **Section 2.9200. Submission of Final Plat**

Within two (2) years after approval of the preliminary plat, or within such time as set forth by the Commission under the provisions of Section 2.9190(2) of this Ordinance, the subdivider shall cause the subdivision to be surveyed and a plat prepared in accord with the approved preliminary plat. Before approval by any County official, the final plat shall be approved and signed by all persons and must also have the signature and seal of the registered professional land surveyor responsible for the laying out of the subdivision. All signatures must be with black India ink.

### **Section 2.9210. Form and Scale of Final Plat**

- 1) The Final Plat offered for approval and recording shall be made pursuant to the standards in Section 3.9730 and shall be surveyed pursuant to ORS 92.
- 2) At the time of filing the final plat, the surveyor who made the plat shall furnish the County Clerk and/or County Surveyor with an exact copy of the final plat offered for recording. This copy shall be made with black India ink having the same or better characteristics of strength, stability and transparency, and shall have an affidavit that the tracing is an exact copy of the plat.
- 3) The scale on the final plat will be one (1) inch to one-hundred (100) feet or, one (1) inch to fifty (50) feet. The scale may be increased or decreased if necessary to fit the legal sized 18" x 24" plat, but in all cases the scale shall be in multiples of ten.
- 4) The applicant shall provide, at his/her own expense, up to six (6) prints at the request of the Commission and/or Board.

- 5) Pursuant to ORS 92.080 and notwithstanding ORS 205.232 and 205.234, all plats subdividing or partitioning any land in any county in this state, and dedications of streets or roads or public parks and squares and other writing made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black India type ink upon material that is 18 inches x 24 inches in size with an additional three-inch binding edge on the left side when required by the County Clerk or the County Surveyor, that is suitable for binding and copying purposes and that has such characteristics of strength and permanency as may be required by the County Surveyor. All signatures on the original subdivision or partition plat shall be in permanent black India type ink. The subdivision or partition plat shall be of such a scale as required by the County Surveyor. The lettering of the approvals, the declaration, the surveyor's certificate, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partitions plats placed upon three or more sheets.
- 6) In addition to standards and requirements of the Oregon Revised Statutes, the County Surveyor may set other requirements for surveys of final plats including but not limited to type of ink, how corrections are to be conducted, margins, scale, etc.

### **Section 2.9220. Information on Final Plat**

The information shown on the final plat shall conform to the requirements in ORS 92.050 through 92.080 and shall also include the following:

- 1) The name of the subdivision, the date the plat was prepared, the scale, north point, legend and existing features such as highways and railroads.
- 2) Legal description of the subdivision boundaries.
- 3) Reference, by distance and bearings, to adjoining recorded surveys, if any, and referenced to a field book or map as follows:
  - (A) Stakes, monuments or other evidence found on the ground and used to determine the boundaries 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 this Ordinance.
  - (D) Exact location and width of streets and easements intersecting the boundary of the subdivision.
  - (E) Subdivision boundaries, lot or tract boundaries, and street right-of-way and centerlines with dimensions to the nearest 1/100th of a foot and bearings in degrees, minutes and seconds, pursuant to the requirements of ORS 92.
  - (F) Names and width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius, central angle, long chord bearing and distance shall be indicated.
  - (G) Easements denoted by fine dotted lines, clearly identified and, if already 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.

- (H) Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision.
- (I) Location of all permanent monuments within the proposed subdivision.
- (J) Ties to any city, county, or adjacent subdivision's boundary lines.
- (K) Acreage of each parcel to the nearest 1/100th of an acre.
- (L) Any conditions specified by the Commission or Board upon granting preliminary approval.
- (M) A statement of water rights noted on the subdivision plat or partition plat.
- (N) A copy of the acknowledgment from the State Water Resources Dept. under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

### **Section 2.9230. Survey Requirements**

A complete and accurate survey of the land to be subdivided shall be made by a registered professional land surveyor licensed to practice in the State of Oregon, in accordance with ORS 92.

### **Section 2.9240. Supplementary Information with Final Plat**

- 1) **Evidence of Title.** The Commission shall require Evidence of Title accompanying the final plat by a letter or final plat report in the name of the subdivider. Such evidence shall indicate that the title company has issued a preliminary report for the same unit of land being subdivided and shall state that the final plat and certificates have been reviewed.
- 2) **Restrictive Covenants.** A copy of any Restrictive Covenant(s) is to be filed with the Final plat. On Final plats showing areas which will be jointly owned or used by the various owners in the subdivision, a covenant document will be mandatory as part of the Final plat. For other Final plats, the covenants are optional with the subdivider.
- 3) **Improvement Plans.** Improvement plans shall be submitted for various facilities that are to be constructed by the subdivider, including drainage plans, sewer plans, water plans, curb and gutter, sidewalk and street plans, and any other construction plans that may be required. These plans shall indicate design criteria, assumptions and computations for proper analysis in accordance with sound engineering practice. Where such plans are or would be the same as those included in the County's Standard Specifications, they may be submitted by reference to such Standard Specifications.
- 4) **Dedication of Land, Rights, Easements, and Facilities for Public Ownership, Use and Utility Purposes.**
  - (A) Land for property dedicated for public purposes may be provided to the county by any of the following methods:

- (1) By dedication on the land subdivision plat;
  - (2) By dedication on the partition plat, provided that the county indicates acceptance on the dedication of the face of the plat; or
- (B) By a separate dedication or donation document on the form provided by the county.  
All streets, pedestrian ways, drainage channels, easements and other rights-of-way shown on the final plat as intended for public use, shall be offered for dedication for public use at the time the final plat is filed.
- (C) Rights of access to and from streets, lots and parcels shown on the Final Plat shall not have final approval until such time as the County Engineer is satisfied that the required street improvements are completed in accordance with applicable standards and specifications. The applicant 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.
- (D) **Reserve Strips.** The Board may require a reserve strip in areas of the subdivision in order to control access.
- (E) **Drainage Plan.** The final plat shall be accompanied by a drainage plan showing street grades, curbs, natural drainageways 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 County Engineer.
- (F) Common Open Space. Maintenance of common open space shall be subject to Section 3.3060.
- (G) **Road Standards.** New roads shall comply with the following standards:
- (1) If a County Road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to a standard established by the Board of Commissioners. All such roads shall be improved at least to the County's A-20 road standard.
  - (2) If a public road is created, the right-of-way shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road right-of-way shall be surveyed and monumented. The road shall be improved to the County's A-20 road standard at a minimum for new subdivisions. Existing subdivisions may qualify to construct a G-20 road if the existing roadways are not paved. An agreement shall be signed and recorded with the County Clerk outlining the responsibility of private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties or the County at its discretion.

- (3) If a private road or easement is created, the entire road easement shall meet the standards from Table 3.2 – Right-of-way and Improvement Standards Table and the boundaries of the road easement shall be surveyed and monumented in its entirety. The road shall be improved to the County's G-14 road standard at a minimum and one vehicle turnout shall be provided for every 400' of road and within 50' of each sight obscuring corner. If the travel surface width of the private road exceeds 20 feet no turnouts will be required. Easements which bind all involved property owners and which specify the perpetual non-exclusive nature of the road way easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements. These maintenance responsibilities shall be enforced by the individual parties and not by the County.
- (4) Any required road improvements shall meet the applicable road standards from Section 3.9800. Required road improvements shall be completed or bonded prior to the sale of any of the subdivided lots.

#### **Section 2.9250. Agreement for Improvements**

The subdivider shall improve or agree to improve lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way to County Standards as a condition preceding the acceptance and approval of the final plat.

Before the Commission approval is certified on the final plat, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or he/she shall execute and file with the Board an agreement between himself and the County specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the subdivider.

A performance bond, as provided in Section 2.9260 of this Ordinance, shall be required with such agreement. Provisions for the construction of the improvements in phases and for an extension of time under specified conditions may be made upon prior agreement by, or application to, the Commission or Board.

#### **Section 2.9260. Performance Bond**

- 1) The subdivider shall file with the agreement to assure full and faithful performance thereof, one of the following:
  - (A) A surety bond executed by a surety company authorized to transfer business in the State of Oregon on a form approved by the County Counsel.
  - (B) In lieu of a surety bond, (a) the subdivider may deposit with the County Treasurer cash money in an amount determined by the County Engineer, or (b) file certification by a bank or other reputable lending institution that

money is being held to cover the costs of the improvements and incidental expenses. Said money will only be released upon authorization of the County Engineer.

- (C) Such assurance of full and faithful performance shall be for a sum determined by the County Engineer as sufficient to cover the cost of the improvements and repairs that may be required prior to acceptance including related engineering, and shall include an additional ten (10) percent to cover any inflationary costs which may be incurred during the construction period to the full and final completion of the project.
- (D) If the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs of expenses resulting from failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the County for the difference.
- (E) If subdivision extensions are granted, the bond may need to be revised.

### **Section 2.9270. Final Plat Approval**

Upon receipt of the final plat, the exact transparent copy thereof, prints and supplementary information, the Community Development Director shall review the final plat and documents to determine that the plat conforms with the approved preliminary plat and that there has been compliance with provisions of the law and this Ordinance.

If the County Surveyor, Sanitarian, Engineer and the Community Development Director or the Commission determine that the final plat conforms fully with the approved preliminary plat and all applicable regulations and standards for final platting, the Community Development Director shall advise the Chairperson of the Commission. The Chairperson of the Commission may then have the plat signed in order of signatures listed below in this Ordinance, without further action by the Commission. If the final plat is not in such conformance, it shall be submitted to the Commission. When submitted to the Commission for review, approval of the final plat shall be by a majority of those present. If the plat is signed without further review by the Commission, the action shall be reported to the Commission at the next regular meeting. In the absence of the Chairperson, the duties and powers with respect to action of final plat shall revert to the Vice- Chairperson of the Commission.

Approval of a final plat by the Board of Commissioners shall constitute an acceptance by the public of the dedication of any street or way shown on the plat. Acceptance of a street or way by approval of the Final Plat shall not constitute an acceptance to maintain the street or way. Acceptance of the maintenance of any street or way accepted by approval of the final plat, shall be by a separate process of petitioning the Board of acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes.

### **Section 2.9280. Filing of Final Plat**

The subdivider shall, without delay, submit the final plat for signature of the following

County officials in the order listed:

- 1) Community Development Director;
- 2) County Surveyor, in accordance with the provisions of ORS 92.100;
- 3) County Assessor;
- 4) Board of Commissioners or its designee (upon consent of the Board);
- 5) Clerk.

**Section 2.9290. Time Limit for Recording of a Plat**

The Final Plat shall be recorded within thirty (30) days of the date that the signatures and approvals as required in Section 2.9280 of this Ordinance, has been obtained. In the event the Final Plat is not recorded within the time herein provided, it will be resubmitted to the Commission, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

**Section 2.9300. Partial Platting**

If desired by the subdivider, individual phases of an approved Preliminary Plat may be recorded with the approval of the Commission and in the same manner as a Final Plat.

## **SECTION 3.9500. VEHICLE ACCESS CONTROL AND CIRCULATION**

### **Section 3.9510. Purpose**

The following access control standards apply to industrial, commercial and residential developments including land divisions as noted in the Land and Water Development and Use Ordinance. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the Clatsop County Transportation System Plan. Major roadways, including arterials, and collectors, serve as the primary system for moving people and commerce within and through the county. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

### **Section 3.9520. Definitions**

The following definitions apply to this section.

**ACCESS.** The place, means, or way by which pedestrians, bicycles, and vehicles enter or leave property.

**ACCESS MANAGEMENT.** The control of street (or highway) access for the purpose of improving the efficiency safety, and/or operation of the roadway of vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement.

**FIRE EQUIPMENT ACCESS DRIVE.** A road which complies with the requirements for fire apparatus access roads as described in the Uniform Fire Code.

**FLAG LOT.** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way line.

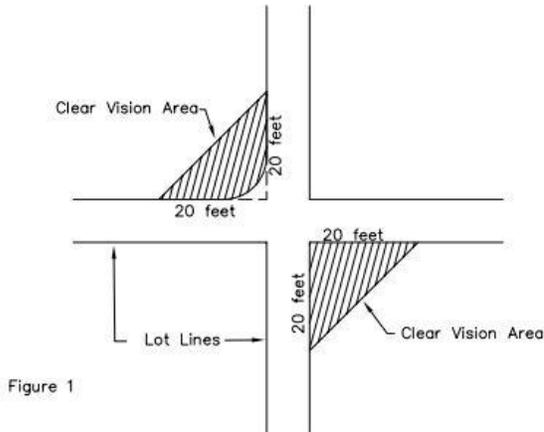
**FRONTAGE STREET.** A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage street provides access to private properties which separating them from an arterial street.

**SHARED DRIVEWAY.** A driveway connecting two or more contiguous sites to the public street system.”

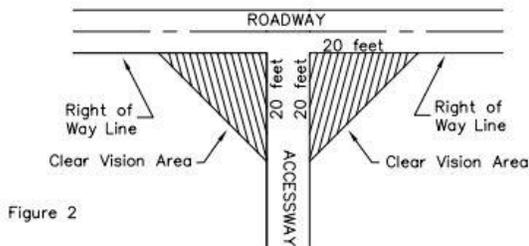
## Section 3.9530. Clear Vision Area

CLEAR-VISION AREAS -- (See Section S2.210)

1. A clear-vision area is a triangular area, two sides of which are lot lines for a distance of 20 feet, or where the lot lines have rounded corners, the lot lines extend in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the adjoining non-intersecting ends of the other two sides.



2. Service drives and accessways to public streets shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way line, and a straight line joining said lines through points twenty (20) feet from their intersection.



3. A clear-vision area contains no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage area removed to a height of eight feet above grade.

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

- 1) A clear vision area shall consist of a triangular areas, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
- 2) A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade,

- except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.
- 3) The following measurements shall establish clear vision areas:
    - A. In an agricultural or residential zone the minimum distance shall be thirty (30) feet or, at intersections including an alley, ten (10) feet.
    - B. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

### **Section 3.9540. Access Control Standards**

- 1) **Traffic Impact Study Requirements.** The County or other agency with access jurisdiction may require a traffic impact study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See, Section 2.9510 – Traffic Impact Study.)
- 2) The County or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.
- 3) **Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider.
  - (A) **Option 1.** Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
  - (B) **Option 2.** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
  - (C) **Option 3.** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection (6) below.
  - (D) Access to and from off-street parking areas shall not permit backing onto a public street. Except that in limited situations where no alternative design is possible and sight distances are acceptable, parking areas having three or fewer spaces may allow for backing onto a collector or local street subject to the approval of the Public Works Director, County Engineer or designee.
- 4) **Subdivisions Fronting onto an Arterial Street.** New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary

(local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

- 5) **Double-Frontage Lots.** When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the RSA-SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the RSA- SFR, RSA-MFR, CR, SFR-1, RA-1, RA-5, or CBR Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).
- 6) **Reverse Frontage Lots.** When a lot has frontage opposite that of the adjacent lots, access shall be provided from the street with the lowest classification.
- 7) **Access Spacing.** The access spacing standards below shall apply to newly established public street intersections, private drives, and non-traversable medians unless the Public Works Director, County Engineer or designee determines that site and or road conditions make it impractical to meet the access spacing standard.

Access Spacing			
Functional Classification	Posted Speed	Minimum Spacing Between Driveways and/or Streets	Minimum Spacing Between Traffic Signals
Arterial	35 mph or less	265 feet	Per ODOT Standards
	40 mph	265 feet	
	45 mph	265 feet	
	50 mph	265 feet	
	55 mph	265 feet	
Major Collector	25-35 mph	130 feet	
Minor Collector	25-35 mph	65 feet	
Local Street	25 mph	Access to each lot permitted	

Subdivision (10+ lots)	25 mph	Access to each lot permitted	N/A
Subdivision (4-9 lots)	20 mph		
Partition (> 3 ***)	20 mph		
Partition (1-3 lots)	15 mph		

- 8) **Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section 3.9540(9), below, in order to maintain the required access spacing, and minimize the number of access points. An additional access point may be allowed as determined by the Public Works Director, County Engineer or designee.
- 9) **Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The County shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
- (A) Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - (B) Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - (C) Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- 10) **Street Connectivity and Formation of Blocks Required.** In order to promote efficient vehicular and pedestrian circulation throughout the county, land divisions and large site developments, as determined by the Community Development Director, shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

- (A) **Block Length and Perimeter.** No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street. The recommended minimum length of blocks along an arterial street is 1,800 feet. An exception to the above standard may be granted, as part of the applicable review process, when blocks are divided by one or more pathway(s); pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles; or where the site's topography or the location of adjoining streets makes it impractical to meet the standard.
- (B) **Street Standards.** Public and private streets shall also conform to Sections 3.9800 – Transportation Improvements and Road Standard Specifications for Design and Construction, Section 3.9550 - Pedestrian and Bicycle Access and Circulation, Figures 3.1-3.5, and applicable Americans With Disabilities Act (ADA) of 1990 design standards.
- (C) **Driveway Openings.** Driveway openings or curb cuts shall be the minimum width necessary to provide the required number of vehicle travel lanes (12 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:
1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet.
  2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
  3. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Community Development Director determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.
  4. Access widths for all other uses shall be based on 12 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Sections 3.9800 – Transportation Improvements and Road Standard Specifications for Design and Construction.
  5. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete or asphalt and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 4 feet in width, with a cross slope not exceeding 2 percent.

11) **Fire Access and Parking Area Turn-Arounds.** A fire equipment access drive

shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive, or an alternative acceptable to the local Fire District and Public Works Director, County Engineer or designee. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 3.9620(10) - Cul-de-Sac.

- 12) **Vertical and Horizontal Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width and horizontal clearance of no less than 20'.
- 13) **Vision Clearance.** See Section 3.6530. Clear Vision Area.
- 14) **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:
  - (A) **Surface Options.** Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the Public Works Director, County Engineer or designee.
  - (B) **Surface Water Management.** When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with standards approved by the Public Works Director, County Engineer or designee.
  - (C) **Driveway Aprons.** Driveway approaches or "aprons" are required to connect driveways to the public right-of-way when the existing roadway is constructed of asphalt or concrete. Driveway aprons shall be paved with concrete or asphalt surfacing.

## **SECTION 3.9550. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION**

### **Section 3.9560. Purpose**

To ensure safe, direct and convenient pedestrian and bicycle circulation, all new development in rural communities, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or shared use pathway system. (Pathways only provide for pedestrian circulation. Shared use pathways

accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards below:

- 1) **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.9540 - Access Control Standards, and Section 3.9800 - Transportation Improvements and Road Standard Specifications for Design and Construction
- 2) **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets based on the following definitions:
  - (A) **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - (B) **Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
- 3) **Connections Within Development.** For all developments subject to Site Plan Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site.
- 4) **Street Connectivity.** Shared use pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.9630. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments. Pathways used to comply with these standards shall conform to all of the following criteria:
  - (A) Shared use pathways (i.e., for pedestrians and bicyclists) are no less than 10-foot wide and located within a 14 foot right-of-way or easement that allows access for emergency vehicles;
  - (B) If streets within a subdivision or neighborhood are lighted, pathways shall also be lighted;
  - (C) Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a shared use pathway where grades are steep;

- (D) The Community Development Director may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.
1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
  2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
  3. **Crosswalks.** Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it should consist of thermo-plastic striping or similar type of durable application.
  4. **Pathway Surface.** Pedestrian pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 8 feet wide.
  5. **Accessible routes.** Pathways shall comply with the federal Americans With Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following minimum standards:
    - (a) Shall not contain curbs or stairs;
    - (b) Must be at least 3 feet wide;
    - (c) Is constructed with a firm, stable, slip resistant surface; and
    - (d) The slope shall not be greater than 1:12 in the direction of travel.

## **SECTION 3.9600. SUBDIVISION DESIGN STANDARDS**

### **Section 3.9610 Principles of Acceptability**

A subdivision shall conform to the current Comprehensive Plan and shall take into consideration preliminary plans made in anticipation thereof a subdivision shall conform to the requirements of state law and the standards established by this Ordinance.

### **Section 3.9620. Streets**

- 1) **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 the land to be served by the streets. Where location is not shown in a comprehensive development plan, the arrangement of streets in a subdivision shall either:
  - (A) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (B) 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.
- 2) **Minimum right-of-way and roadway widths.** The width of streets and roadways shall be adequate to fulfill County specifications as provided in Section 3.9800 of this Ordinance.
- 3) Where existing conditions, such as the topography or the size or shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission, in coordination with the Public Works Director, County Engineer, or designee may accept a narrower right-of-way. If necessary, special slope easements may be required.
- 4) **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.
- 5) **Alignment.** As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 125 feet.
- 6) **Future extension of streets.** Where necessary to give access to or permit a satisfactory future subdivision or adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- 7) **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 60 degrees unless there is a special intersection design. The intersection of an arterial or collector street 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 or 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 roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.

- 8) **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 subdivision.
- 9) **Half streets.** Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, 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 subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half strips.
- 10) **Cul-de-sacs.** a cul-de-sac shall be as short as possible and shall terminate with a turnaround.
- 11) **Street names.** Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern in the city. Applications for new subdivisions shall include a list of street names pre-approved by the County Road Naming Review Committee.
- 12) **Grades and curves.** Grades and curves shall be in accordance with Table 3.2 – Right-of-way and Improvement Standards Table. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the County Engineer may accept steeper grades and sharper curves.
- 13) **Streets adjacent to railroad right-of-way.** Wherever the proposed subdivision 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.
- 14) **Marginal access streets.** Where a subdivision 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 non-access 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.
- 15) **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.

### Section 3.9630. Blocks

- 1) **General.** The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.
- 2) **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 street justifies an exception. The recommended minimum length of blocks along an arterial street is 1,800 feet.
- 3) **Easements.**
  - (A) **Utility lines.** Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements shall be at least 15 feet wide and centered on lot lines where possible. Electric lines or other similar utilities along with utility pole tieback easements may be reduced to six feet in width as appropriate for the particular utility.
  - (B) **Water courses.** If a subdivision 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 major water courses may be required.
  - (C) **Pedestrian ways.** When desirable for public convenience, pedestrian pathways shall be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks in accordance with Section 3.9550.

### Section 3.9640. Lots

- 1) **Size and shape.** Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. An interior lot shall have a minimum average width of 50 feet and a corner lot a minimum average width of 60 feet. a lot shall have a minimum average depth of 100 feet, and the depth shall not ordinarily exceed two times the average width. These minimum standards shall apply with the following exceptions:
  - (A) In areas that will not be served by a public water supply or a sewer, minimum lot sizes shall conform to the requirements of the County Health Department and shall take into consideration requirements for water supply and sewage disposal, as specified in Section 34. The depth of such lots shall not ordinarily exceed two times the average width.
  - (B) Where property is zoned, lot sizes shall conform to the zoning requirement. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated.
- 2) **Access.** Each lot shall abut upon a street other than an alley for a width of at least 25 feet.
- 3) **Through lots.** Through lots shall be avoided except where they are essential to provide separation of residential development from traffic arteries or adjacent non-residential 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 lots abutting such a traffic artery or other incompatible use.

- 4) **Lot side lines.** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

#### **Section 3.9650. General Soil Development**

Lot grading in areas subject to the geologic hazard overlay zone shall conform to the standards of Section 5.3000.

#### **Section 3.9660. Building Lines**

If special building setback lines are to be established in the subdivision, they shall be shown on the subdivision plat or included in the deed restriction.

#### **Section 3.9670. Large Lot Subdivision**

In subdividing tracts into large lots which at some future time are likely to be further re-subdivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into lots, and contain such building size restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size.

#### **Section 3.9680. Land for Public Purposes**

If the County has an interest in acquiring any portion of the proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year.

## **SECTION 3.9690. SUBDIVISION IMPROVEMENTS**

### **Section 3.9700. Improvement Procedures**

In addition to other requirements, improvements shall conform to the requirements of this ordinance and improvement standards or specifications adopted by the County and shall be installed in accordance with the following procedure:

- 1) Work shall not be commenced until plans have been reviewed for adequacy and approved by the County. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared on tracing cloth in accordance with requirements of the County.
- 2) Work shall not be commenced until the County has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the County has been notified.
- 3) Required improvements shall be inspected by and constructed to the satisfaction of the County. The County may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- 4) Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to lengths that will avoid the need to disturb street improvements when service connections are made.
- 5) A map showing public improvements as built shall be filed with the County Engineer upon completion of the improvements.

### **Section 3.9710. Specifications for Improvements**

The County Engineer shall prepare and submit to the Board of County Commissioners specifications to supplement the standards of this ordinance based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the construction of the following (Figures 3.1-3.5):

- 1) Streets including related improvements such as curbs, shoulders, median strips and sidewalks, and including suitable provisions for necessary slope easements.
- 2) Drainage facilities.
- 3) Sidewalks in pedestrian ways.
- 4) Sewers and sewage disposal facilities.
- 5) Public water supplies and water distribution systems.

In absence of specifications prepared by the County Engineer, the latest edition of the Oregon Standards Specifications for Construction prepared by the Oregon Department of Transportation shall be used. Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address.

### **Section 3.9720. Improvement Requirements**

The following improvements shall be installed at the expense of the subdivider:

- 1) **Water supply.** Lots within a subdivision shall either be served by a public domestic water supply system conforming to State or County specifications or the lot size shall be increased to provide such separation of water sources and sewage disposal facilities as the County Sanitarian or Oregon Department of Environmental Quality considers adequate for soil and water conditions.
- 2) **Sewage.** Lots within a subdivision either shall be served by a public sewage disposal system conforming to State or County specifications or the lot size shall be increased to provide sufficient area for a septic tank disposal system approved by the County Sanitarian as being adequate for soil and water conditions considering the nature of the water supply.
- 3) **Drainage.** Such grading shall be performed and drainage facilities installed conforming to County specifications as necessary to provide proper drainage within the subdivision and other affected areas in order to secure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping systems shall be installed if necessary to protect the subdivision against flooding or other inundation.
- 4) **Streets.** Where streets are to be accepted into the County road system, the subdivider shall grade and improve streets in the subdivision and the extension of such streets to the paving line of existing streets with which such streets intersect in conformance with County specifications. Street improvements shall include related improvements such as curbs, shoulders, sidewalks and median strips to the extent these are required. All other streets shall be improved in accordance with minimum road standards as set forth in 3.9800.
- 5) **Pedestrian ways.** A sidewalk in conformance with the standards of Section S5.034 shall be installed in the center of pedestrian ways.
- 6) **Underground utilities.** Underground utilities shall be required.

## **SECTION 3.9800. TRANSPORTATION IMPROVEMENTS AND ROAD STANDARD SPECIFICATIONS FOR DESIGN AND CONSTRUCTION**

### **Section 3.9810. General Road and Access Policies**

- 1) **Purpose.** The establishment of the criteria to be used in Clatsop County for evaluating the appropriateness of proposed roads which are intended to provide access to lots or parcels. These criteria shall form the basis for determining what requirements are necessary to ensure that there will be adequate provisions available now, and in the future, to provide for the transportation needs of lots, parcels, or developments.

The Clatsop County Road Standards are intended to provide access to new development in a manner which reduces construction cost, makes efficient use of land, allows emergency vehicle access while discouraging inappropriate traffic volumes and speeds, and which accommodates convenient pedestrian and bicycle circulation. The standards apply to County roads, dedicated roads and private roads.

The Road Standards to be applied are based on the density of the zone in which it will be built and shall be constructed to that standard. The Clatsop County Department of Community Development, Planning Commission or Board of County Commissioners will on a case by case basis consider possible future land divisions and whether or not the road being built should be private or dedicated.

Where a partition is proposed in Major or Peripheral Big Game Range areas, the road shall be located to minimize its impact on big game range.

- 2) **Conditions of Development Approval.** No development may occur unless required transportation facilities are in place or guaranteed, in conformance with the provisions of this document. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.
- 3) **Criteria.** Roads in Clatsop County shall be designed, constructed, and maintained to:
  - (A) Be capable of ensuring unrestricted travel to and from a property.
  - (B) Provide adequate, safe, and legal access with minimum public cost.
  - (C) Place the burden of the costs on the benefited person(s).
  - (D) Provide access for fire protection, ambulance, police, mail, school bus, public transit, and garbage services.
  - (E) Provide for drainage ways and utility services.
  - (F) Be compatible with adjoining land use.
  - (G) Minimize, with the constraints of reasonable engineering practices and costs, the creation of roads within lands designated for Exclusive Farm Use, Forest Resource, Open Space Reserve, Rural and Rural Service Areas designated by the Clatsop County Comprehensive Plan.

- (H) Ensure that the new road will minimize interference with forest management or harvesting practices.
  - (I) Minimize within the constraints of reasonable engineering practices and costs the loss of productive agricultural or forest land, and be located on that portion of such land that is least suitable for timber or agricultural production, taking into consideration, but not limited to, the following: topography, soil capability or classification, erosion potential, and the size and resultant configuration of the affected tracts.
  - (J) Minimize the loss of important wildlife habitat, such as sensitive deer and elk range, identified natural areas, and other significant natural features.
  - (K) Facilitate safe and convenient pedestrian and bicycle trips to meet local travel needs in developed areas.
  - (L) Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Section.
- 4) **Standards, Generally:**
- (A) The following are a variety of types or forms of access used to gain ingress and egress to property within Clatsop County:
    1. County roads
    2. Federal roads
    3. State highways
    4. Dedicated ways
    5. Flag lots
    6. Ways of necessity
    7. Public roads
    8. Private roads
    9. Prescriptive roads
  - (B) Publicly dedicated and maintained roads provide superior access.
  - (C) Flag lots may provide access, but can hinder future development of the surrounding area.
  - (D) Private roads function best if they are designed to serve a predetermined, limited amount of development.
  - (E) Paved roads are safer, less of a nuisance, and more economical to maintain than gravel roads.
  - (F) Road requirements should support a complete transportation network, and not inhibit new land development innovations and concepts.
  - (G) Dedicated ways or County roads shall be the ordinary standard recommended for subdivisions, except as may be dictated by natural hazards, topography, or other special circumstances.
- 5) **Standards, Specifically:**
- (A) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuation of their centerline.

- (B) When necessary to give access to, or permit a satisfactory future division of adjoining lands, rights-of-way or easements shall be extended to the boundary of a major partition, subdivision, or development. A temporary turnaround may be required for the resulting dead end road in accordance with Oregon Fire Code.
- (C) Frontage roads, or double frontage parcels or lots may be required by the County when a proposed parcel or lot would otherwise abut an arterial or collector road in order to effect separation of through and local traffic. In addition, screening or other treatments may be required along arterials and collectors in order to provide adequate noise and visual protection to adjacent properties.
- (D) Whenever a proposed division or development is intended to abut a public road, the County shall restrict or limit as to location and number, vehicular access points unless specifically exempted in any approval thereof.
- (E) Where a cut or fill road slope is outside the normal right-of-way, a slope easement shall be required of sufficient width to permit maintenance of the cut or fill and drainage structure.

### **Section 3.9820. Improvement Plans**

The Improvement Plans will include, but not be limited, to the following:

- 1) **A plan view showing:**
  - (A) Dimensioning necessary to survey and relocate the roadway.
  - (B) Right-of-way lines as shown on the final plat.
  - (C) Proposed drainage structures, showing both size and type of structure.
  - (D) Location of all existing and proposed utilities.
  - (E) Location and dimensions of the pedestrian circulation system.
  - (F) Location of bicycle parking.
  - (G) Location and type of signs.
  - (H) Toe of slope and top of cut lines showing the limits of the construction area within the dedication.
  - (I) Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.
  - (J) Vicinity map on the first plan sheet showing roughly the relationships of the proposed road to cities, state highways, county roads, or other well defined topographical features.
  - (K) The stamp and signature of the Registered Professional Engineer preparing the plans.
- 2) **A profile showing:**
  - (A) Centerline grades and vertical curves.
  - (B) Curb profiles where curbs are required.
  - (C) Super elevation transition diagrams for horizontal curves shall be shown if curbs are not required.
- 3) **Typical roadway cross-section showing:**
  - (A) Width and depth of base.
  - (B) Width and depth of paving.
  - (C) Curbs if required.
  - (D) Side slopes.

- (E) Ditch section in cut areas.
- 4) Detail plans of all bridges, stamped by a registered professional engineer.
- 5) Detail plans of any drainage and irrigation structures, sewer lines, or other structures.
- 6) Any other information required by the County Public Works Department.

### **Section 3.9830. Public and County Road Standards**

#### **1) Road Design:**

- (A) The radius of curvature, grade and intersection curb return radius of streets shall conform to the minimum standards prescribed in Tables 3.2, 3.3, and 3.4 of these standards.
- (B) Alignment of streets: Streets located on opposite sides of an intersecting street shall have their centerlines directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than 125 feet.
- (C) Intersection angles: Street intersections shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.
- (D) Location of centerline: The centerline of the paving shall correspond to the centerline of the right-of-way where possible and practical.
- (E) Continuation of streets: Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide. Where straight-line continuations are not possible, such centerlines shall be continued by curves. New streets or the continuation of a street in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or a desirable existing or planned pattern of streets and blocks in the surrounding area. Any road or street which does not connect directly to a County maintained road, City maintained street or state highway will not be accepted for maintenance by the County.
- (F) Streets in Subdivision Adjoining Unsubdivided Land:
  - 1. Stubbed streets: Where a subdivision adjoins unsubdivided land, streets which may be necessary to assure the proper subdivision of the adjoining land or the continuation of the function of a major arterial or collector street shall be provided through to the boundary line of the subdivision.
  - 2. Half streets: Half streets proposed adjacent and parallel to the boundary line of the subdivision, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when in conformity with other requirements of this ordinance and when the Planning Commission finds it will be practical to require the dedication and improvement of the other half when the adjoining property is subdivided. Half streets shall not be permitted where lots would front on such streets. Where half streets are provided, a performance bond may be required to insure all improvements until such time as the remaining half street on adjacent property is dedicated and improved. Whenever an existing

half street is adjacent and parallel to the boundary line of a proposed subdivision, the subdivider shall dedicate and improve such additional right-of-way as may be necessary to meet the standards for the type of streets involved.

- (G) Subdivision roads: All roads not to be maintained by the County shall be posted with an approved sign stating roads are not County maintained.
  - (H) 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 subdivision. When existing streets are to be used as access to the subdivision they shall be constructed as to provide reasonable access as determined by the County Public Works Director or County Engineer.
  - (I) Cross Sections and Tables. All new arterials, collectors, and local streets must conform with design standards of Table 3.2 Road Right-of-Way and Improvement Standards.
- 2) **Improvement Plans:** A complete set of Improvement Plans shall be submitted and approved by the Public Works Director County Engineer, or designee prior to the start of construction on any County maintained road, public way or subdivision road which is to become a public way.
  - 3) **Surveying:** All roads shall be located by a survey crew so as to ensure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.
  - 4) **Monumentation:** Center line P.C. and P.T. points on horizontal curves shall be referenced with permanent monuments in accordance with the County Surveyor's requirements.
  - 5) **Standard Specifications:** All roadway excavation, fill construction, subgrade preparation, aggregate bases, surfacing, prime coats and paving will be built in accordance with the current edition of the Oregon Department of Transportation "Oregon Standard Specifications for Construction". Whenever these specifications refer to the State, consider that to mean the County of Clatsop, the appropriate County Department or appropriate County address. In case of discrepancy or conflict in the plans, standard specifications, supplemental standard specifications and special provisions, they shall govern in the following order:
    - A. Special Provisions
    - B. Plans specifically applicable to the project.
    - C. Standard or general plans.
    - D. Supplemental Standard Specifications.
    - E. Standard Specifications.
  - 6) **Testing:** All testing except as herein noted, will conform to methods described in "A.A.S.H.T.O. Materials, Part 11, Tests", current Edition. All lab costs for testing will be borne by the developer.
  - 7) **Inspection:** The County Public Works Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement. If proper notification for inspection has not been

given, the Clatsop County Public Works Department will not grant approval of the road for twelve months. In this way, the County can observe any deficiencies that may develop in the road and have them corrected before acceptance.

- 8) **Subgrade:** All subgrades will be compacted in accordance with the Standard Specifications.
- 9) **Aggregate Base:** Aggregates for aggregate base shall be gravel or rock, crushed or uncrushed, including sand, reasonably well graded from coarse to fine. The grading shall be in accordance with Table 02630-1 of the most current edition of the Oregon Department of Transportation Oregon Standard Specifications for Construction.
- 10) **Asphalt Prime Coat:** For all roadway sections using an oil mat, an asphalt prime coat will be applied to the aggregate base in addition to the oil mat. The prime coat will be applied in accordance with Section 705 of the Standard Specifications. Application rate and type of oil will be as approved by the County Engineer. The aggregate shall be  $\frac{3}{4}$  to  $\frac{1}{2}$  or as approved by the Public Works Director, County Engineer or designee and specified in Section 705.10 of the Standard Specifications. The aggregate shall be applied within the range of 0.004 to 0.013 cubic yards/square yard. A three-day curing period will be required.
- 11) **Asphalt Penetration Macadam:** Where any oil mat is required it shall be applied in accordance with the Standard Specifications. The bituminous material used in the first two spreads shall be as approved by the County Public Works Director. The bituminous material used in the seal coat may be as approved by the Public Works Director.
- 12) **Asphalt Concrete Pavement:** Where asphalt concrete pavement is required it shall be done in accordance with the Standard Specifications. The asphalt cement shall be as approved by the Public Works Director, County Engineer or designee. The class of asphalt concrete shall be Level 2. Density testing shall be supplied for all asphalt concrete pavement.
- 13) Where required Portland cement concrete curbs and sidewalks shall be constructed in accordance with Oregon Department of Transportation Standard Drawings and the Standard Specifications. The concrete shall be as specified in the Standard Specifications.
- 14) **Select Backfill:** The curbs shall be backfilled in the areas shown on the plans with select backfill. This select backfill shall consist of materials with a maximum size of three inches. The material shall be compacted to at least 90 percent of its relative maximum density.
- 15) **Clearing:** The right-of-way shall be cleared of all trees. However, in subdivisions where traffic safety would not be involved and a lesser requirement would not create a hazard, the right-of-way shall be cleared a minimum of forty-feet (40) or four-feet (4) beyond the edge of shoulder or curb line or the finished road. Also in subdivision, the case of an individual tree which is considered an exceptional or stately tree, an allowance can be made to leave the tree within the above mentioned four (4) foot area. In some instances, consideration can also be given to allow the prism of the road to shift slightly toward one side of the right-of-way.

Any change in the alignment should be done to provide a safe and aesthetic looking roadway.

- 16) **Signs:** Clatsop County has jurisdiction concerning the location of all signs on County maintained roads and public ways.

When in the Public Works Director's opinion there may be a need for a change in the speed limit for a road, he shall request the Oregon State Speed Control Board to study the road in question. If the Speed Control Board issues an order to post a speed limit on the road, Clatsop County will furnish and install the speed limit signs at the County's expense.

Name signs for County maintained roads shall have reflective green background with reflective white letters.

Signing at intersections will be paid for as follows:

- (A) Intersection of two County maintained roads:
  - 1. Stop signs - County
  - 2. Name signs - County
- (B) Intersection of a County maintained road and a public way:
  - 1. Stop signs - County
  - 2. Name signs - County
- (C) Intersection of two public ways:
  - 1. Stop signs - Others
  - 2. Name signs - Others
- (D) Intersection of two private ways:
  - 1. Stop signs - Others
  - 2. Name signs - Others
- (E) Intersection of private way and public way:
  - 1. Stop signs - Others
  - 2. Name signs - Others

Clatsop County Road Department may furnish and install the signs which are referred to above as paid for by "others". However, they shall be paid by "others" for the County's expense.

- 17) **Drainage:**

- (A) **Size of culverts:** The design and construction of all drainage facilities within a project shall be of sufficient size and quality to receive and transport, at a 25 year storm frequency of all surface drainage and natural drainage course waters coming to and passing through the project from the watershed or watersheds to which it is servient, when the lands located in such are at full planned development, according to the Comprehensive Framework Plan. The minimum diameter pipe to be used shall be 12 inches.

Prior to approval being granted for a project, it must be shown that the existing downstream facilities are adequate to receive and pass storm water runoff discharged through and from the proposed project from a 25 year storm based on the present development plus any proposed developments of the lands of the watershed or watersheds to which the proposed project is servient.

In those areas located in the 100-year floodplain, the design and construction of all drainage facilities shall be of sufficient size and quality to receive and transport the 100-year storm without raising the floodplain elevation. The drainage facilities may be designed to pass less than a 100-year storm provided retention or detention of the runoff is designed and that such retention or detention does not raise the floodplain upstream.

- (B) **Drainage easements:** When, due to topographical or other reason, all or any portion of the water collected in the project must be discharged at the boundary of the project, such that it is concentrated and must run across other private property before reaching a natural or existing drainage course, the developer shall make all necessary arrangements with the affected property owner or owners. Arrangements shall include, but are not limited to, a proper easement for drainage in favor of the public executed by the affected owner or owners and a method of transporting the water, i.e. ditch, sewer, etc., satisfactory to the County and said owner or owners. If it is necessary to carry water across portions of the land being developed hereunder, which are not to become public, and a satisfactory easement has not been provided in the official plat of the area, the developer shall prepare and cause to be executed a proper easement to the public for such purpose.
  - (C) **Connections to roadside ditches:** Where drainage is to be connected to an existing roadside ditch, the ditch shall not be deepened so as to produce a finished ditch more than two (2) feet below the maximum of two (2) foot depth, the developer shall cause to be constructed a proper size storm sewer line in said roadside ditch.
- 18) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a public road, and include the following terms:
- (1) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.
  - (2) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
  - (3) All public road maintenance agreements shall be reviewed and approved by Public Works prior to recording.

### **Section 3.9840. Private Road Minimum Requirements**

Table 3.4 and the following minimum requirements shall apply for any action relating to the approval of a private road:

- 1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas.

Surf Pines, The Highlands at Gearhart, and Castle Rock Estates are exempt from this requirement. These three areas are served by private roads and already exceed the 10-lot standard.

- 2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.
- 3) The minimum easement for a private road shall be in accordance with Table 3.2 – Right-of-way Improvement Standards Table. The minimum right-of-way width shall accommodate required cut and fill slopes, ditches, turnouts and cul-de-sacs.
- 4) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.
- 5) Guardrail is required on all bridges and for a distance of 40 feet along the approaches to all bridges. Guardrail is also required along any fill slope or natural ground slope below the road that is steeper than 1:1, over 10 feet high, and is within 10 feet horizontally of the edge of the traveled road surface. The guardrail materials must be approved as conforming to Oregon State Highway Standard Specifications.
- 6) The County may require that the private road being considered be established as a dedicated way or County road and improved to the applicable standards, if it is determined by the County that the access and transportation needs of the public would be better served by such a change.

The determination made by the County will include the following:

- (A) proximity of other roads being used for the same purpose,
  - (B) topography of the parcel and contiguous parcels,
  - (C) potential development as determined by the existing zoning or proposed zoning if the request involves a zone change,
  - (D) safety factors such as visibility, frequency or road access points.
- 7) All private roads that are dead-end roads shall have a cul-de-sac or other suitable turnaround as determined by the local fire chief or State fire marshal.
  - 8) A private road shall directly connect only to a public, county or state road.
  - 9) The travel surface of the private road shall be constructed so as to ensure egress and ingress for the parcels served during normal climatic conditions:

- (A) Twelve (12) inches of pit run base course or equivalent. The grade of rock shall be approved by the County Road Department prior to construction. As an alternate, the depth of the base course containing 4 or 6-inch minus or jaw run may be less than 12 inches as determined on a case-by-case basis by the County Road Department.
  - (B) Four inches of 3/4-inch minus top course.
- 10) The County shall require that a maintenance agreement be recorded in the records of Clatsop County along with any map or plat creating a private road, and include the following terms:
- (A) That the agreement for maintenance shall be enforceable by a majority of persons served by the road.
  - (B) That the owners of land served by the road, their successors, or assigns, shall maintain the road, either equally or in accordance with a specific formula.
- 11) The County shall require that an easement over the private road for ingress and egress, including the right of maintenance, be conveyed to the properties served by the road.

### **Section 3.9850. Minimum Construction Standards for Private Roads**

- 1) Fourteen (14) foot wide improved travel surface (see G-14 (Figure 3.1) standard cross-section).
- 2) Turnouts shall be required at 800 feet maximum spacing, or at distances which ensure continuous visual contact between turnouts, and constructed to the following dimensional standards: 50 feet in length and seven (7) feet in width, with 25 foot tapers on each end back from its point of connection with the County or public road.
- 3) Cut and fill slope requirements, and ditch lines as detailed on the G-14 standard cross section. The grade of the ditch slopes parallel to centerline shall be no less than 1% to provide for adequate drainage. The developer shall be required to provide all erosion control measures necessary to maintain the standard cross section and to eliminate any increase in any stream turbidity.
- 4) The width of the road approach at its intersection with the County road, or other public road, shall equal 18 feet, and taper over a distance of 50 feet to the travel surface width back from its point of connection with the County or public road.
- 5) The finished grade of the roadway shall not exceed 16 percent. Any finished grade in excess of 12% shall be asphalt or concrete.
- 6) A suitable turnaround acceptable to the fire chief or State fire marshal shall be provided at the terminus of the private road or within 150 feet of its terminus.
- 7) All culverts, bridges and other waterway crossings serving two (2) or more parcels shall be constructed and maintained to carry American Association of State Highway and Transportation Officials (AASHTO) HS-20 loading. a typical acceptable type is 16 gauge, galvanized CMP for small cross drains and drainageway crossings. Twelve inch diameter culverts are the absolute minimum. Bridges and other large waterway crossings shall be certified by a professional registered engineer.
- 8) All private road points of access to public roads shall include a landing area to extend 20 feet minimum beyond the shoulder of the public road on which the

profile grade shall not exceed +/- three (3) percent. A greater landing area may be required to allow for future road improvements.

- 9) Surveying: All roads shall be located by a surveyor so as to ensure that the road is constructed in the location shown on the improvement plans. The construction of the road improvement shall be within 0.3' more or less of the horizontal and vertical location shown on the improvement plans.
- 10) Inspection by the County is required for all private road improvements. The County Public Works Department shall be notified 48 hours in advance of the time for subgrade inspection, 48 hours in advance of the time for base inspection and 48 hours in advance of the time for paving inspection. The subgrade is to be inspected before placing the base. The base is to be inspected before placing the pavement.

### **Section 3.9860. Roadway Construction in Serial Partitions**

- (1) This section applies to properties being developed through the use of sequential or serial partitions rather than through a typical subdivision process.
- (2) When developing parcels through a partition process the minimum road standard for the partition shall be based on Table 3.2 – Right-of-way and Improvement Standards Table for the number of proposed parcels including any potential parcels from planned or unplanned future divisions. It shall also include any other properties utilizing the roadway.
- (3) If the intent of the development is to not develop future parcels the applicant may record a development restriction on any large parcels restricting their future division. The applicant may then construct the roadway as applicable taking into account that those parcels may not be divided in the future.
- (4) All other roadway requirements shall be adhered to.

**Table 3.2 - Right-of-Way and Improvement Standards Table**

Functional Road Class	A.D.T	Design Standard Typical	Travel Width	R-O-W Width <sup>(7)</sup>	Surface Type	Design Speed MPH	Max. % Grade	Min. Curve Radius	Street Signs
<b>County Road Standards</b>									
Resource Route	300-1000	A-38	38	48-54	A.C.. <sup>(6)</sup> /Oil	40	12	500	(1)
Arterial	>1000	A –38	38	80	A.C. <sup>(6)</sup>	45	12	750	(1)
Major Collector	300 – 1000	A –28	28***	60	A.C. <sup>(6)</sup>	40	12	500	(1)
Minor Collector		A-28	28***	60	A.C. <sup>(6)</sup>	40	12	500	(1)
Local	60 – 300	A –20	20	50	A.C. <sup>(6)</sup> /Oil	35	12	350	(1)
<b>Public and Private Road Standards</b>									
Land Division (10+ lots)	>60	A –20	20	50	A.C. <sup>(5)</sup>	25	12	250	(1)
Land Division (7-9 lots)	30 – 60	A - 20	20	50	A.C. <sup>(5)</sup>	20	12**	150	(1)
Partition Land Division (4-6 lots/parcels***)	<60	G - 20	20	50	Gravel	20	12**	150	(1)
Land Division (1-3 lots)	<30	G – 14 <sup>(4)</sup>	14	25	Gravel	15	14*	50	(1)
<p>* If unavoidable conditions exist a grade of 2% greater than that shown may be allowed with A.C. paving or concrete.</p> <p>** If unavoidable conditions exist a grade of 4% greater than that shown may be allowed with A.C. paving or concrete.</p> <p>*** May be reduced to 24 feet as specified in AASHTO if approved by the County Engineer.</p> <p>(1) One (1) approved street sign will be provided at each intersection for each named street.</p> <p>(2) All dead-end streets will be terminated with a 50' radius cul-de-sac or other approved turnaround acceptable to the fire chief or State fire marshal.</p> <p>(3) Drainage/slope easements may be required if roadway slopes extend beyond the right-of-way.</p> <p>(4) G-14 roads require turn-outs at a maximum distance of 400 feet, or at a lesser interval that will maintain a continuous visual contact between each successive turn-out.</p> <p>(5) Minimum A.C. thickness is 3" nominally compacted ODOT ½" Level 2, or approved equal. Any roadway intended to be brought in to the County Road system will require 4" of AC.</p> <p>(6) Minimum AC thickness is 4" nominally compacted ODOT ½" Level 2, or approved equal.</p> <p>(7) Easement width in the case of a private road.</p>									

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Figure 3.1

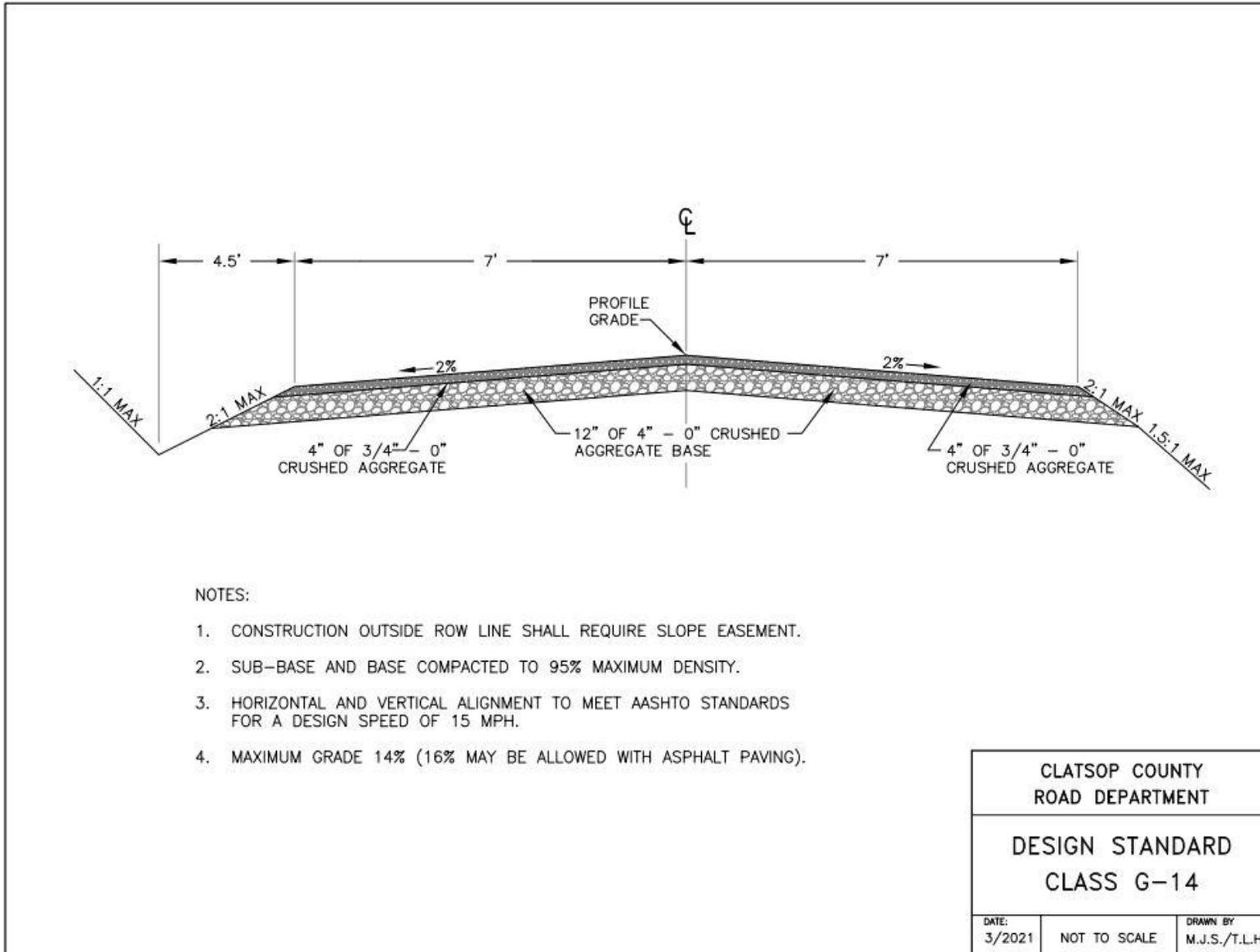


Figure 3.2

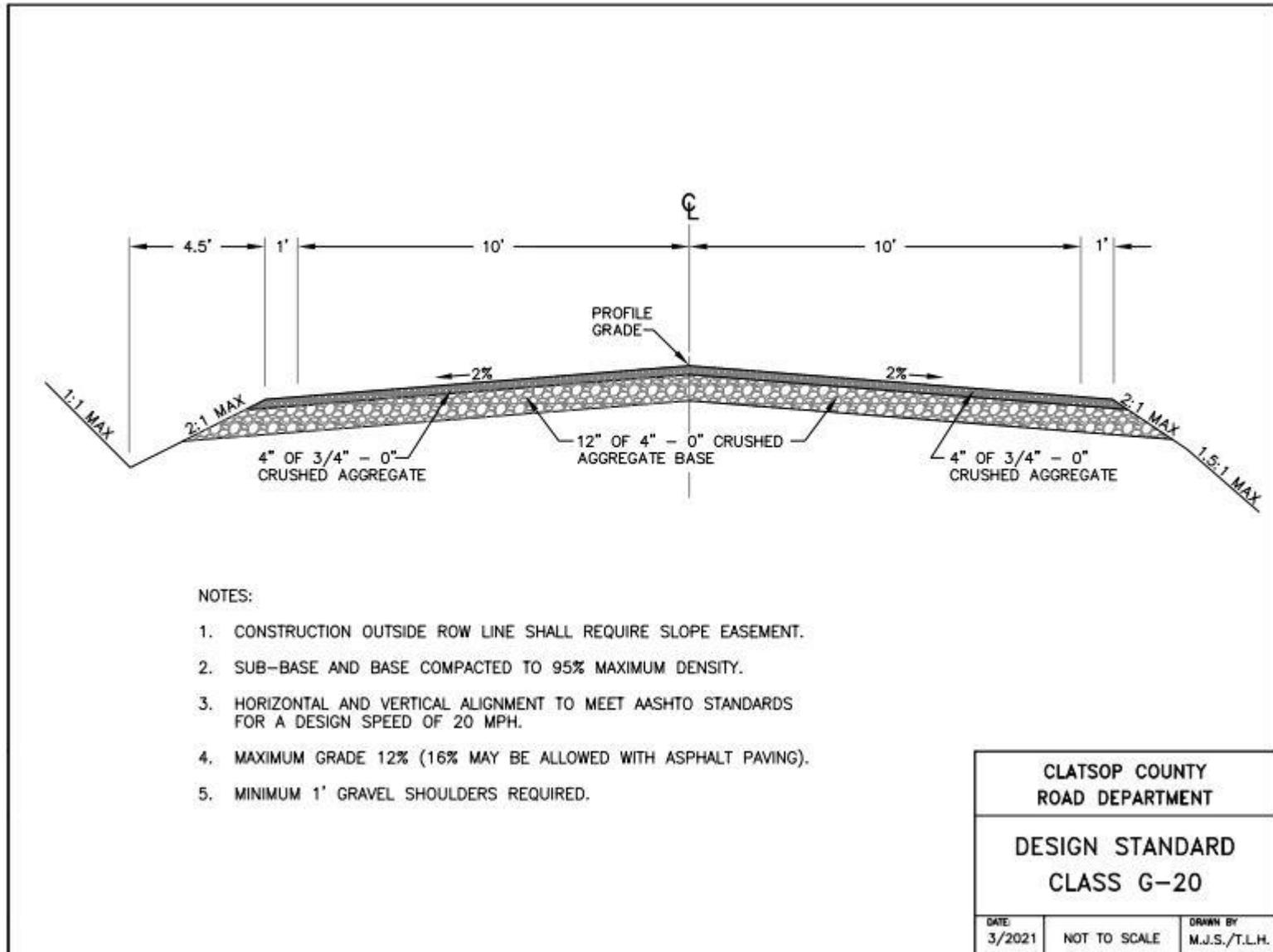


Figure 3.3

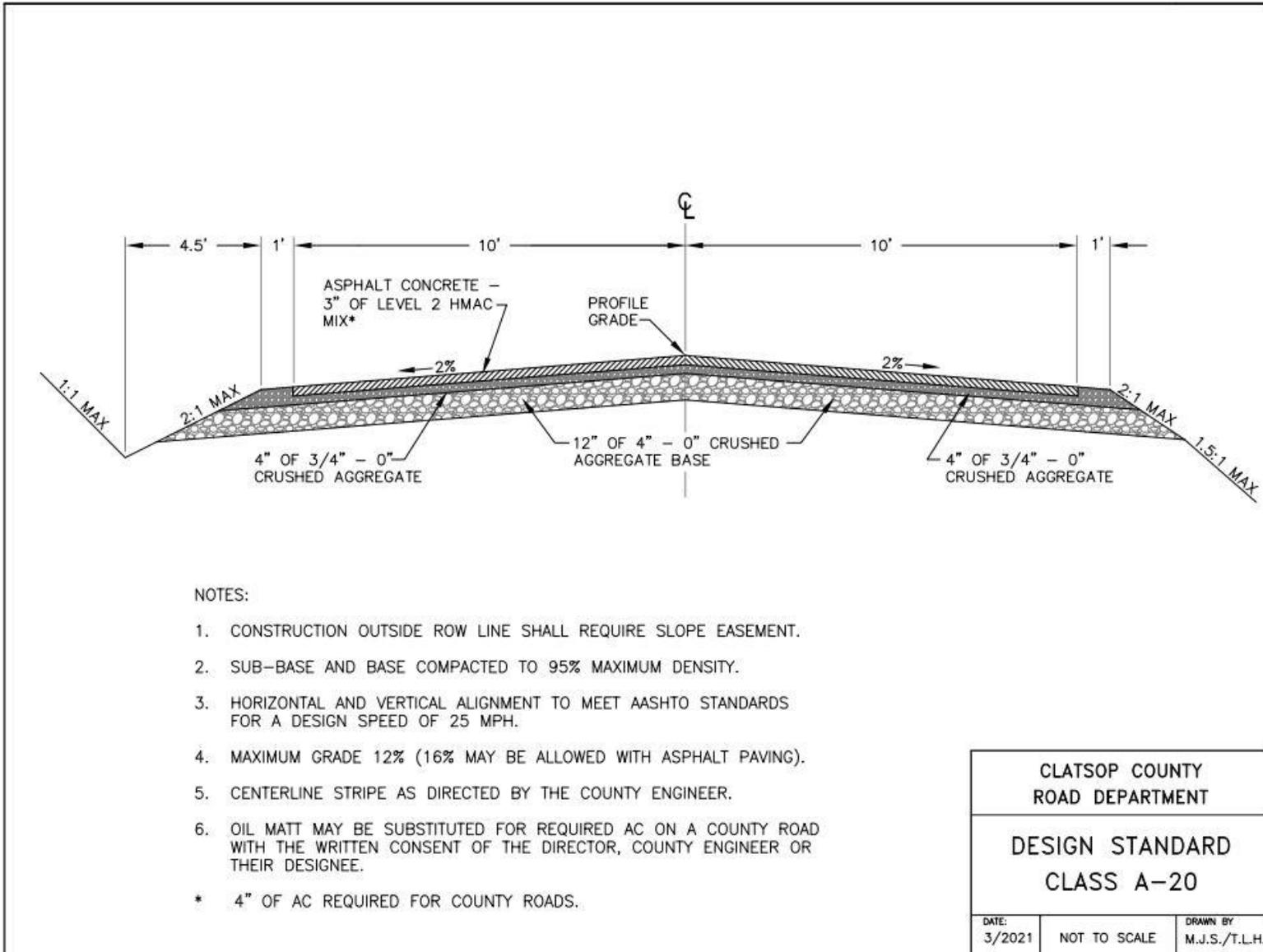


Figure 3.4

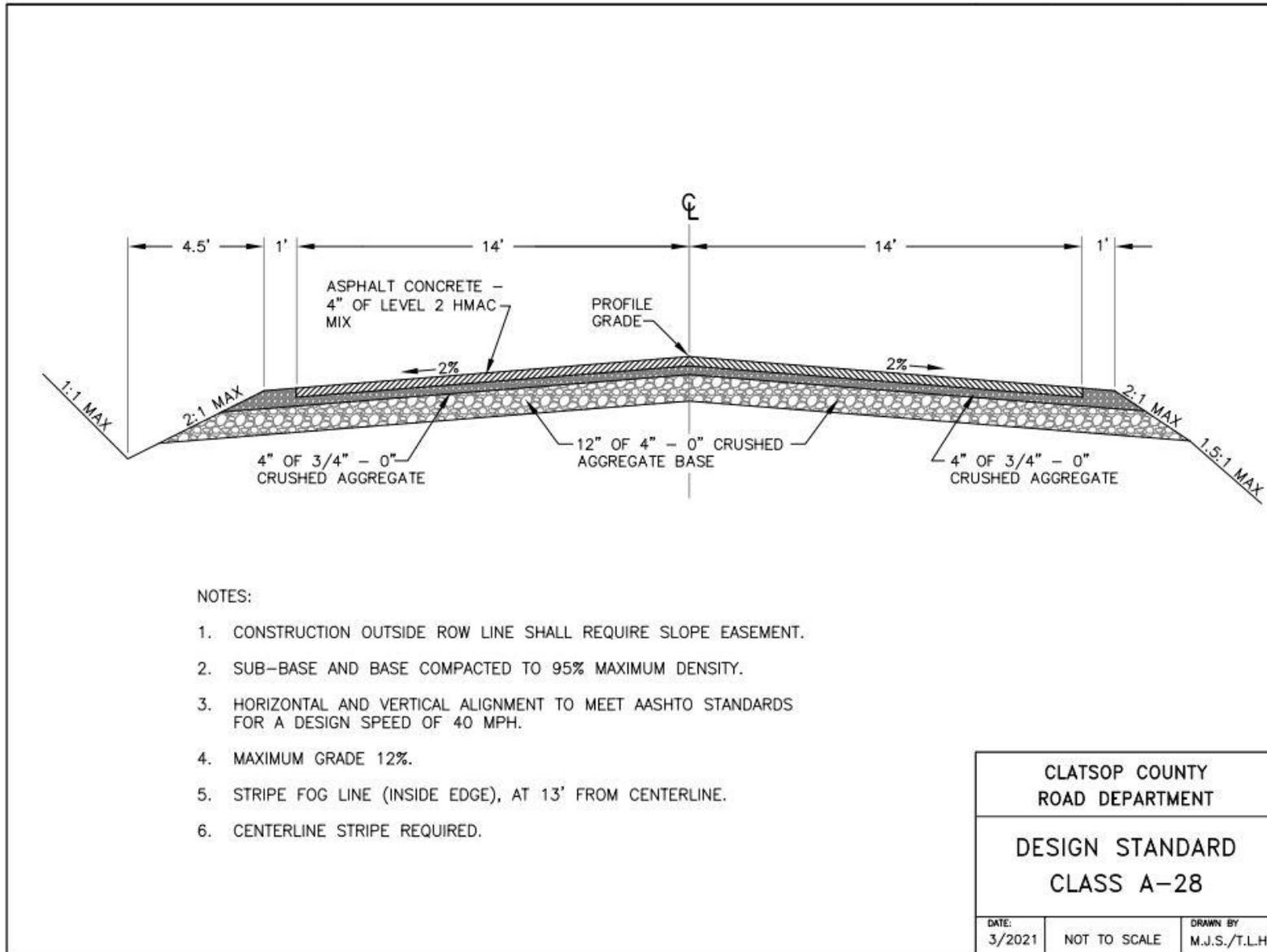


Figure 3.5

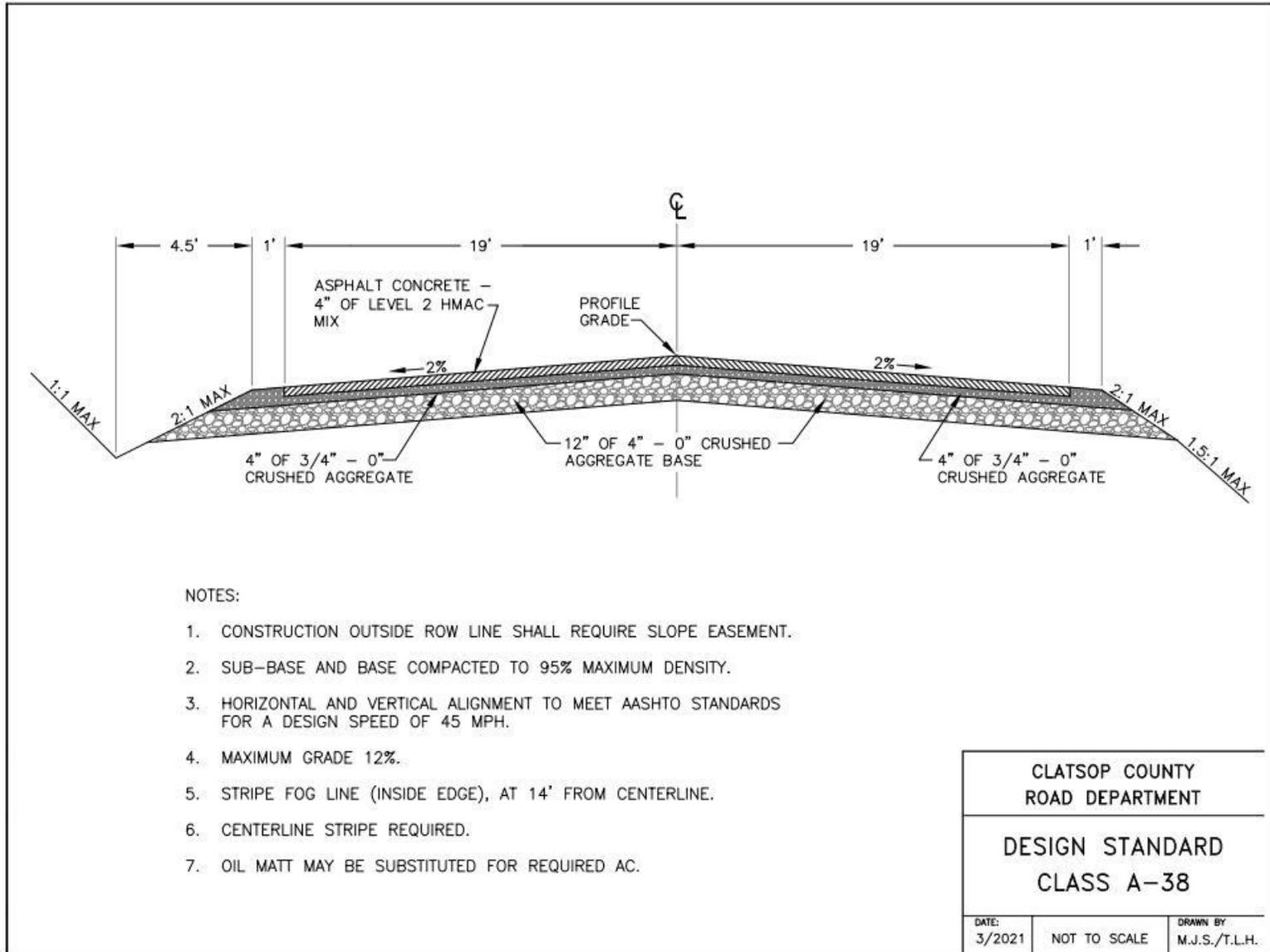


Table 3.3 - Road Improvement Policy Matrix			
	Resources Zones	Non-Resource Zones	
	New Road Created or Existing Road	New Road Created	Existing Road Used
1. Must a road be improved in conjunction with a partition?			
A. Private Road	No	Yes	Yes <sup>(1)</sup>
B. Public Road	No	Yes	No
C. County Road	Yes <sup>(2)</sup>	Yes	No
2. Minimum Road Standard Required?			
A. Private Road	n/a	G-14	<u>G-14</u> <sup>(1)</sup>
B. Public Road	n/a	G-20	<u>G-20</u>
C. County Road	<sup>(2)</sup>	A-20 <sup>(3)</sup>	A-20
<p><sup>(1)</sup> If an existing private road provides access to a parcel, this road must be improved to at least an G-14 standard. See Table 3.2 Right-of-way and Improvement Standards.</p> <p><sup>(2)</sup> If a County road is created or utilized in a resource zone to provide access to a partitioned parcel, the Board of Commissioners shall establish minimum improvement standards and control the timing of the improvement.</p> <p><sup>(3)</sup> If a new portion of a County road is created to provide access to a non-resource zone partition, the Board of Commissioners shall set the improvement standards (the minimum improvement shall be an A-20 standard).</p>			

Table 3.4- Minimum Road Standards for Private Roads							
Revision Class	Maximum # of Parcels to be Served	Maximum Grade	Travel Width	Recommended Easement Width	Design Speed	Top Course	Base Course
A <sup>(4)</sup>	Private Roads are not allowed within Class "A" Division except as noted						
B	10	16% <sup>(3)</sup>	1 <sup>(2)</sup> See Table 3.2	See Table 3.2	--	--	--
C	10	16% <sup>(3)</sup>	1 <sup>(2)</sup> See Table 3.2	See Table 3.2	--	--	--
<p><sup>(1)</sup> "A" - Within an Urban Growth Boundary or Rural Service Area Boundary.  " B" - Zoned for 5 acres or smaller, excluding Class "A" divisions.  " C" - Zoned for larger than 5 acres in size.</p>							

- (2) Turnouts shall be provided intervisibly or at 800-foot intervals, whichever is less.
- (3) Grades greater than 14% shall be asphalt or concrete.
- (4) A private road is not permitted in an Urban Growth Boundary or Rural Service Area except that it may be permitted outside UGBs or RSAs.

Note: See Sections 3.9840 and 3.9850 for complete standards.