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AGENDA COVER MEMO

DATE: September 14, 2005

TO: BOARD OF COUNTY COMMISSIONERS

FROM: BILL VANVACTOR, COUNTY ADMINISTRATOR
KENT HOWE, PLANNING DIRECTOR

RE: In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA05-5537, James and Carol Silke)

I. **MOTION:** Move to direct resolution of the Silke M37 claim

II. ISSUE OR PROBLEM

Shall the Board of County Commissioners compensate an applicant under Ballot Measure 37 and LC 2.700 through 2.770 for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of restrictive land use regulations or modify, remove, or discontinue application of those land use regulations to the subject property to allow James and Carol Silke to use the property for a use permitted at the time they acquired the property?

III. DISCUSSION

A. Background

Applicant/Owner: James & Carol Silke
P.O. Box 21505
Eugene, OR 97402

Agent: Bill Kloos
P.O. Box 11906
Eugene, OR 97440

Legal Description of Property: Map 19-12-25.2.2, tax lot 1800

Acreage: 14.29 acres

Current Zoning: Rural Residential (RR-1/RCP)

Date Property Acquired: November 4, 1977

Land Use Regulations in Effect at Date of Acquisition: Dunes City Single Family Residential zoning or Lane County Unzoned Area Development Permit, Ordinance No. 754 (August 15, 1973) and LC Chapter 13

County land use regulation which restricts the use and reduces the fair market value of claimant's property: LC 16.290(6)(a) Rural Residential Zone

Specific Relief Sought: On April 27, 2005, Mr. Kloos submitted a M37 claim to Lane County on behalf of the Silke's for \$380,000 compensation or waiver of land

use restrictions to allow subdivision of their 14 acre property under the regulations in effect at the time they acquired the property.

B. Lane Code Submittal Requirements

All of the Lane Code submittal requirements have been met except for the following:

- 1) A current title report for the property has not been provided. A copy of a 1977 Memorandum of Land Sale Contract has been submitted without deeds showing any final conveyance or continuous ownership since then.
- 2) An appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the M37 and LC 2.720 requirements has not been provided. An estimate of the reduction in property value (\$380,000) has been provided by a real estate broker.

C. Analysis

Application Review and Referral Determination

An application qualifies for compensation consideration if the applicant has shown that all of the following LC 2.740(1) criteria are met:

The County has either adopted, enforced or applied a land use regulation that restricts the use of private real property after the current owner of the property (the applicant) became the owner (LC 2.740(1)(a) and (c));

James and Carol Silke desire to subdivide the property to 1 acre lot sizes. At the time they acquired an interest in the property they were subject to the Single Family Residential zoning of Dunes City as a result of action withdrawing this and adjacent properties from the city. It is unclear whether they would have been applicable at the time, but the Unzoned Area Development Permit requirements of LC 9.700 and LC Chapter 13 subdivision regulations might have enabled applications for division of the property into 1 acre lots. Currently, the RR-1 zone division requirements (LC 16.290(6)(a)) would restrict the minimum area requirement for the creation of lots or parcels for residential purposes to two acres. The Board will need to conclude the RR-1 minimum area land division regulations have been enforced against the applicant in order to give rise to a claim under M37 against Lane County.

The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed (LC 2.740(1)(b)); and

The applicant has provided a statement from a real estate broker that indicates the potential for 10 lots that could sell for approximately \$1,005,000 with a minimum land division of 1 acre. Only 6 buildable lots would be possible with a 2 acre minimum that would result in total value of \$625,000. The alleged reduction in value from this analysis of property value as a result of the land use restriction is \$380,000.

In order to conclude this is a valid claim, the Board will need to determine that the market value of 10 one acre lots is greater than 6 two acre lots. Given the uncertainty of the outcome of application of the Dunes City land use regulations or Lane County Unzoned Area Development Permit and LC Chapter 13 requirements, the RR-1 minimum land division requirements and the M37 impact on the market for dwelling sites, it is difficult to determine what the exact nature of the fair market value

reduction, if any, would be for these properties. The applicants' evidence indicates there may be some topographical constraints to development of two-acre lots but does not address the feasibility of either one-acre or two-acre development. Further market value reduction information or an appraisal is necessary. Ultimately, the Board will need to conclude the current county RR-1 minimum land division regulations have the effect of reducing the fair market value of the applicants' property to conclude the Silkes' comply with this criteria and are entitled to just compensation under M37.

The challenged regulation is not an exempt regulation (LC 2.740(1)(d)).

The land division regulations of LC 16.290(6)(a) establish the minimum land division lot sizes in the RR-1. Those land division minimum lot size requirements are not part of the exempt regulations addressing public nuisances, public health and safety, federal law, or restrictions to prohibit use of the property for pornography or nude dancing. The parts of the RR-1 zone and other sections of Lane Code that do not restrict the use of the property for home sites and reduce the value of the property should remain applicable until shown otherwise. Therefore, this criterion does appear to be met because the challenged minimum lot size regulations are not part of the exempt regulations defined in LC 2.710.

Final Conclusion: Until additional appraisal or value reduction information is provided, this application does not appear to qualify for compensation consideration because the applicants fail to meet the criteria of LC 2.740(1)(b) that requires demonstrations of a reduction in the fair market value of the property that has occurred as a result of the current RR-1 zoning restriction of a two-acre minimum parcel size.

D. Ultimate Referral Determination

The application does not appear to meet the criteria in LC 2.740(1)(b). The County Administrator does not recommend waiver of the appraisal requirement without more probative evidence of reduction in value and the feasibility of development of the subject property in one-acre lots. Based on the fair market value analysis provided by applicants, the value reduction analysis does not seem to meet the requirements of Measure 37. The County Administrator recommends referral to the Board to confirm the application does not qualify under Measure 37. In the event the Board disagrees or is provided additional evidence and analysis, the Board may determine whether to compensate the applicant for the reduction in the fair market value of the subject property resulting from the enactment of the current minimum land division requirements in the RR-1 zone, or modify, remove, or discontinue application of the restrictive land use regulations to the subject property to allow James and Carol Silke to use the property as authorized by Measure 37.

E. Conclusion/County Administrator Recommendation

The amount of just compensation resulting from the restrictive land use regulations applied to the subject property is not specifically determined in this application, but has been alleged by the applicant to be \$380,000. Lane County has not appropriated funds for compensation for M37 claims and has no funds available for this purpose. The public

benefit from application of the land use regulation to the applicant's property seems to be outweighed by the public burden of paying the required compensation.

If the applicants can provide sufficient evidence and analysis to establish a value reduction caused by restrictive Lane County land use regulations, the County Administrator recommends the Board "waive" the county RR-1 minimum land division two-acre restriction regulation and allow land divisions and development in a manner consistent with regulations in effect when the applicants acquired the property. All other sections of Lane Code should remain applicable unless it can be shown they restrict the use and have the effect of reducing the fair market value of the Silkes' property.

IV. ALTERNATIVE/OPTIONS

1. The County Administrator concludes the application is not a valid claim and the Board should direct issuance of a final written decision denying the Claim.
2. Recommend an independent review of comparable property value information and/or request the applicants to provide additional information.
3. Recommend the application appears valid and direct preparation of an order reflecting the Board of County Commissioners determination for final disposition of the Silkes' Measure 37 claim.

V. RECOMMENDATION

Alternative 1.

VI. IMPLEMENTATION / FOLLOW-UP

Upon adoption of the final determination that either the claim should be denied or a "waiver" or modification of a land use regulation is necessary to avoid owner entitlement to compensation, the County Administrator will provide notice of the final decision pursuant to LC 2.760.

VII. ATTACHMENTS:

1. April 22, 2005 letter, M37 Application

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@LANDUSEOREGON.COM

April 22, 2005

Mr. William A. Van Vactor
Lane County Administrator
Courthouse and Public Service Building
125 E. 8th Ave.
Eugene, OR 97401

Re: Ballot Measure 37 Claim by Jim and Carol Silke
Assessor's Map19-12-25-22, TL 1800

Dear Mr. Van Vactor:

Please accept this Ballot Measure 37 claim for the property above, filed on behalf of the property owners, James and Carol Silke. The subject property is 14.29 acres in size and zoned RR-1 by Lane County. The Silkes acquired the property on November 4, 1977. In summary, the owners seek compensation/relief for the land use regulations, state and local, imposed on the property since the acquisition date. At the time of acquisition the property was able to be subdivided into one-acre lots. That changed with the LCDC adopted rules setting a two-acre minimum lot size and rural areas, and the county inserted the same restrictions into its zoning code. As an alternative to compensation, the owner seek waiver of regulations to allow their subdivision of the property under the land use regulations in effect at the time they acquired title to the property.

The balance of this letter is organized under the nine required elements of BM 37 claim, as stated in Lane Code 2.720.

1. Application form.

A completed application form is enclosed as Exhibit A.

2. Ownership information.

James Silke and Carol L. Silke
PO Box 21505
Eugene, OR 97402
Phone: 484-2542

There are no other interest holders in the subject property.

3. Legal description, TL number, street address.

The property is identified as Parcel 3 of Partition M456-78, being a partition of Block 10, Erhart Acres Subdivision, as platted and recorded in Book 7, Page 24, Lane County Oregon Plat Records, Lane County Oregon. Attached as Exhibit B hereto is a copy of the county tax map showing the subject property.

4. Title report or deed.

Attached as Exhibit C hereto is a copy of the Memorandum of Land Sale Contract to the Silkes, dated November 4, 1977, recorded as Instrument No. 7771131.

5. Statement describing the land use regulations that restrict the use of the property.

State and county land use regulations restrict the use of the property.

County regulations: The applicants paid to have county planning staff research the county land use and partition regulations in effect at the time of their purchase of the property. A copy of the county's report to the applicants, and the March 8, 2005, transmittal letter from Jerry Kendall, is attached as Exhibit D hereto. The report shows that at the time of the purchase (Nov. 4, 1977), the property was subject to the county's "Unzoned Area Development Permit" Ordinance No. 754, which took effect on August 15, 1973. The property was also subject to the county's partition regulations, which took effect in March 1975.

All of the county's current land use regulations and partition regulations post-date the acquisition of the property. Those regulations are found primarily in Lane Code Chapters 13 (Land Division), 15 (Roads) and 16 (Land Use and Development Code). In particular, compensation/relief is sought from the provisions of LC 16.290(6)(a), which establishes a 2-acre minimum size for divisions in the RR-1 zone on committed lands outside unincorporated communities. The latter regulation, enacted by the County in 2000 by Ordinance 6-02, implements the state regulations in OAR 660-004-0040 below, which established a 2-acre minimum size for land division of rural lands.

Related to the two-acre density limitation for new lots in LC 16.290(6)(a) above is a parallel amendment to the policies of the Rural Comprehensive Plan, which was accomplished by Ordinance No. 1192 (Dec. 17, 2003). The last paragraph of Policy 11.a. incorporates the two-acre minimum lot size by referencing the standard in the LCDC rules discussed immediately below.

State regulations: The applicants seek compensation/relief from all regulations of the Land Conservation and Development Commission (LCDC) in OAR Chapter 660 that post-date their date of acquisition. In particular, they seek compensation/relief from the rules adopted on June 9, 2000 (effective October 4, 2000) setting a 2-acre minimum size for land divisions on rural lands. Those rules are found at OAR 660-004-0040. The key provision is found in section 5 and

provides, in relevant part:

“(5)(a) A rural residential zone currently in effect shall be deemed to comply with Goal 14 if that zone requires any new lot or parcel to have an area of at least two acres.

“(b) A rural residential zone does not comply with Goal 14 if that zone allows the creation of any new lots or parcels smaller than two acres. For such a zone, a local government must either amend the zone's minimum lot and parcel size provisions to require a minimum of at least two acres or take an exception to Goal 14. Until a local government amends its land use regulations to comply with this subsection, any new lot or parcel created in such a zone must have an area of at least two acres.”

6. Appraisal supporting reduction in value.

Attached as Exhibit E hereto is the February 6, 2005 letter from Dale A. Sari, Broker. The letter estimates the reduction in value of the property being subject to a two-acre minimum lot size, as opposed to a one-acre minimum lot size, as being \$380,000.

7. Statement addressing criteria in LC 2.740(1)(a) through (d).

(a) County adoption/enforcement of restrictive regulation. Since the date in 1977 that the applicants took title to the property, the county has adopted, in part pursuant to state law, wholesale changes to its land use regulations that apply to subject property. Most severe are the provisions that the county adopted to implement state law which changes the allowable land division density to a two-acre minimum.

(b) Reduction of fair market value due to the restriction. As noted above, the new regulations have reduced the fair market value of the subject property by at least \$380,000.

(c) Date of enforcement. As explained above, all regulations complained of, including the reduction in density for land divisions from one to two acres, were adopted, enforced and applied after the owners acquired the property in 1977.

(d) Regulation not exempt. The regulations complained of here are not exempt under Ballot Measure 37.

William VanVactor
April 26, 2005
Page 4 of 4

The applicant looks forward to cooperating with the county in processing this claim.

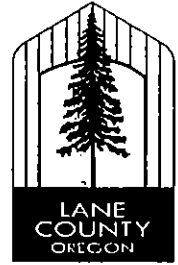
Sincerely,

A handwritten signature in black ink, appearing to read "Bill Kloes", written over the word "Sincerely,".

Bill Kloes

List of Exhibits:

- A. County BM37 Application Form
- B. Lane County Assessor's Map showing subject property
- C. Memorandum of Land Sale Contract, November 4, 1977, Instrument No. 7771131
- D. Ltr from J. Kendall, Planner, March 8, 2005, transmitting zoning history
- E. Ltr from Dale Saari, Broker, Feb. 16, 2005



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

April 27, 2005

JAMES SILKE
PO BOX 21505
EUGENE OR 97402

RE: MEASURE 37 CLAIM

Dear Mr. Silke:

Enclosed is a new, corrected receipt for the Ballot Measure 37 claim that you filed with our department today on the property located at assessor's map number 19-12-25-22-01800.

Originally, I had assigned tracking number DE050288 to your claim, but later changed your claim to Planning Action number PA055537. This tracking number change was made to comply with the current process for such claims.

If you have any questions regarding this change, please contact me.

Yours truly,

Steve Smith
Lane County Land Management
(541) 682-3658

Enclosure

Application for Claims Under LC 2.700 through 2.770

Due to Regulatory Reduction of Property Value Under Provisions Added to ORS Chapter 197 by BM37

Note: This completed form together with the referenced supporting documentation and application fee must be submitted to the Lane County Land Management Division, 125 East 8th Avenue, Eugene, Or., 97401 for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply. Use additional paper, if necessary.

1. Applicant/ Agent

JAMES CAROL SILKE PO 21505 EGN OR 97402 484-2542
Applicant Name (Please Print) Mailing Address Phone

BILL KLOOS PO BOX 11906 EGN OR 97402 343-8596
Agent Name (Please Print) Mailing Address Phone

2. Property Owner

Please provide the Name, Mailing Address and telephone number of all property owners of record holding interest in the property that is the subject of this application. Include a complete listing of all lien holders, trustees, renters, lessees or anyone with an interest in the property and describe the ownership interest.

JIM CAROL SILKE PO 21505 EGN OR 97402 484-2542
Property Owner Name (Please Print) Mailing Address Phone

Property Owner Name (Please Print) Mailing Address Phone

3. Legal Description

Please provide an accurate legal description, tax account number(s), map, street address and location of all private real properties that are the subject of this application.

Assessor Map & Tax Lot 19-12-25-22, TL 180D - SEE EX B
Street Address NONE Legal Description Attached L

4. Identification of Imposed Land Use Regulation

Please identify the Lane Code section or other land use regulation imposed on the private real property that is alleged to restrict the use of the subject property in a manner that reduces the fair market value. Include the date the regulation was first adopted, enforced or applied to the subject property and a written statement addressing all the criteria in LC 2.740(1).

SEE ATTACHED TRANSMITTAL LETTER

5. Title Report

Please attach a Preliminary Title Report showing title history and continuous ownership traced to the earliest family member ownership, the date of current owner(s) acquisition and all current interests of record for the subject property, issued within 30 days of the application submittal. Provide copies of relevant deeds.

SEE ATTACHED DEED - EX C

6. Appraisal/Regulatory Effect

Please provide one original, signed appraisal prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon addressing the requirements of provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in fair market value by showing the difference in the fair market value of the property before and after the application of the challenged regulations as of the date the owner makes written demand for compensation. Include all of the supporting methodology, assumptions and calculations affecting the appraisal.

SEE EX E

7. Leases, Covenants, Conditions and Restrictions

Please provide copies of any leases or covenants, conditions and restrictions applicable to the subject property.

NA

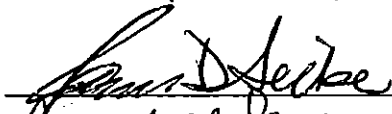

8. Identification of Relief Sought


Please specifically indicate what relief is being sought, either a monetary value of the claim describing the reduction in fair market value of the property or the specific use authorization sought in any waiver of the land use regulation.

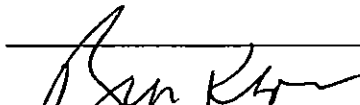
SEE ATTACHED LETTER/SEEKING WAIVER

I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owner(s) agree to this claim as evidenced by the signature of those owner(s) below. Include additional signatures, as necessary.

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).



 Owner(s) Signature

4-27-05
 Date 


 Applicant/Agent Signature

4-26-05
 Date

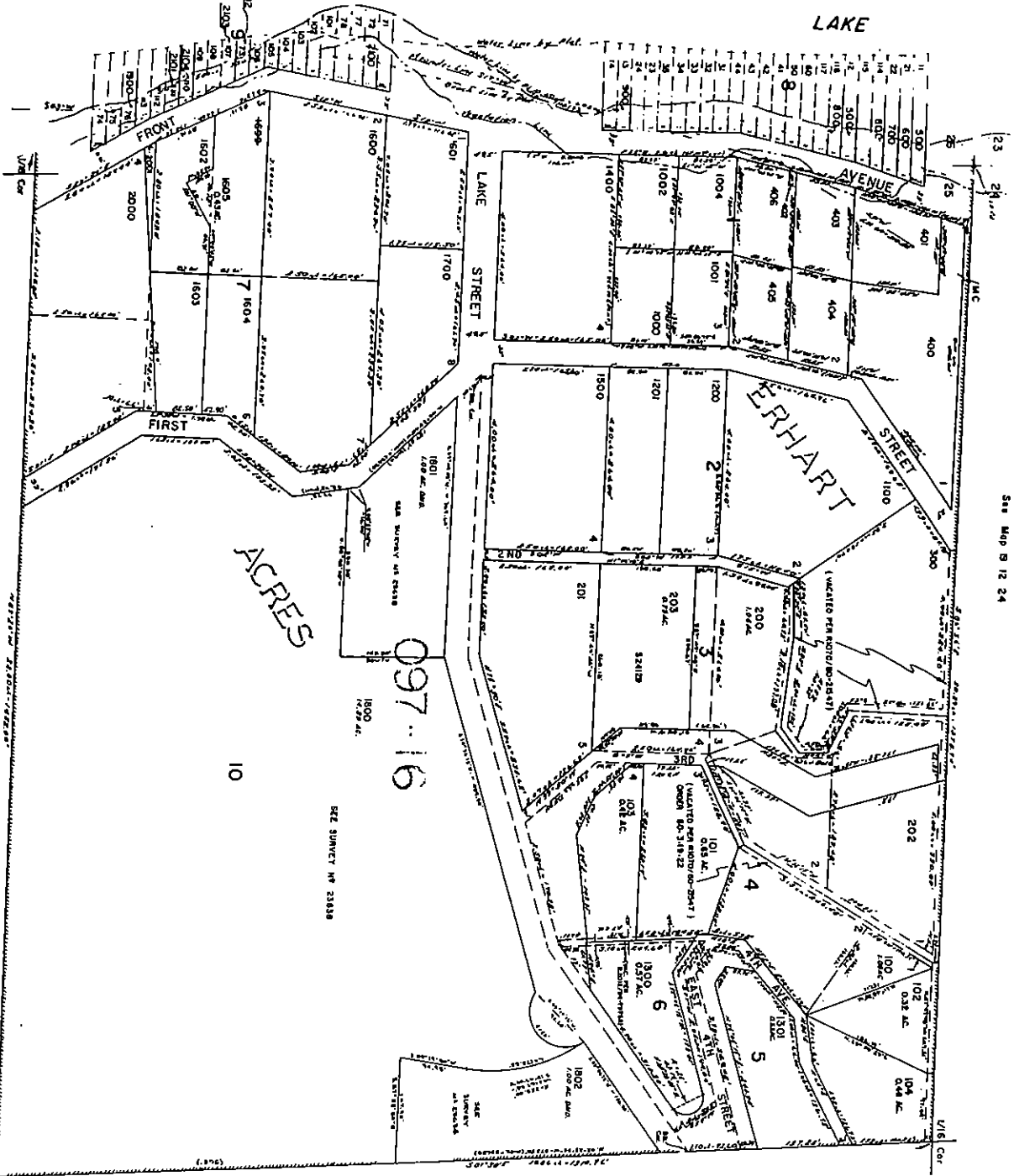
The following contacts are provided to assist you in finding the necessary information for this application.
 For zoning and land use information, please contact the Land Management Division at 682-3577.
 This phone contact is a message line. Please leave a message and a Planner will return your call.
 For deeds and records information, please contact Lane County Deeds and Records at 682-3654.

CANCELLED
1915

See Map 19 12

TSILCOOS

LAKE



See Map 19 12 24

NW 1/4 NW 1/4 Sec. 25 T19S. R12 W.M.
LANE COUNTY
T100'

19 12 25 2

See Map 19 12 25

See Map 19 12 25

EXHIBIT B

300

MEMORANDUM OF LAND SALE CONTRACT

KNOW ALL MEN BY THESE PRESENTS, That on the 4th day of November 1977, MILDRED E. MILTONBERGER, as to an undivided one-half interest, E. J. PETERSEN & ZELPHA PETERSEN, as tenants by the entirety as to an undivided one-half interest, as VENDORS, and JAMES SILKE AND CAROL L. SILKE, husband and wife as VENDEES, made and entered into a certain Land Sale Contract;

WHEREAS, VENDOR agreed to sell and VENDEES agreed to purchase the following described real property, to-wit:

Lot 1, Block 2 together with the following: Lots 1, 2, 3, 4 and 5, Block 3; Lots 1, 2, and 4, Block 4; all of Blocks 5, and 6; Lots 2 and 7, Block 7; Lots 71, 72, 77, 78, 101, 102, 103, 104, 105, 106, 107, 108, 109, and 110, Block 9; and all of Block 10, ERHART ACRES, as platted and recorded in Book 7, Page 24, Lane County Oregon Plat Records, in Lane County, Oregon.

The true and actual consideration of this transaction is \$67,000.00

The terms and conditions of said transfer being fully set forth in said Land Sale Contract

IN WITNESS WHEREOF the parties have hereunto set their hands this 4th day of November 1977.

James Silke
James Silke

Mildred E. Miltonberger
Mildred E. Miltonberger

Carol L. Silke
Carol L. Silke

E. J. Petersen
E. J. Petersen

STATE OF OREGON, County of _____
Personally appeared the within named

Zelpha Peterson
Zelpha Peterson

JAMES SILKE, CAROL L. SILKE, MILDRED E. MILTONBERGER, E. J. PETERSEN and ZELPHA PETERSEN

do hereby acknowledge the foregoing instrument to be their voluntary act and deed. Before me:



680 Tyler
Eugene, Oregon 97402

Linda L. Porter
Notary Public for Oregon
My Commission Expires: 4/24/81

MEMORANDUM OF LAND SALE
CONTRACT



OF JUNE 11, 1956 STATES COUNTIES

800 Pearl St. • Eugene 942-1194
222 N. W. 4th St. • Springfield 746-7282
103 Oregon Ave. • Bend 389-2120

7771131

State of Oregon
County of Lane—ss.

I, D.M. Penfold, Director of the Department of General Services, in and for the said County do hereby certify that the within instrument was received for record at

977 NOV 7 PM 1 25

Recd 872 R

Lane County OFFICIAL RECORDS

D.M. Penfold, Director of the Department of General Services

By: *S. Holcomb*
Deputy

CS-13

Deputy

By

MEMORANDUM OF LAND SALE CONTRACT

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After recording return to:

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VENOR ADDRESS, ZIP

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Until a change is requested, all tax payments shall be sent to the following address:

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VENOR

March 8, 2005

James D. & Carol L. Silke
680 Tyler St.
Eugene, Or. 97402



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

Re: Research request, DE05-0039 for Map 19-12-25.2.2, tax lot 1800

Dear Silkes:

Your request was for the partitioning requirements and zoning regulations that applied to your property at the time of your purchase in October of 1977.

Zoning was not adopted for this property until January 5, 1980 (via Ord. 754). However, the "Unzoned Area Development Permit" ordinance did apply at your purchase date. It became effective on 8-15-73, and had been modified twice up to your purchase date. The original ordinance, LC 9.700, is enclosed, along with the two updates.

Also enclosed are the partition regulations in effect as of October 1977. LC 13 was in effect as of March 1975, and had not been changed until after your purchase date.

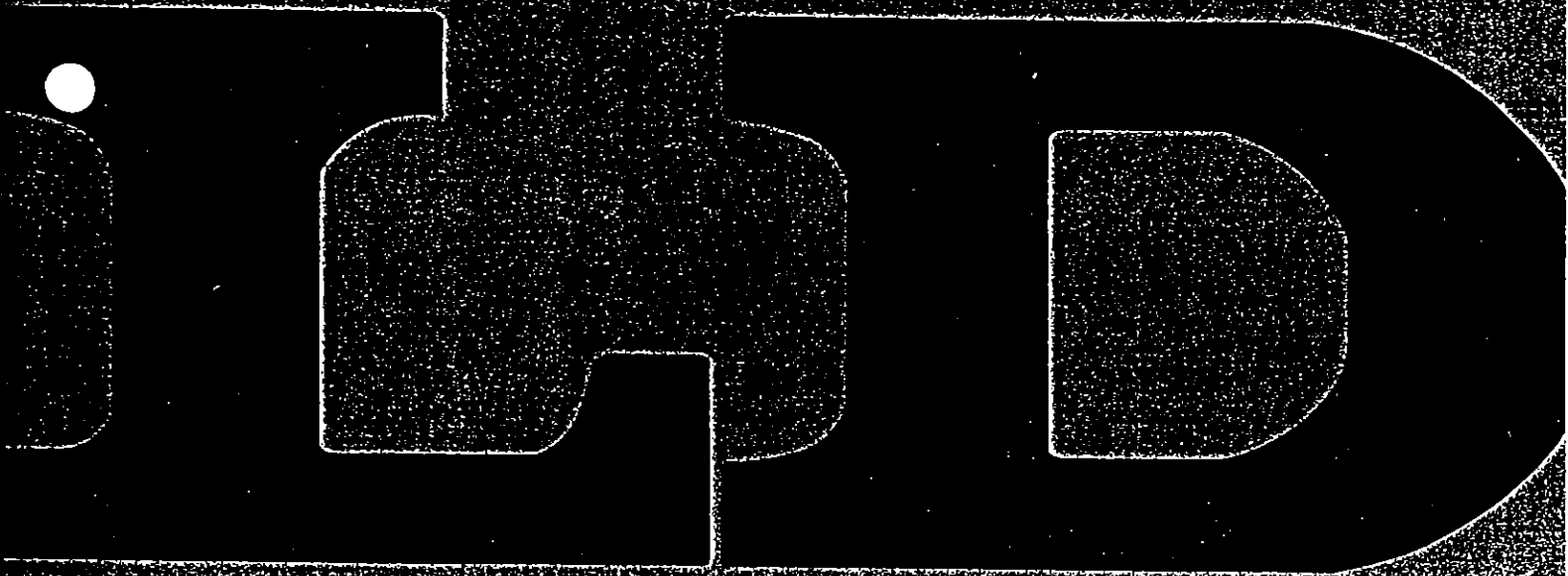
The provided materials consist of 70 pages, @ 25 cents per page. \$17.50 is due for these copies. I have left a message to that effect at your workplace.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Kendall".

Jerry Kendall/Associate Planner

EXHIBIT D



LAND DIVISIONS
LANE COUNTY OREGON MAR. 1975

Lane Code

Chapter 13

L A N D D I V I S I O N S

N O T I C E

THESE PROVISIONS EXCERPTED FROM A COPY OF
THE LANE CODE UPDATED TO May, 1975
HAVE BEEN PROVIDED FOR YOUR CONVENIENCE.
ONLY. CARE SHOULD BE TAKEN TO ENSURE THAT
PROVISIONS CITED OR RELIED UPON ARE UP TO
DATE.

LAND CODE

CHAPTER 13

LAND DIVISIONS

CONTENTS

GENERAL PROVISIONS, DEFINITIONS, ENFORCEMENT

- 13.005 General Purpose
- 13.010 Definition - Subdivision and Partition
- 13.015 Classification of Divisions
- 13.020 Definitions - General
- 13.025 Approval of Partitions and Subdivisions Required
- 13.030 Interrelationship with Other County Codes, Orders and Policies
- 13.040 Notice of Violation

DESIGN AND DEVELOPMENT STANDARDS

- 13.050 Design and Development Standards - General
- 13.055 Roads
- 13.060 Utility and Watercourse Easements
- 13.065 Pedestrian and Bicycle Ways
- 13.070 Parcels and Lots
- 13.075 Sewerage Facilities
- 13.080 Water Supply
- 13.085 Dangerous Areas
- 13.090 Grading, Excavation, and Clearing
- 13.095 Land for Public Purpose
- 13.100 Preparation, Survey and Monumentation of Divisions
- 13.105 Plan, Map, and Plat Specifications

LANE CODE

CHAPTER 13

LAND DIVISIONS

CONTENTS

GENERAL PROVISIONS, DEFINITIONS, ENFORCEMENT

- 13.005 General Purpose
- 13.010 Definition - Subdivision and Partition
- 13.015 Classification of Divisions
- 13.020 Definitions - General
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- 13.095 Land for Public Purpose
- 13.100 Preparation, Survey and Monumentation of Divisions
- 13.105 Plan, Map, and Plat Specifications

CONTENTS, continued

4. Minimum General Road Standards for Rural Area
Residential Divisions

- Appendix "C" Generalized Map of the "Urban Area"
- Appendix "D" Listing of Major/Minor Development Centers and Rural
Service Centers as Designated in the Preliminary County-
Wide Policies Element of the Lane County Plan
- Appendix "E" Summary of Water Supply Definitions from Lane Code,
Chapter 9, "Environment and Health"

LAND DIVISIONSGENERAL PROVISIONS, DEFINITIONS, ENFORCEMENT

13.005 General Purpose. The general purpose of this Chapter is to define a subdivision and partition and related terms; to prescribe the form and content of subdivision plats and partition maps and the procedures to be followed in their development and approval and to designate those authorized to give such approval; to establish the minimum requirements and standards necessary for efficient, safe, and attractive subdivisions and partitions consistent with the natural resources of the County; and to provide penalties for violations. It is intended that this Chapter be consistent with ORS, Chapter 92 and 215, and the Lane County Charter.

It is further the purpose of this Chapter:

(1) To ensure that land be subdivided or partitioned in a manner which will promote the public health, safety, convenience, and general welfare.

(2) To aid in the implementation of the Comprehensive Plan for Lane County and any element thereof.

(3) To protect, emphasize and preserve the natural assets of the County by providing the means for encouraging orderly development of the wide variety of natural environments in the County by relating the number, design, and distribution of lots or parcels to existing topographical, ecological, hydrological, and other natural conditions.

(4) To minimize, through proper design and layout, the danger to life and property by the hazards of fire, flood, water pollution, soil erosion, and land slippage.

(5) To ensure that proper consideration be given for adequate light and air, prevention of the overcrowding of land and provisions for education and recreational opportunities.

(6) To provide lots, parcels, and development sites of sufficient size and appropriate shape and character for the purpose for which they are to be used.

(7) To provide for adequate water supply, sewage disposal, storm drainage, and other utilities needed for the public health, safety, and convenience.

(8) To provide adequate provisions for transportation, including the provisions for roads, bicycle ways, and pedestrian ways, each being designed to handle the anticipated usage and to ensure that they minimize safety hazards and adverse impact on the neighboring area and the environment.

(9) To ensure that the costs of providing rights-of-way and improvements for vehicular and pedestrian traffic, utilities, and public areas serving new developments be substantially borne by the benefited persons rather than by the people of the County at large.

(10) To encourage new concepts and innovations in the arrangement of building sites, lots and parcels within divisions. Deviations from the traditional approaches of dividing lands may be considered for approval when such deviations will facilitate the ultimate development of the land in a unique manner that will be compatible with the purpose of this Chapter and which utilizes advances in living patterns and technology.

13.010 Definition - Subdivision and Partition

(1) Division - To divide or separate an area or tract of land by sale, lease, or separate building development and, when used herein, refers collectively to both partitions and subdivisions; provided that the following types of divisions shall not constitute a partitioning or subdividing of land:

(a) Leasing or financing of apartments, offices, stores, or similar spaces within an apartment building, industrial building, or commercial building.

(b) Renting or leasing of spaces within a mobile home park, vacation (recreational) trailer park, motel, tourist court, or campground.

(c) Minerals, oil, or gas leases.

(d) Any adjustment of a lot or parcel property line by the relocation of a common boundary where an additional lot or parcel is not created, the existing lots or parcels are not rendered substandard or more substandard, or in conflict with the Lane Code and no existing public utility easement is affected.

(e) Divisions of land resulting from lien foreclosures.

(f) Divisions of land resulting from the creation of cemetery lots.

(g) Divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession.

(h) Divisions of land created by the acquisition of land by government agencies when the said acquisition is required by that agency for the sole use and purpose of providing a public service, or divisions of land for the purpose of operating a public utility.

(i) A lease for agricultural purposes.

(j) Divisions of land for forestry, mining, or agricultural purposes provided all resulting tracts of land constitute a 1/16 section, government lot or contain 38 acres or more and not more than three tracts are created within a calendar year.

(2) Partition Land - Divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

(3) Partition - Either an act of partitioning land or an area or tract of land partitioned. Partitions shall be divided into the following two types:

(a) Major Partition. A partition which includes the creation of a road.

(b) Minor Partition. A partition that does not include the creation of any road.

(4) Parcel - A unit of land that is created by a partitioning of land.

(5) Parcel Map - A final diagram and other documentation relating to a major or minor partition prepared pursuant to this Chapter.

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

(7) Subdivision - Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

(8) Lot - A unit of land that is created by a subdivision of land.

(9) Plat - A final map and other documents relating to a subdivision.

13.015 Classification of Divisions. Divisions shall be classified with respect to their location within the County and in addition, by the type of or intended use of the development in order to determine appropriate design and development standards. The classifications are as follows:

(1) Classification of Division by Location Within County

(a) Urban Area Division - A division located within the Eugene-Springfield Metropolitan Urban Area. Such area shall be defined in accordance with the boundaries and districts of the U. S. Bureau of Census, 1970 Census of Housing, Block Statistics Final Report H C (3) 194, Eugene, Oregon. Urbanized Area, and shall include the following census tracts: numbers 19 - 43 inclusive; numbers 45 - 54 inclusive; number 18, excluding enumeration districts 154 and 155; and number 44, excluding enumeration district number 145.

(b) Major/Minor Development Center Divisions - A division located within the existing or potential service area of any major or minor development center as designated by the Comprehensive Plan.

(c) Rural Service Center Division - A division located within a rural service center of the County as designated by the Comprehensive Plan.

(d) Rural Area - A division located within a rural area of the County as designated by the Comprehensive Plan and includes all areas not within the urban area and not within major/minor centers, and rural service centers.

(2) Classification of Division by Type of Intended Use.

(a) Residential Division - A division generally intended for residential uses.

(b) Commercial Division - A division generally intended for commercial uses.

(c) Industrial Division - A division generally intended for industrial uses.

(d) Planned Unit Development - A division developed in connection with a Planned Unit Development application of Chapter 10, "Zoning".

13.020

Definitions - General

Building Site. That portion of the lot or parcel of land upon which the building and appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light, air clearances, proper drainage, appropriate easements, and, if applicable, other items required by the Lane Code.

Control Strip. A strip of land contiguous to a road which land is deeded or dedicated to the County for the purposes of controlling access to or use of a lot or parcel.

Flood or Flooding. As designated by the National Flood Insurance Act of 1968, the general and temporary condition of partial or complete inundation of normally dry land areas (a) from the overflow of streams, rivers or other inland water, or (b) from tidal surges, abnormally high tidal water, tidal waves, or rising coastal waters resulting from severe storms, or (c) from impounded water, or (d) from mudslides caused or precipitated by the accumulation of water on or under the ground.

Flood Plain. (Flood Prone Area) As designated by the National Flood Insurance Act of 1968, an area: (a) which has been in the past or can reasonably be expected in the future to be covered temporarily by flood, or (b) subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil, and the climate indicate a relatively high potential for mudslides (caused by the action of surplus water accumulated above or below the ground) to inundate normally dry land surfaces.

Floodway. As designated by the National Flood Insurance Act of 1968, the minimum areas of a riverine flood plain reasonably required for passage of flood water so the limits of the floodway vary according to conditions within the flood plain.

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements or a performance agreement. It is a written agreement that is executed between the County and a developer, in a form approved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights of remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be compliance with the improvement requirements of the Code.

Area, Lot or Parcel. The total horizontal net area within the property lines of a lot or parcel but not including that area within a road right-of-way.

Depth, Lot or Parcel. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear excluding any strip of land used primarily for access purposes.

Lot/Parcel Width, Average. The average width of a lot or parcel determined by dividing the area of the lot or parcel, by its depth.

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board of Commissioners and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Road. See Lane Code, Chapter 15, "Roads".

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial waste, garbage or other wastes.

Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

Sewerage Facility, Individual. A privately owned sewage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves a sole user for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Water Supply. See Lane Code, Chapter 9, "Environmental Health".

13.025 Approval of Partitions and Subdivisions Required

(1) No person shall dispose of, transfer, sell, or agree, offer, or negotiate to sell any lot in any subdivision for which approval is required by this Chapter: (a) until such approval is obtained, and (b) the plat of the subdivision has been acknowledged and recorded with the recording officer of the County.

(2) No person shall dispose of, transfer, sell, or agree, offer, or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of subdivision before the plat of subdivision has been so recorded.

(3) No person may dispose of, transfer, or sell any parcel in a partition for which approval is required by this Chapter until such approval is obtained and the partition recorded, however, a person may offer or negotiate to sell a parcel in a partition prior to the required approval of the partition.

(4) No person shall create a street or road for the purpose of partitioning or subdividing an area or tract of land without the appropriate approval of the County.

(5) No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the County.

13.030 Interrelationship with Other County Codes, Orders and Policies.

(1) Comprehensive Plan for Lane County. A subdivision or partitioning shall be in conformity with the Comprehensive Plan for Lane County where applicable.

(2) Lane Code, Chapter 9, "Environment and Health". A subdivision or partition shall be subject to all applicable requirements of Chapter 9, "Environment and Health".

(3) Lane Code, Chapter 10, "Zoning". A subdivision or partitioning shall conform to all applicable requirements of Chapter 10, "Zoning".

(4) Lane Code, Chapter 11, "Building". An application for a permit for the construction of a building shall not be approved for any lot or parcel created, subdivided or partitioned in violation of this Chapter or its preceding ordinances unless or until the Director of the Planning Division finds that creating such permit would not be inconsistent with the basic purpose of this chapter. In making such findings, the Director shall give consideration to:

(a) Whether the owner of the lot or parcel can rescind the agreement by which the lot or parcel was acquired and recover the consideration paid therefore.

(b) Whether the lot or parcel meets other applicable Lane Code requirements.

(c) Whether approval would be detrimental to the orderly development of the surrounding area and the purpose of this Code.

(d) Whether there exist unusual uses, title limitations, or limitations imposed by the arrangements of contiguous or adjacent lots or parcels.

(e) Whether the general public would materially benefit by requiring full compliance with this chapter.

(f) Reasonable conditions may be imposed in connection with approval in order to secure the purpose of this Chapter including but not limited to road dedications and improvements.

(5) Lane Code, Chapter 15, "Roads". A subdivision or partitioning shall be subject to all applicable requirements of Chapter 15, "Roads".

(6) Whenever any department of the County finds that the provisions of the Chapter have apparently been or may be violated by any person, the Director of said department shall report such finding to the Director of the Planning Division for investigation and enforcement.

(7) The Department of Assessment and Taxation shall make no segregation of an existing tax lot when the requested segregation is for the purpose of, or due to, the transfer of ownership and the resulting division would appear to be in violation of the provisions of this chapter. The Department of Assessment and Taxation shall promptly notify the Director of the Planning Division and the appropriate property owner(s) of its determination to not allow the requested segregation.

13.040 Notice of Violation. Whenever the Director of the Planning Division determines that property has been partitioned or subdivided in violation of the provisions of this Chapter, the Director may prepare a report describing the nature of the violation, the legal description of the property and the name of the owner. Upon review of the report and concurrence by the Office of Legal Counsel, the Director of the Planning Division shall record the report with a statement that no building permits will be issued for the described property, in the Lane County Records of Deeds. The Director shall promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the violation ceases to exist or is changed, the Director of the Planning Division shall record an appropriate statement setting forth the current status of the property insofar as its relationship to the provisions of this Chapter is concerned. Nothing in this section shall be deemed to require such recording as a condition precedent to the enforceability of any other provision of this Chapter.

DESIGN AND DEVELOPMENT STANDARDS

13.050 Design and Development Standards. All partitions and subdivisions shall conform to the design and development standards specified in the following sections. The standards so specified shall be considered as the minimum appropriate for normal partition or subdivision development and are not intended to limit the partitioner or subdivider from using higher standards of design and development. The County may require appropriate higher design and development standards than the minimum required by this section upon a finding by the Director of the Planning Division that the division is located in an area possessing natural conditions which require special consideration or the division is intended for especially intensive development. All divisions shall be evaluated in terms of efficiency in the use of land, protection of natural features, and pleasing, convenient and functional design. Requirements not otherwise contained in this section may be prescribed when needed to ensure that established criteria and standards of professional subdivision design are maintained in the County.

13.055 Roads. The location, design and improvement of roads for major partitions and subdivisions shall provide for the transportation and access needs of the community and the division in a safe, pleasant and convenient manner with the least possible adverse environmental effect. Consideration should be given to surrounding existing and planned roads, to topographical and other natural conditions, to public convenience and safety, and to the proposed scope and use of the development served by the road.

(1) Standards. Roads shall be developed in accordance with the requirements of Lane Code, Chapter 15, "Roads", and Lane Manual, Chapter 15, "Roads". The classification of a division, as determined by the locations and intended use, shall establish the appropriate general road standards for the division.

(2) Private Roads and Private Access Easements. Private roads and private access easements shall be permitted only when the residents of the division will be adequately served and the road will not be needed for the proper development of the surrounding subarea; and the public welfare will not be impaired through the use of such roadways or the type of improvements thereon. Private roads and private access easements shall be shown and clearly designated as a private road on the map or plat.

(3) Control Strip. The County may require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:

(a) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

(b) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.

(c) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer.

(d) To prevent access to land unsuitable for development.

(e) To prevent or limit access to roads classified as arterials and collectors.

13.060 Utility and Watercourse Easements.

(1) Utility Easements. The dedication of easements for the placement of overhead or underground utilities, including but not limited to electric power, communication facilities, sewer lines, water lines, and gas lines shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all maps and plats and may be located along or centered on parcel or lot lines or elsewhere as determined necessary by the County to provide needed facilities for the present or future development of the area.

(2) Watercourses. When a partition or subdivision is traversed by a watercourse such as a drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially with the lines of the watercourse, and of such design and development as may be deemed necessary to accommodate reasonable anticipated future development within the drainage area.

13.065 Pedestrian and Bicycle Ways. When necessary for public convenience, safety, or as may be designated on an adopted master bike plan, the County may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of Lane Code, Chapter 15, Roads. Pedestrian and bicycle ways shall be not less than six feet in width and be paved with asphaltic concrete or portland cement concrete.

13.070 Parcels and Lots. The area, width, depth and layout of all parcels and lots shall meet or exceed the minimum requirements of this section. Such requirements represent minimum design standards for conditions of average natural conditions and development and may be increased or otherwise modified by the County when such standards are found to be inappropriate to a particular division or situation.

(1) Dimensional Standards. The minimum average width and minimum/maximum depth for parcels and lots shall be determined by the

appropriate classification and minimum established area requirements of the associated division as shown on the following table of "Minimum Dimensional Standards". When area requirements have not been established or specified for an area either by the Comprehensive Plan for Lane County or Lane Code Chapter 10, "Zoning", the minimum parcel or lot area shall be determined by water supply and sewerage facility requirements in which case width and depth requirements shall be based on the closest applicable requirements of the table. These standards shall be in addition to, and consistent with, the minimum area requirements of Lane Code, Chapter 10, "Zoning".

MINIMUM DIMENSIONAL STANDARDS FOR PARCELS AND LOTS

CLASSIFICATION		ESTABLISHED MINIMUM AREA	MIN. AVE. WIDTH	MIN/MAX DEPTH
RESIDENTIAL	URBAN	6000 Sq. Ft. -- with community water system and sewage facility.	60'	Min. of 80' & not more than 2-1/2 times ave. width.
		10,000 Sq. Ft. -- with community water system and individual sewage facility.	70'	Min. of 100' & not more than 2-1/2 times ave. width.
		1 acre -- with individual sewage and water facilities.	150'	Min. 200' & not more than 3 times ave. width.
	MAJOR & MINOR DEVELOPMENT CENTERS & RURAL SERVICE CENTERS	6000 sq. ft. -- with community water system and sewage facility.	60'	Min. of 80' & not more than 2-1/2 times ave. width.
		1 acre -- with community water system and individual sewage facility.	150'	Min. of 200' & not more than 3 times ave. width.
		2-5 acres -- with individual sewage & water facilities.	200'	Min. of 250' & not more than 3 times ave. width.
	RURAL	5 Acres --	300'	Not Applicable
		10 Acres --	450'	Not Applicable
		20 Acres --	600'	Not Applicable

Minimum Dimensional Standards for Parcels and Lots

CLASSIFICATION	ESTABLISHED MINIMUM AREA	MIN. AVE. WIDTH	MIN/MAX DEPTH
PLANNED UNIT DEVELOPMENTS (PUD)	The Standards of design of Lane Code, Chapter 10, Zoning, Section 10.700 shall apply to lots or parcels created as part of a Planned Unit Development application, however, the design requirements for lots or parcels of this section shall serve as a general guideline for a PUD.		
COMMERCIAL	The minimum dimensional standards for commercial divisions shall be determined by the county on the basis of the location and type of commercial activity proposed or anticipated. In determining minimum area requirements special emphasis shall be placed on access, circulation, and parking.		
INDUSTRIAL	The minimum dimensional standards for industrial divisions shall be determined by the County on the basis of the type of industrial activity proposed or anticipated. Safe, efficient access, and off street loading, parking and storage shall be required. Large basic lots may be created by the original plat to be partitioned into smaller parcels as specific needs arise.		

(2) Panhandle Divisions. Panhandle parcels or lots shall have excluded from any area or dimensional calculations any portion of the parcel or lot which is used for, or designed to provide access. In addition, minimum parcel or lot design standards may have to be increased for panhandle divisions to assure adequate space between buildings and additional parking spaces.

(3) Special Requirements. In addition to the minimum dimensional requirements of the above table, the County shall also evaluate proposed parcels or lots in terms of efficiency in the use of land and space, protection of natural environmental features, and whether they form a pleasing, convenient, and functional design, and may prescribe additional requirements in accordance with the standards of established professional subdivision planning and design.

(4) Redividable Parcels and Lots. When parcels and lots are created which are substantially larger in area than required by this Chapter, Lane Code, Chapter 10, "Zoning", or the Comprehensive Plan, and it is determined that the lots or parcels may be divided into smaller lots or parcels in the future, the County may require that boundary lines and other design details be such that redivision may readily take place without violation of the requirements of this Code. The County may require that special development recommendations and/or restrictions on the location of buildings be made a matter of public record when it is deemed necessary to ensure that redivision may take place in conformity with the purpose of this chapter. If the restrictions are considered permanent, they shall be recorded by separate document.

13.075 Sewerage Facilities. All lots and parcels in any division shall be served by either an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility. Methods of sewage disposal shall be in accordance with and subject to applicable provisions of Oregon Revised Statutes Chapter 199.410 to 199.514; Oregon Revised Statutes Chapter 454.010 to 454.785 as well as all appropriate rules, regulations and policies promulgated under authority of these Oregon Revised Statutes and all appropriate County ordinances and policies.

(1) Public or Community Sewerage Facilities.

(a) In accordance with the subsurface sewage disposal regulations contained in ORS Chapter 340, 71-015(5), when a division is located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be sewered by said system, the division shall connect to that system. Should the existing facilities be unable to service the division or development, individual sewage disposal systems may be considered if soil and other conditions are suitable for their use.

(b) When a new public or community sewerage system is proposed for the division, there shall be submitted for approval a preliminary plan for the sewage collection and disposal system to the Lane County Water Pollution Control Division and State Department of Environmental Quality. The preliminary plan shall include at least the following:

(i) A conceptual plan for sewage collection, treatment and disposal facilities.

(ii) A conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS, Chapter 450 or 451.

(iii) A preliminary economic feasibility report.

(2) Individual Sewage Facilities. When a division is to be served by individual sewage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewage disposal system and at least one acceptable replacement area which meets the criteria established by OAR, Chapter 340-71-005 to -045. In addition, if the division is located within an area with an adopted detailed master sewerage plan and implementation schedule which shows the location and depth of community sewers which will eventually serve the division, then the division shall be provided with a dryline sewage connection system which is constructed in accordance with plans which have been approved by the Oregon Department of Environmental Quality and the Water Pollution Control Division.

13.080 Water Supply. All lots and parcels in any division shall be served by either an approved public or community water system or be capable of being served by an approved individual water system. Water systems shall be in accordance with and subject to applicable provisions of Oregon Revised Statutes, as well as all appropriate rules, regulations and policies promulgated under authority of these statutes and Lane Code and Manual, Chapter 9, "Environment and Health".

(1) Public or Community Water System. The County may require that a new community or public water system be developed to serve a division when no existing public or community water system is available or suitable for use by the division, and individual water systems are not feasible due to the density of the division and/or the possibility of problems concerning the long term availability of adequate quantities of suitable water.

(2) Individual Water Systems. When a division is to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available at time of development an adequate supply of potable water which will meet minimum County standards for drinking water. Such evidence may include but is not limited to existing well logs and geologist reports for the surrounding area, in addition, production test wells shall be required

as follows for any subdivision that is proposed to be located in an area previously designated by the County as having potential or known problems in the quantity or quality of available water:

(a) When production test wells are required, they shall be completed prior to approval of subdivision tentative plan. The wells shall be in sufficient number and distribution pattern to represent the total area of the subdivision. The pattern used for the test wells shall be approved by the Director of the Environmental Health Division prior to drilling and the minimum number of test wells shall be as follows:

<u>Average Lot Size</u>	<u>Required Number of Test Wells</u>	<u>Round all</u>
1 to 4 acres	Total Number of Lots + 8	fractions
5 to 10 acres	Total Number of Lots + 12	to next
over 10 acres	As may be required by Environ- mental Health Division.	higher number

A tentative plan may be considered for conditional approval prior to the actual construction or testing of the required wells so that the location or possible need for the wells may be better determined.

(b) No construction or development work shall be started following conditional approval of a tentative plan or partition map until all required water tests are completed and approved.

13.085 Dangerous Areas. Any area known to be dangerous for road or building development by reasons of geological conditions, unstable subsurface conditions, groundwater or seepage conditions, flood plain, inundation or erosion or any other dangerous condition shall not be divided or used for development except under special consideration and restriction. Areas which are located within a designated floodway shall be restricted from any building development or the installation of any permanent structure. The County may require that special development recommendations and/or restrictions as to location of building or other development be made a matter of public record when it is deemed necessary to insure proper disposition of the dangerous area. If the restrictions are considered permanent they shall be shown on the plat or map, and if temporary in nature they shall be recorded by separate document by the partitioner or subdivider prior to the recording of the plat or map.

13.090 Grading, Excavation and Clearing. Grading and clearing of any portion of a division by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that

such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose.

13.095 Land for Public Purpose. When the County, a school district, or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the County may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed 6 months from date of Chairman's approval of a subdivision tentative plan.

13.100 Preparation, Survey and Monumentation of Division

(1) All tentative subdivision plans, subdivision plats and surveys, and monumentation thereof shall be made by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor. However, the lot design and layout portion of a tentative subdivision plan may be made by a qualified architect or a landscape architect, licensed by the State of Oregon.

(2) All major partition maps, and surveys and monumentation thereof, shall be made by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor.

(3) A minor partition map may be prepared by the owner or his authorized agent. If the County determines that the location or dimensions of the boundary lines are in question or critical to the status of the partition or adjoining lands, it may conditionally approve the partition subject to a survey of the parcels or, if appropriate, verification of the original boundary lines shown on the map. Such work shall be completed by a qualified surveyor who is an Oregon registered engineer or an Oregon licensed land surveyor. When verification of the boundaries is a condition of approval, the verification may be based on a field survey of the land or it may be based on appropriate filed data, if available.

(4) All survey monumentation, and delayed monumentation work shall be as required by ORS, Chapter 92 and as may be reasonably required by the County Surveyor. All survey work shall be subject to inspection and approval by the County Surveyor.

13.105 Tentative Plan, Map, and Plat Specifications

(1) Partition Tentative Plans and Maps. Tentative plans and maps for major or minor partitions shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without

loss of detail. The drafting material and the lettering and drawing shall have characteristics of adequate strength and permanency as well as suitability for binding as may be specified by the County Surveyor. The overall size of the plan or map shall be 11 inches by 17 inches, or two sheets 8½ inches by 11 inches. The format of the plan or map shall be in accordance with specifications established by the Planning Division. The Planning Division shall provide suitable materials for plans or maps upon request.

(2) Subdivision Tentative Plans and Plats

(a) Tentative plans for subdivisions shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The plans shall be drawn on a transparent material suitable for reproduction. The drawings shall be on standard size sheets 18 inches by 27 inches with the format being in accordance with specifications established by the Planning Division.

(b) Plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and the lettering and drawing thereon shall have characteristics of adequate strength and permanency as well as suitability for binding and copying as specified by the County Surveyor. The overall size of plats shall be 18 inches by 27 inches. The County Surveyor may establish the format to use for plats.

REVIEW COMMITTEE13.110 Land Development Review Committee.

(1) Establishment of Review Committee. The Land Development Review Committee is established to act in a technical review capacity for the Planning Commission and Board of Commissioners, and is authorized to perform such functions as provided for in the Lane Code and Lane Manual. The Review Committee shall consist of the following members or their duly authorized representatives:

- (a) Director, Planning Division, who shall serve as Chairman.
- (b) Director, Department of Transportation.
- (c) Director, Construction Permits and Inspection Division.
- (d) Director, Water Pollution Control Division.
- (d) Director, Environmental Health Division.

(2) Responsibility of Review Committee. The Review Committee shall have the responsibility to examine all plan, map, and plat applications for compliance with the requirements of this Chapter and prepare appropriate written statements with respect to any matter or information deemed necessary for the applicant's or public's benefit. All written statements so prepared should be submitted to the Planning Director and applicant at least two days prior to any scheduled or anticipated official action on the application. In addition to the preparation of the individual written statements on an application, the members of the Review Committee shall also meet as a committee at a regularly scheduled public meeting to consider the application and form a committee recommendation thereon. The applicant and/or designated representative and all other parties or public agencies with an interest in the application shall be given notice, encouraged to attend the meeting and participate in the discussion. The Review Committee may schedule additional meetings on the application as may be necessary to obtain additional information.

(3) Responsibility of Chairman, Review Committee. The Chairman of the Review Committee is authorized to take action on all matters relating to the approval, conditional approval, or disapproval of minor partition maps, tentative plans, major partition maps, and subdivision plats, and any modifications thereof as may be provided for in this Chapter. Prior to any final action, the Chairman shall review all pertinent information including, but not limited to, the individual written statements of the members of the Committee and the Committee's joint recommendation. Should approval involve implications of new or modified standards of policy, the Chairman may refer the matter to the Planning Commission for public hearing.

APPLICATIONS13.120 Applications and Fees for Partitions and Subdivisions.

(1) Applications. All applications for the partitioning or subdividing of land shall be submitted to the Planning Division as required by this Chapter. Prior to any applications, it is recommended that the person proposing the division submit to the Planning Division a sketch of the proposed division which may be used for the purpose of discussion in order to properly determine the type and classification of the division and to allow the Planning Division the opportunity to provide or request any additional information deemed helpful or necessary.

(2) Fees.

(a) For the purpose of partially defraying expenses involved in processing land division applications, the Planning Division shall collect fees in the amounts established by order of the Board of Commissioners for the following applications:

- (i) minor partition maps
- (ii) major partition tentative plans
- (iii) subdivision tentative plans

(b) All fees provided for above are non-refundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Director of the Planning Division.

(c) At the time of filing a subdivision plat with the County Recorder, the applicant shall pay the fee of the County Surveyor, as provided in ORS 92.100 and the filing fee as provided in ORS 205.350.

PARTITION PROCEDURE

13.125 Minor Partition Map Procedure.

(1) Application - Minor Partition Map. An application for a minor partition map shall be submitted to the Director of the Planning Division by the owner or an authorized agent on the form prescribed by section 13.105 of this Chapter and the Planning Division. The application shall contain the following information:

(a) The name and addresses of the owner and the person preparing the application and map.

(b) An accurate map describing the boundaries of all contiguous land in the same ownership.

(c) The date, north point and scale of the map and, if needed, a sufficient written description to define the location and boundaries of the map area.

(d) The location, name, and width of existing roads.

(e) The location of existing or projected right-of-way lines as shown on the Master Road Plan.

(f) The width and location of all existing or projected drainage and utility easements.

(g) The existing use or uses of the property, including the location of all existing structures to remain on the property.

(h) The approximate location of areas subject to inundation or storm water overflow, and the location and direction of flow of all water courses and drainage ways.

(i) The parcel lines and dimensions of all proposed parcels.

(j) The proposed method of sewage disposal. If the parcels are to be served by individual sewage disposal systems the following information shall be submitted:

(i) Date and application number of a site feasibility study prepared by Water Pollution Control Division.

(ii) Location of each approved test hole showing distance from nearest side parcel line and distance from either front or rear parcel line.

(k) The proposed method for obtaining water. If the parcels are to be served by individual wells the following information shall be submitted:

(i) Sufficient evidence to show that each parcel will have available at the time of development an adequate water supply.

(ii) Location of each existing and proposed well showing distance from nearest side parcel line and distance from either front or rear parcel line.

(1) An overall conceptual plan for the entire property if the proposed partition may be further divided at a future time.

(2) Review Committee Consideration - Minor Partition Map.

(a) Distribution and Report. Within two working days after a minor partition map is submitted, according to the provisions of this Code, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment, and recommendations. The referral shall state the anticipated date for Review Committee consideration of the partition. Members of the Review Committee and other interested parties may submit to the Chairman of the Review Committee and the applicant a written report at least two days prior to the meeting at which the Committee is scheduled to consider the partition.

(b) Committee Recommendation. The Review Committee shall consider the minor partition application at a regular public meeting not less than seven full days after the partition is submitted to the Planning Division. At this meeting the Committee shall either form its joint recommendations concerning the partition and its conformance with this Chapter or delay action for not more than fifteen days for additional information or review. The time limit may be extended upon mutual consent of the applicant and the Committee.

(3) Chairman's Consideration - Minor Partition Map. The Chairman of the Review Committee shall consider the minor partition application and the reports and recommendations thereon from the Review Committee and others not more than five days after the Committee forms its recommendation. The Chairman shall approve or conditionally approve the minor partition unless there is a specific finding that the partition does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations. Unless appealed, the Chairman's action shall become effective fifteen days after such action.

(4) Final Disposition of Minor Partition Map.

(a) Notification of Applicant. The Chairman of the Review Committee shall notify the applicant of any final action taken on a minor partition application within five days of such action and shall note the nature of the action and the date thereof on the partition map. If approved, the partition map shall be appropriately endorsed.

(b) Conditional Approvals. If a partition has received conditional approval, the notification of action shall contain a listing of such conditions. All conditions must be performed or complied with in the time period specified in the conditional approval. When the conditions have been fulfilled, the partition map shall be appropriately endorsed and a copy

forwarded to the applicant. In the case of conditions relating to improvements, a performance agreement or improvement agreement which has been accepted by the Board of Commissioners shall be considered as adequate fulfillment of said conditions. Upon failure to perform the conditions within the specified time, the Chairman shall forward the unapproved map to the applicant without further action. No further action thereafter on the application shall be permitted until a new application is submitted as required by this Chapter. Unless said action by the Chairman of the Review Committee is appealed, the Chairman's action shall become final fifteen days after such action. The County is not bound by its prior determination.

(c) Recording. Following approval, the Chairman of the Review Board shall promptly deliver to the office of the County Recording Officer an approved copy of the minor partition and offer such for filing. All filing fees shall be paid by the applicant.

13.130 Major Partition Procedure.

(1) Application - Major Partition Tentative Plan. An application for a major partition tentative plan shall be submitted to the Director of the Planning Division by the owner or an authorized agent on the form prescribed by section 13.105 of this chapter and the Planning Division. This application shall contain information on the following:

(a) The name and addresses of the owner and the person preparing the application.

(b) An accurate map describing the boundaries of all contiguous land in the same ownership.

(c) The date, north point and scale of the map, and, if needed, a sufficient written description to define the location and boundaries of the map area.

(d) The location, name, and width of existing roads.

(e) The location of existing or projected right-of-way lines as shown on the Master Road Plan.

(f) The width and location of all existing or projected drainage and utility easements.

(g) The existing use or uses of the property, including the location of all existing structures to remain on the property.

(h) The approximate location of areas subject to inundation or storm water overflow, and the location and direction of flow of all watercourses and drainage ways.

(i) The parcel lines and dimensions of all proposed parcels.

(j) The design of all proposed public and private roads including location, width, typical cross section, grades, radius of curves and names, as appropriate.

(k) The design of all proposed private access easements or access strips (panhandle parcels) including locations, width, and typical improvements.

(l) The draft of all documents relating to establishment and maintenance of private facilities.

(m) The proposed method of sewage disposal. If the parcels are to be served by individual sewage disposal systems, the following information shall be submitted:

(i) Date and application number of a site feasibility study prepared by Water Pollution Control Division.

(ii) Location of each approved test hole showing distance from nearest side parcel line and distance from either front or rear parcel line.

(n) The proposed method for obtaining water. If the parcels are to be served by individual wells, the following information shall be submitted:

(i) Sufficient evidence to show that each parcel will have available at the time of development an adequate water supply.

(ii) Location of each existing and proposed well showing distance from nearest side parcel line and distance from either front or rear parcel line.

(o) An overall conceptual plan for the entire property if the proposed partition may be further divided at a future time.

(p) The proposed use of any parcel which is not intended for single-family residential use.

(2) Review Committee Consideration - Major Partition Tentative

Plan.

(a) Distribution and Report. Within two working days after a major partition tentative plan application is submitted according to the provisions of this Code, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment and recommendations. The referral shall state the anticipated date for Review Committee consideration of the partition. Members of the Review Committee and other interested parties may submit to the Chairman of the Review Committee and the applicant, a written report at least two days prior to the meeting at which the Committee is scheduled to consider the partition.

(b) Committee Recommendation. The Review Committee shall consider the major partition tentative plan application at a regular public meeting not less than seven full days

after the partition is submitted to the Planning Division. At this meeting the Committee shall either form its joint recommendation concerning the tentative plan and its conformance with this Chapter, or delay action for not more than fifteen days for additional information or review. The time limit may be additionally extended upon mutual consent of the applicant and the Committee.

(3) Chairman's Consideration - Major Partition Tentative Plan.

The Chairman of the Review Committee shall consider the major partition tentative plan application and the reports and recommendations thereon from the Review Committee and others not more than five days after the Committee forms its recommendation. The Chairman shall approve or conditionally approve the tentative plan application unless there is a specific finding that the application does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations.

(4) Final Disposition - Major Partition Tentative Plan.

(a) Notification of Applicant. The Chairman of the Review Committee shall notify the applicant of the final action taken on the major partition tentative plan within five days of such action. Any conditions of approval shall be listed upon the tentative plan.

(b) Conditional Approvals. A major partition tentative plan may be conditionally approved subject to the satisfactory completion of specified tests or requirements, in which case the Chairman shall withhold completion of final action until the tests or requirements are completed. The Chairman shall take final action on the tentative plan within five days of notification of the completion of the tests or requirements. If the tests or requirements are satisfactorily met, the Chairman shall give final approval to the tentative plan.

(c) Review of Certain Tentative Plans by Board of Commissioners. The Board of Commissioners shall within ten days of the Chairman's action, be forwarded for review all major partition tentative plans which include the creation of a public road. If the Board elects to hold a hearing on the tentative plan, the Chairman of the Review Committee shall, within fifteen days from the date of final action, notify the applicant in writing, stating the Board's intent to hold a hearing and the reason for their action. The hearing procedure and ruling by the Board shall be as provided for in Section 13.155 of this chapter.

(d) Effective Date. Unless the action by the Chairman of the Review Committee is appealed or the Board of Commissioners elects to hold a hearing on the tentative plan, the Chairman's action shall become final fifteen days after such action.

(e) Effect of Approval. Following approval of a major partition tentative plan, the applicant may proceed with final preparation of the major partition map, including surveying, map preparations, and construction of associated improvements.

13.135 Major Partition Map Procedure.

(1) Application - Major Partition Map. An application for a major partition map shall be submitted to the Director of the Planning Division by the owner or an authorized agent. The application shall be made no later than one year after the date on which the major partition tentative plan was approved. No major partition may be submitted for consideration and approval unless a tentative plan for the described area has previously been duly submitted and approved by the County as provided in this Chapter. The application shall contain the following information:

(a) A major partition map which complies with the form prescribed by Section 13.105 of this Chapter and the Planning Division, containing the following:

(i) The seal and signature of the surveyor who did the major partition map and the survey work.

(ii) The date, north point, and scale of the drawing.

(iii) A sufficient description to define the location and boundaries of the map area.

(iv) The parcel lines for all parcels within the map area with dimensions in feet and hundredths of feet.

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

(vi) The description and location of all permanent reference monuments.

(vii) The width and location of all existing or proposed public utility easements.

(viii) A designation of all areas being reserved for common use and the conditions being imposed thereon.

(ix) A designation of all areas covered by water and the location, width, and direction of flow of all water-courses or drainage ways.

(x) A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.

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

(b) A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.

(c) Transverse computation sheets for a major partition map which is intended to create a public or private road.

(d) A copy of all documents relating to special notice, requirements or restrictions required by the County as a condition of approval.

(2) Review Committee Consideration - Major Partition Map.

Within five working days after a major partition map application and map are submitted according to the provisions of this Code, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment, and recommendations. The referral shall state the anticipated date for the Chairman's consideration of the map. Members of the Review Committee and other interested parties may submit to the Chairman of the Review Committee and the applicant a written report within fifteen days.

(3) Chairman's Consideration - Major Partition Map. The Chairman of the Review Committee shall consider the major partition map application and the reports and recommendations thereon from the Review Committee members and other interested parties. The Chairman shall approve or conditionally approve the major partition map unless there is a specific finding that the map does not substantially conform to the approved tentative plan or to one or more of the requirements of this Chapter or other applicable laws or regulations. Either:

(a) All improvements as required by this Chapter have been completed and a certificate of such fact has been filed with the Chairman by the Director of the Department of Transportation; or,

(b) A performance agreement or improvement agreement approved by the Board of Commissioners has been submitted to the Chairman in sufficient amount to ensure completion of all required improvements.

(4) Delivery of Major Partition Map to County Surveyor.

Following the approval and signing of the major partition map by the Chairman of the Review Committee, the map and all pertinent data shall be delivered to the County Surveyor for appropriate action.

(5) Notification of Applicant. The Chairman of the Review Committee shall notify the applicant of the action taken on the major partition map within five days of such action and shall note the nature of the action.

(6) County Surveyor Consideration - Major Partition Map. The County Surveyor shall review the major partition map and accompanying material to ensure the sufficiency of affidavits, acknowledgements, and dedications, the correctness of surveying data, the accuracy of mathematical data and computations, the County Surveyor shall approve the major partition map unless there is a specific finding that the map does not comply to one or more of the above stated requirements. Following approval of the map, the County Surveyor shall prepare all necessary orders and other documents to accompany the map and shall:

(a) In the case of a major partition map which contains the dedication of a public road or the creation of a new private road, forward the map and all pertinent data to the Board of Commissioners for their final action at the Board's next regular meeting. The major partition map shall be approved by the Board unless a majority of the Board makes a specific finding that the partition does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations. Following final action by the Board, the County Surveyor shall notify the applicant of the action within five (5) days of such action.

(b) In the case of a major partition map which does not include the dedication or creation of a public or private road, the County Surveyor shall notify the applicant of the action within five (5) days of such action.

(c) Following the required notification, the County Surveyor shall promptly deliver the map to the office of the County Clerk for recording. All filing fees shall be paid by the applicant.

(7) Expiration of Approvals - Major Partition Map. A major partition map shall be filed within one year of the Chairman's approval. A new application must be submitted as provided for in Section 13.135 prior to reconsideration of a map for which approval has expired. If, in the opinion of the Chairman of the Review Committee, conditions have changed to a sufficient degree to warrant reconsideration of the tentative plan, an application for tentative plan approval shall be resubmitted and approved prior to map application submittal and reconsideration.

(8) Distribution of Map Copies. Following the recording of the major partition map, the County Surveyor shall furnish and distribute a copy of the map to each member of the Review Committee, the Department of Assessment and Taxation, and the Construction Division of the Environmental Management Department.

SUBDIVISION PROCEDURE13.140 Subdivision Tentative Plan.

(1) Application - Subdivision Tentative Plan. An application for a subdivision tentative plan shall be submitted to the Director of the Planning Division by the owner or an authorized agent on the form prescribed by Section 13.105 of this Chapter and the Planning Division. The application shall contain the following information:

- (a) The name and addresses of the owner and the person preparing the application.
- (b) An accurate map describing the boundaries of all contiguous land in the same ownership.
- (c) The date, north point, and scale of the map and, if needed, a sufficient written description to define the location and boundaries of the map area.
- (d) The location, name, and width of existing roads.
- (e) The location of existing or projected right-of-way lines as shown on the Master Road Plan.
- (f) The width and location of all existing or projected drainage and utility easements.
- (g) The existing use or uses of the property, including the location of all existing structures to remain on the property and the type of subdivision proposed as to use.
- (h) The approximate location of areas subject to inundation or storm water overflow, and the location and direction of flow of all watercourses and drainageways.
- (i) Contour lines sufficient to show the direction and general grade of land slope, having the following intervals:
 - (i) one-foot contour intervals for ground slopes up to 5%;
 - (ii) two-foot contour intervals for ground slopes between 5% and 10%;
 - (iii) five-foot contour intervals for ground slopes exceeding 10%.
- (j) The lot lines and dimensions of all proposed lots.
- (k) The design of all proposed public and private roads including location, width, typical cross section, grades, radius of curves and names, if appropriate.
- (l) The design of all proposed private access easements or access strips (panhandle parcels) including location, width, and typical improvements.
- (m) The draft of all documents relating to establishment and maintenance of private facilities.

(n) The proposed method of sewage disposal. If the lots are to be served by individual sewage disposal systems, the following information shall be submitted:

(i) Date and application number of a site feasibility study prepared by Water Pollution Control Division.

(ii) Location of each approved test hole showing distance from nearest side lot line and distance from either front or rear lot line.

(p) The proposed use of any lot which is not intended for single-family residential use.

(2) Review Committee Consideration - Subdivision Tentative

Plan.

(a) Distribution and Report. Within two working days after a subdivision tentative plan application is submitted according to the provisions of this Code, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment, and recommendations. The referral shall state the anticipated date for Review Committee consideration of the plan. Members of the Review Committee and other interested parties shall submit to the Chairman of the Review Committee and the applicant a written report at least two days prior to the meeting at which the Committee is scheduled to consider the tentative plan.

(b) Committee Recommendation. The Review Committee shall consider the subdivision tentative plan application at a regular public meeting not less than seven full days after the tentative plan is submitted to the Planning Division. At this meeting the Committee shall either form its joint recommendations concerning the tentative plan and its conformance with this Chapter or delay action for not more than fifteen (15) days for additional information or review. The time limit may be additionally extended upon mutual consent of the applicant and the Committee.

(3) Chairman's Consideration - Subdivision Tentative Plan.

The Chairman of the Review Committee shall consider the subdivision tentative plan application and the reports and recommendations thereon from the Review Committee and others not more than five days after the Committee forms its recommendation. The Chairman shall approve or conditionally approve the subdivision tentative plan unless there is a specific finding that the plan does not conform to one or more of the requirements of this Chapter or other applicable laws and regulations.

(4) Final Disposition - Subdivision Tentative Plan.

(a) Notification of Applicant. The Chairman of the Review Committee shall notify the applicant of the final action taken on the subdivision tentative plan. Any conditions of approval shall be listed upon the tentative plan.

(b) Conditional Approvals. A subdivision tentative plan may be conditionally approved subject to the satisfactory completion of specified tests or requirements in which case the Chairman shall withhold completion of final action until the test or requirements are completed. The Chairman shall take final action on the tentative plan within five days of notification of the completion of the test or requirements. If the test or requirements are satisfactorily met, the Chairman shall approve the tentative plan.

(c) Review by Board of Commissioners. The Board of Commissioners shall, within ten days of the Chairman's action, be forwarded for review all subdivision tentative plans. If the Board elects to hold a hearing on the tentative plan, the Chairman of the Review Committee shall, within ten days from the date of the Chairman's action, notify the applicant in writing, stating the Board's intent to hold a hearing and the reason for its action. The hearing procedure shall be as provided for in Section 13.155.

(d) Effective Date. Unless the action by the Chairman of the Review Committee is appealed or the Board of Commissioners elects to hold a hearing on the tentative plan, the Chairman's action shall become final fifteen days after such action.

(e) Effect of Approval. Following approval of a subdivision tentative plan, the applicant may proceed with final preparation of the subdivision plat including surveying, map preparations, and construction of improvements.

13.145 Subdivision Plan Procedure.

(1) Application - Subdivision Plat. An application for a subdivision plat approval shall be submitted to the Director of the Planning Division by the owner or an authorized agent. The application shall be made no later than one year after the date on which the subdivision tentative plan was approved. No subdivision plat may be submitted for consideration and approval unless a tentative plan for the described area has previously been duly submitted and approved by the County as provided for in this Chapter. The application shall contain the following information:

(a) A subdivision plat and exact reproducible transparency which complies with the form required by Section 13.105 of this Chapter containing the following:

(1) The affidavit of the surveyor who did the plat and survey work.

(ii) The date, north point, and scale of the drawing.

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

(iv) The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet and their metric equivalent.

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

(vi) The description and location of all permanent reference monuments.

(vii) The width and location of all existing or proposed public utility easements.

(viii) A designation of all areas being reserved for common use and the conditions being imposed thereon.

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

(x) A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.

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

(b) A title report issued by a title insurance company verifying ownership of all property that is to be dedicated to the public.

(c) Transverse computation sheets for all boundary lines and of all lot lines.

(d) A copy of all documents relating to establishment and maintenance of private facilities.

(e) A copy of any documents relating to special notice, requirement or restriction required by the County as a condition of approval.

(2) Review Committee Consideration - Subdivision Plat.

Within five working days after a subdivision plat application is submitted according to the provisions of this Chapter, the Planning Division shall distribute copies thereof to the members of the Review Committee and to other appropriate departments, agencies, or individuals for review, comment, and recommendations. The referral shall state the anticipated date for the Chairman's consideration of the plat. Members of the Review Committee and other interested parties shall submit to the Chairman of the Review Committee and the applicant a written report within fifteen days.

(3) Chairman's Consideration - Subdivision Plat. The Chairman of the Review Committee shall consider the subdivision plat application and the reports and recommendations thereon from the Review Committee members and other interested parties. The Chairman shall approve or conditionally approve the subdivision plat unless there is a specific finding that the map does not substantially conform to the

approved tentative plan or to one or more of the requirements of this Chapter or other applicable laws and regulations; and either:

(a) All improvements as required by this Chapter have been completed and a certificate of such fact has been filed with the Chairman by the Director of the Department of Transportation; or,

(b) A performance agreement or improvement agreement has been submitted to the Chairman in sufficient amount to ensure completion of all required improvements.

(4) Delivery of Subdivision Plat to County Surveyor.

Following the approval and signing of the subdivision plat by the Chairman of the Review Committee, the plat and all pertinent data shall be delivered to the County Surveyor for appropriate action.

(5) Notification of Applicant. The Chairman of the Review Committee shall notify the applicant of the Chairman's action taken on the subdivision plat within five days of such action and shall note the nature of the action.

(6) County Surveyor Consideration - Subdivision Plat. The County Surveyor shall review the subdivision plat and accompanying material to ensure the sufficiency of affidavits, acknowledgments, and dedications, the correctness of surveying data, the accuracy of mathematical data and computations, and whether the requirements of this Chapter and ORS Chapter 92 have been complied with. The County Surveyor shall approve the subdivision plat unless there is a specific finding that the plat does not comply to one or more of the above stated requirements. Following approval of the plat, the County Surveyor shall prepare all necessary orders and other documents to accompany the map, obtain appropriate approval of the County Assessor as required by ORS Chapter 92.095, and shall forward the plat and all pertinent data to the Board of Commissioners for their action at the Board's next regular meeting.

(7) Board of Commissioner's Consideration - Subdivision Plat.

If a majority of the Board determines that the plat is in conformity with the requirements of this Chapter, the plat shall be approved and signed. Following final action by the Board, the County Surveyor shall notify the applicant of the action within five days of such action. Following such notification, the County Surveyor, in the presence of the applicant or at the request of the applicant, shall promptly deliver the plat to the office of the County Clerk, to be offered for record.

(8) Expiration of Approvals - Subdivision Plat. A subdivision plat shall be filed within one year from date of the Chairman's approval. A new application must be submitted as provided for in Section 13.145 prior to reconsideration of a plat for which approval has expired. If, in the opinion of the Chairman of the Review Committee, conditions have changed to a sufficient degree to warrant reconsideration of the tentative plan, an application for tentative plan approval shall be resubmitted, and approved prior to plat application submittal and reconsideration.

(9) Distribution of Subdivision Plat Copies. Following the recording of the subdivision plat, the County Surveyor shall furnish and distribute a copy of the plat to each member of the Review Committee, the Department of Assessment and Taxation, and the Construction Division of the Environmental Management Department.

MODIFICATIONS, APPEALS AND PENALTIES

13.150 Modification of Standards and Requirements.

(1) Application. Concurrently with submitting a partition or subdivision tentative plan, a partition map, or subdivision plat application to the Planning Division or at any time during the consideration of the application, an applicant may submit a request for a modification to the design and development standards or to the application requirements of this Chapter. The request shall include statements relating to the following:

(a) The exact provision sought to be modified.

(b) Verification that the provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in dividing the subject area.

(c) Statement of fact showing that the modification of such provision would not be contrary to the purpose of this Chapter for the reason that:

(i) where the requested modification is for any provision relating to the design and development standards, unusual topographic conditions or the previous layout or development of the partition or subdivision area or neighboring area reasonably requires such modification and such modification will not be substantially injurious to the best use and value of property in the neighboring area; and

(ii) where the requested modification is for any provision relating to tentative plan, map, or plat application requirements, the purpose of such provision may be fulfilled without a strict adherence to the provision thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.

(2) Consideration of Application. The request for a modification shall be reviewed and acted upon in the same manner as the partition or subdivision tentative plan, partition map, or subdivision plat application. If, from the evidence submitted, it is determined necessary and competent that the circumstances specified above have been shown to exist, the modification referred to in the application may be granted to such extent and on such terms and conditions as may be considered proper in accordance with the purpose of this Chapter. Any approval of a modification request is also contingent upon approval of the tentative plan, map, or plat application.

(3) Notification of Applicant. Notification of final action on a modification request shall be included with the required notification relating to action on a division application, and is final unless appealed in the same manner as a division appeal.

(4) Appeal. The procedure for appeal of the action on a modification request shall be the same as provided for appeals to partition or subdivision applications.

13.155 Appeals to and Hearings by the Board of Commissioners.

(1) Appeal. An appeal may be made to the Board of Commissioners by an interested person or County Official within ten days of the following actions or conditions:

(a) The appellant is dissatisfied with the final action of the Chairman of the Review Committee on an application for a tentative plan, map or plat, or a modification request;

(b) The Chairman of the Review Committee does not take action on a duly submitted application for a tentative plan, map, or plat, or a modification request within forty-five days after such application is so submitted; or

(c) The County Surveyor does not take action on a major partition map or subdivision plat within twenty-five days after such map or plat is so submitted by the Chairman of the Review Committee.

The appeal notice shall be filed in written form with the Planning Division and shall include a concise statement of the grounds upon which the appellant claims the action appealed from was erroneous.

(2) Procedure for Appeals and Hearings. No later than twenty (20) days after notice of appeal has been filed and upon at least five (5) days notice of the time and place of the hearing mailed to the appellant, the Board shall hear the appeal in public session. At the hearing the Board shall hear the matter in accordance with its adopted rules for the conduct of land use hearings and may consider evidence presented by the appellant, the tentative plan, map, plat or modification request, any reports, comments or information with respect thereto from any public office, the minutes of the Review Committee meeting, and any other relevant evidence.

(3) Based upon the hearing, the tentative plan, map, plat or modification request shall be approved or disapproved by a majority of the entire membership of the Board.

(4) Notification of Action on Appeals. Within ten (10) days following consideration by the Board on an appeal, the appellant shall be notified of the Board's action by the Board.

13.995 Penalties. Violation of any provision of Section 13.025 of this Chapter is punishable, upon conviction, by a fine of not less than fifty dollars nor more than five thousand dollars, or by imprisonment in the County Jail for a period not to exceed six months, or by both.

A P P E N D I C E S

APPENDIX "A"

SUMMARY OF ROAD DEFINITIONS AND MINIMUM GENERAL ROAD REQUIREMENTS FROM LANE CODE, CHAPTER 15, ROADS

1. DEFINITIONS:

Access. The means by which a lot, parcel, area or tract directly obtains safe, adequate and useable ingress and egress.

Road. The terms road, street, or highway shall include the entire area between the right-of-way lines of any public or private way that is created to provide ingress or egress to one or more lots, parcels, areas, or tracts of land, including a private way that is created to provide ingress or egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes. Roads shall be further classified by their expected level of service and function as follows:

(1) Principal Arterial. A road which provides for through traffic between major centers of activity in the urban, suburban and rural areas.

(2) Minor Arterial. A road which provides for intracommunity traffic and serves as a direct connection from communities to principal arterials.

(3) Collector. A road which is used primarily as a connector from or through local areas or districts to one or more arterials.

(4) Local Road. A road which is used primarily for providing access to abutting properties.

(5) Frontage Road. A road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way and which provides access to abutting properties.

(6) Cul-de-sac. A local or limited local road having only one outlet with a turn-around at the opposite end and which is not intended to be extended or continued.

(7) Stubbed Road. A road having only one outlet but which is intended to be extended or continued to serve future development on adjacent lands.

(8) County Road. A County Road is a road which is part of the County Road system and which road has been given a County Road number as provided for in ORS Chapter 368, has a description on file in the office of the Department of Transportation and the road itself is maintained by the County.

(9) Public Road. A public road is a State Highway or road or any road which has been dedicated to the use of the public for road purposes either by good and sufficient deed or by a major partition map or a subdivision plat which documents have been presented to and accepted by the Board of County Commissioners and placed on record, said road being held in trust for the public by the County, but shall specifically exclude private roadway or access easements

or agreements, Forest Service Roads, Bureau of Land Management Roads, any Gateway or Way of Necessity as defined by ORS Chapter 376 and any other road which has nominally or judicially gained a "public character" by prescriptive or adverse use. A public road is not normally maintained by the County, but the County can regulate its use.

(10) Private Road. A private road or way that is created to provide ingress or egress to one or more lots, parcels, areas or tracts of land and which road or way has been approved for access purposes by the County. A private road shall also be considered as to include that portion of a panhandle or flag lot or parcel that is used for access purposes or an access road in which the underlying fee belongs to two or more persons, association, corporation, firm, club, partnership or other similar entity having the right of administration and/or ownership thereof.

(11) Private Access Easement. A private, nonexclusive easement that is intended to provide for ingress and egress to one or more lots, parcels, areas or tracts of land and which easement has been approved for access purposes by the County.

2. MINIMUM REQUIREMENTS FOR PUBLIC ROADS: The following minimum requirements shall apply to any action relating to the approval of a public road in order to ensure that the road will reasonably conform with the stated purpose of this chapter.

(1) A public road which is part of a major partition or subdivision shall also comply with the general requirements for roads of Lane Code, Chapter 13, Land Divisions.

(2) All public roads shall be designed and developed in accordance with current proper engineering practice.

(3) Public roads, rather than private roads or private access easements, shall be considered as the ordinary standard recommended for major partitions and subdivisions except as may be dictated by special circumstances.

(4) The location and design of public roads shall, as far as practical, conform to the Master Road Plan and the Comprehensive Plan for Lane County or any element thereof.

(5) As far as is feasible, roads shall be in alignment with existing or appropriate projections of existing roads by continuations of the centerline thereof.

(6) When necessary to give access to or permit a satisfactory future division of adjoining lands, roads shall be extended to the boundary of a major partition or subdivision or development. A temporary turn-around may be required for the resulting dead-end road.

(7) In order to effect separation of through and local traffic, frontage roads or reverse 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 addition, screening or other treatments may be required along arterial and collectors in

order to provide adequate noise and visual protection of adjacent properties.

(8) Whenever a proposed division or development is intended to abut an arterial or collector, the County shall restrict or limit as to location and number of vehicular access points unless specifically exempted in any approval thereof.

(9) 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.

(10) All public roads shall be constructed in accordance with the construction specifications of Lane Manual, Chapter 15, "Roads".

3. MINIMUM REQUIREMENTS FOR PRIVATE ROADS: The following minimum requirements shall apply for any action relating to the approval of a private road as may be deemed necessary to ensure that the road will reasonably provide access that conforms with the stated purposes of this chapter:

(1) Private roads shall be intended to provide access only for a limited number of abutting lots or parcels or dwelling units, and not for other roads or areas.

(2) Private roads shall not be approved if the road is presently needed or is likely to be needed within twenty years for extension to adjacent property or to be utilized for public road purposes in the normal development of the area.

(3) The minimum right-of-way for a private road shall be fifty feet except that a private road serving four or fewer lots may be a minimum of thirty feet wide.

(4) The County may require that at the entrance to a private road the applicant post a sign stating the name of the private road and the words "Private Road, Not Dedicated for Public Use or Maintained by Lane County".

(5) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

(6) Any private road approved as access shall be approved as to form by the County Counsel prior to final action by the Planning Director.

(7) The County may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.

(8) If the County determines that the access and transportation needs of the public would be better served if the private road being considered would be established as a public road, it may require that a public road dedication be made along the entire frontage of the applicant's ownership to a width deemed sufficient by the Department of Transportation.

(9) All approved documents creating a private road shall provide for the installation, construction and maintenance thereof of all public utilities and facilities which are now or may in the future be needed for the area abutting the road and the surrounding area.

4. MINIMUM REQUIREMENTS FOR PRIVATE ACCESS EASEMENTS: The following minimum requirements shall apply for any action relating to the approval of a private access easement as may be deemed necessary to ensure that the road will reasonably provide access that conforms with the stated purposes of this chapter:

(1) A private access easement shall be intended to provide access only to four or less lots or parcels or dwelling units, whichever the case may be.

(2) A private access easement shall be considered suitable access only for a lot or parcel twenty acres or more in area and which lot or parcel is intended for no more than one single-family or duplex dwelling unit.

(3) Private roads shall not be approved if the road is presently needed or is likely to be needed for access to adjacent properties or to be utilized for public road purposes in the normal development of the area.

(4) The minimum width for a private access easement shall be of a width determined by the County suitable for the intended use, but in no case less than twenty feet.

(5) All approved documents creating a private access easement shall provide for the installation, construction and maintenance thereof of all public utilities and facilities which are now or may in the future be needed for the area abutting the road and the surrounding area.

(6) The County may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.

(7) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.

(8) Any easement approved as a private access easement shall be an affirmative easement appurtenant to and contain at a minimum the names of grantor and grantee, the description of dominant and servient tenements, the description of the land covered by the easement, description of the intent or purpose of the easement and a statement of maintenance responsibility. All approved easements shall be recorded.

(9) The County may require that at the entrance to a private access easement the applicant post a sign stating the name of the private road and the words "Private Access Easement, Not Dedicated for Public Use or Maintained by Lane County".

(10) If the County determines that the access and transportation needs of the public would be better served if the private access easements being considered would be established as a public road, it may require that a public road dedication be made along the entire frontage of the applicant's ownership to a width deemed sufficient by the Department of Transportation.

APPENDIX "B"

SUMMARY OF GENERAL ROAD AND ACCESS POLICIES AND MINIMUM GENERAL ROAD STANDARDS FROM LANE MANUAL, CHAPTER 15, ROADS

1. GENERAL ROAD AND ACCESS POLICIES

Purpose. The statements set forth herein are for the purpose of establishing the minimum criteria to be used in Lane County for the evaluation of the appropriateness of proposed roads that are intended to provide access to lots or parcels. This criteria shall form the basis for determining what requirements may be necessary to ensure that there will be adequate provisions available now and in the future to provide for the transportation and utilities needs of lots, parcels, or developments.

Criteria.

(1) The necessity for being able to travel to and from a permanent residential dwelling is a basic requirement for development except in very rare circumstances.

(2) It is in the public interest to require adequate, safe and legally assured access to all developments which is as free as possible from restrictions, and which will not cause undue public costs.

(3) The costs of providing right-of-way and improvements for roads needed to directly serve new or existing developments should be substantially borne by the benefited persons, usually the subdivider or developer, rather than by the people of the County at large.

(4) A road must serve, in most situations, as the means of access for the following public or semi-public services:

- (a) Fire Service
- (b) Ambulance Service
- (c) Police Service
- (d) Mail Service
- (e) School and Bus Service
- (f) Public Transit Service
- (g) Delivery Service
- (h) Solid Waste Disposal Service
- (i) Means of addressing to allow others to find dwelling.

(5) A road, besides serving as the means for vehicular access, must also provide the land needed for the following possible utilities:

- (a) Drainageways
- (b) Electrical Power Lines
- (c) Telephone Lines
- (d) Water Lines

- (e) Fire Control Outlets
- (f) Sewer Lines
- (g) Natural Gas Lines

(6) Roads which are dedicated to but not maintained by the public, while not as desirable as maintained roads, are still preferable to any type of private road or any form of easement arrangement for most development.

(7) There is within Lane County a number of different types or forms of access used to gain ingress and egress to a particular property development. These are listed below in estimated order of decreasing desirability, for meeting the normal access needs of developments:

- (a) County Roads
- (b) State Highways
- (c) Public Roads (that are not public maintained)
- (d) Private Access Strips (panhandle lots)
- (e) Way of Necessity (Gateway Road)
- (f) Forest Service Roads - NFR (if jointly approved by the Forest Service and Lane County for access to developments)
- (g) Other public agency roads (Corps of Engineers, EWEB)
- (h) Private Roads
- (i) Private Road Easements
- (j) Bureau of Land Management Roads (when established by easement)
- (k) Access ways acquired adversely or prescriptively
- (l) Forest Service Special Use Permit Roads
- (m) Private Logging Roads
- (n) Water Access and Trails

(8) Roads which are dedicated to and maintained by the public (e.g., County roads) are generally the most satisfactory form of access.

(9) Private drives (panhandle lots) can be used effectively in special situations if carefully regulated and they do not hinder future development of the surrounding area. If more than two panhandle lots are used together, they should be established through a formal subdivision or partitioning procedure.

(10) Any private road works best if it serves a predetermined, limited amount of development.

(11) It is important that privately maintained roads which in any way could be mistaken for publicly maintained roads be clearly posted as not subject to County maintenance.

(12) The access needs of industrial and commercial land uses and activities are different than those for residential uses in some aspects and may require special consideration.

(13) A general plan and zoning on a countywide basis will provide a degree of predictability for land development which is now lacking in many parts of the County, therefore, existing regulations

and policies may have to be changed or modified after the adoption of a countywide plan and zoning.

(14) Paved roads are, all other things being equal, more safe to travel than gravel roads, have a lower maintenance cost, and have a lower nuisance value (dust, noise, etc.).

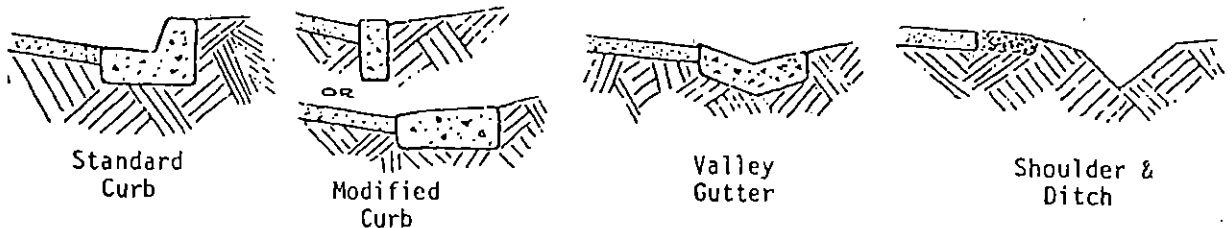
(15) Road requirements should not, if at all possible, hamper or prevent the development of new concepts and innovations for the development of land or hamper the continuation or extension of a complete transportation network.

APPENDIX "B" (PART 2)

MINIMUM GENERAL ROAD STANDARDS FOR URBAN RESIDENTIAL DIVISIONS

ROAD				CLASSIFICATION				Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sac	Local	Local Frontage	Cul-de Sac	Panhandle Access Strips	
60' - 70'	50' - 60'	30'	50' 45' Rad.	30' or 50'	30'	30' 45' Rad.	20'	Right-of-Way Width
36' - 48'	32'	22'	28' 36' Rad.	22 ⁽¹⁾	22 ⁽¹⁾	16' 36' Rad.	16'	Road Way Width
Standard Curb	Standard Curb	Standard Curb	Standard Curb	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Not Required	Curbs, Gutters, or Shoulders
AC	AC	AC	AC	AC	AC	AC	AC	Surfacing
12%	12%	16%	16%	16%	20%	20%	25%	Maximum % Grade
200'	100'	100'	100'	100'	100'	100'	50'	Center Line Radius
Standard County Sign (2)	Standard County Sign (2)	Standard County Sign (2)	Standard County Sign (2)	Private Sign (3)	Private Sign (3)	Private Sign (3)	Not Required	Road Name Signs
Required Building Permit	Required Building Permit	Required Building Permit	Required Building Permit	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Sidewalks

1. Separate parking areas may be required by Department of Transportation.
2. Road name signs installed by County-initial cost assessed to developer.
3. At intersection of private roads with public roads, road name signs installed by County-initial cost assessed to developer.
4. Separate pedestrian ways may be required by Department of Transportation.

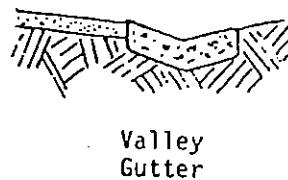
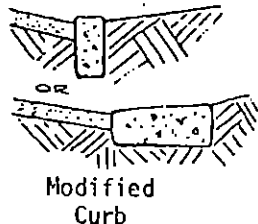
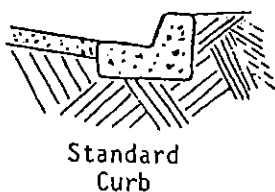


APPENDIX "B" (PART 3)

MINIMUM GENERAL ROAD STANDARDS FOR MAJOR/MINOR DEVELOPMENT CENTERS
AND RURAL SERVICE CENTER RESIDENTIAL DIVISIONS

ROAD CLASSIFICATION								Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sac	Local	Local Frontage	Cul-de Sac	Panhandle Access Strips	
60' - 70'	50' - 60'	30'	50' 45' Rad.	30' or 50'	30'	30' 45' Rad.	20'	Right-of-Way Width
48' - 32'	24' - 32'	22'	24' - 28' 36' Rad.	22(1)	22(1)	16' 36' Rad.	16'	Road Way Width
Variable	Valley Gutter	Valley Gutter	Valley Gutter	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Valley Gutter or Mod. Curb	Not Required	Curbs, Gutters, or Shoulders
AC	AC	AC	AC	AC	AC	AC	Gravel	Surfacing
12%	16%	16%	16%	16%	20%	20%	25%	Maximum % Grade
200'	100'	100'	75'	100'	75'	50'	50'	Center Line Radius
Standard County Sign (2)	Standard County Sign (2)	Standard County Sign (2)	Standard County Sign (2)	Private Sign (3)	Private Sign (3)	Private Sign (3)	Not Required	Road Name Signs
Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Sidewalks

1. Separate parking areas may be required by Department of Transportation.
2. Road name signs installed by County-initial cost assessed to developer.
3. At intersection of private roads with public roads, road name signs installed by County-initial cost assessed to developer.
4. Separate pedestrian ways may be required by Department of Transportation.

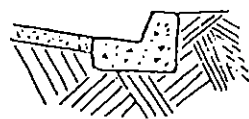


APPENDIX "B" (PART 4)

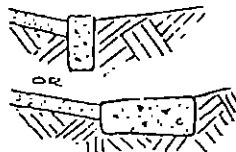
MINIMUM GENERAL ROAD STANDARDS FOR RURAL AREA RESIDENTIAL DIVISIONS

ROAD				CLASSIFICATION				Minimum General Requirements
Public Road				Private Road				
Collector	Local	Local Frontage	Cul-de Sac	Local	Local Frontage	Cul-de Sac	Panhandle Access Strips	
60'	50'	30'	50' 45' Rad.	30' or 50'	30'	30' 45' Rad.	20'	Right-of-Way Width
30' - 36'	24'	16'	24'	24'	16'	24'	16'	Road Way Width
Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder & Ditch	Shoulder	Not Required	Curbs, Gutters, or Shoulders
AC	AC	AC	AC	Gravel	Gravel	Gravel	Not Required	Surfacing
12%	16%	16%	16%	16%	16%	16%	16%	Maximum % Grade
200'	100'	100'	50'	100'	50'	50'	50'	Center Line Radius
Standard County Sign (2)	Standard County Sign (2)	Standard County Sign (2)	Standard County Sign (2)	Private Sign (3)	Private Sign (3)	Private Sign (3)	Not Required	Road Name Signs
Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Not Required (4)	Sidewalks

1. Separate parking areas may be required by Department of Transportation.
2. Road name signs installed by County-initial cost assessed to developer.
3. At intersection of private roads with public roads, road name signs installed by County-initial cost assessed to developer.
4. Separate pedestrian ways may be required by Department of Transportation.



Standard Curb



Modified Curb



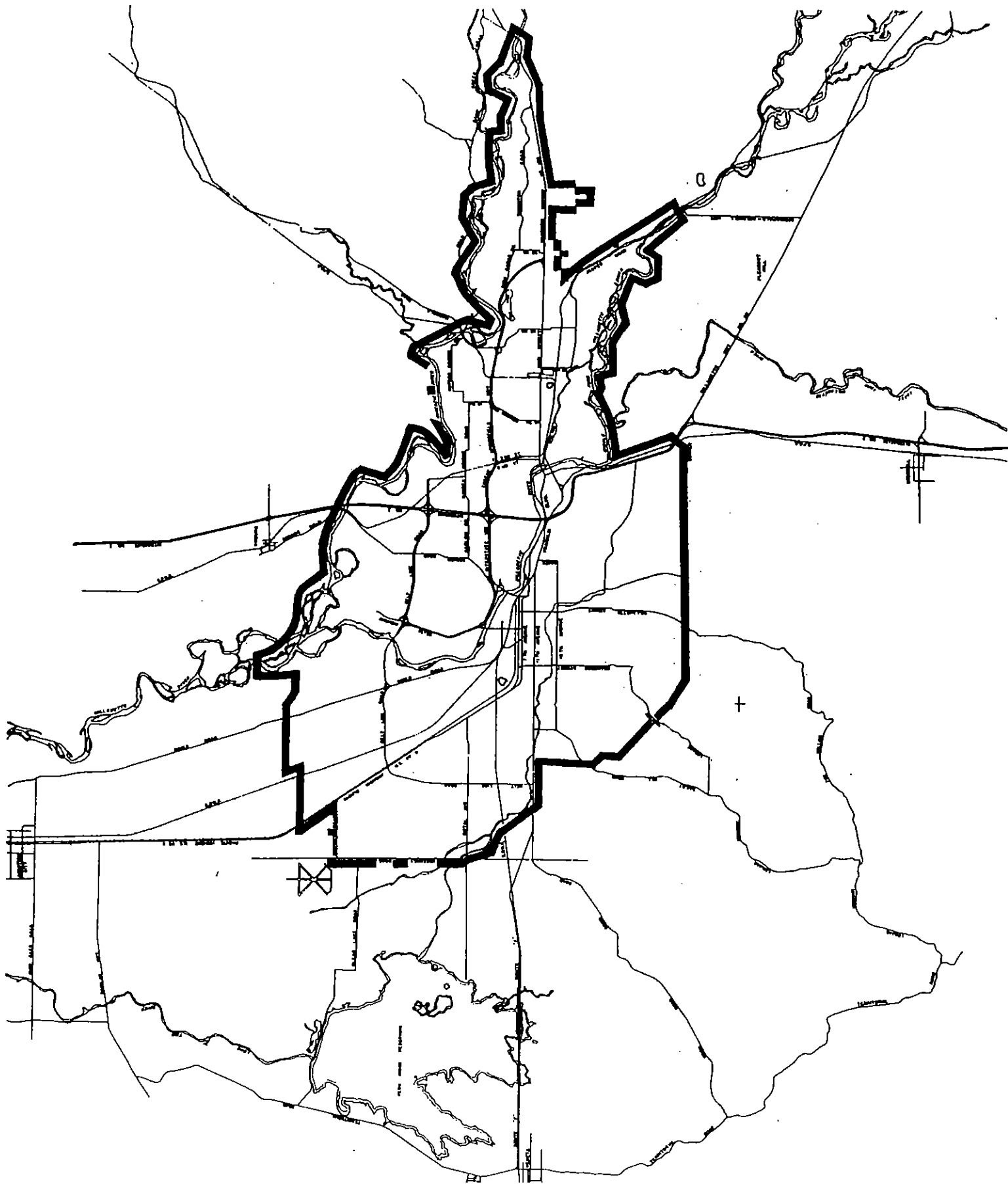
Valley Gutter



Shoulder & Ditch

APPENDIX "C"

GENERALIZED MAP OF "URBAN AREA"



APPENDIX "D"

LISTING OF MAJOR/MINOR DEVELOPMENT CENTERS AND RURAL SERVICE CENTERS
AS DESIGNATED IN THE PRELIMINARY COUNTYWIDE POLICIES ELEMENT
OF THE LANE COUNTY GENERAL PLAN

- (1) Major Development Centers. Cottage Grove, Creswell, Florence, Junction City, Oakridge, and Veneta-Elmira.
- (2) Minor Development Centers. Blue River, Coburg, Dunes City, Lowell, and Mapleton.
- (3) Rural Service Centers. Alvadore, Cheshire, Crow, Culp Creek, Dexter, Goshen, Leaburg, Lorane, Marcola, McKenzie Bridge, Noti, Swisshome, Triangle Lake, Vida, and Walterville.

NOTE: Additional development centers and rural service centers may be identified in the subarea plans of the County General Plan. For current information, please contact the Lane County Planning Division.

APPENDIX "E"

SUMMARY OF WATER SUPPLY DEFINITIONS FROM LANE CODE,
CHAPTER 9, "ENVIRONMENT AND HEALTH"

Water Supply System. All appurtenances for the delivery of water for use including pumps, piping, and water treating equipment for human consumption.

Water Supply, Community. A source of water and distribution system whether publicly or privately owned which serves more than three (3) single residences or other users for the purpose of supplying water for drinking, culinary or household uses.

Class I community water supply system is a system which supplies water to more than ten (10) services.

Class II community water supply system is a system which supplies water to more than three (3), but not more than ten (10) services.

Class III community water supply system is a system which supplies water to two (2) or three (3) services.

Water Supply, Individual. A source of water and a distribution system which serves a single residence or user for the purpose of supplying water for drinking, culinary or household uses and which is not a public water supply system.

Water Supply, Public. A source of water and a distribution system, whether publicly or privately owned, which serves a single user for the purpose of supplying water for drinking, culinary or household uses and where such water is provided for or is available for public consumption.

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- 9.710 Uses and Activities Subject to a Development Permit.
- 9.715 Criteria.
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- 9.725 Application.
- 9.730 Investigation and Reports.
- 9.735 Planning Commission Public Hearing and Notice.
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VIOLATION AND PENALTIES

- 9.990 Violation.
- 9.995 Penalty.

9.700

Lane Code

9.710

UNZONED AREA DEVELOPMENT PERMIT

9.700 Purpose. Many major land use activities proposed for unzoned areas within Lane County may have (1) a potential critical impact upon natural resources, community facilities, orderly development, or livability within Lane County, or (2) significant nuisance potential for surrounding persons and properties. The Development Permit is intended to allow the County to review, and control when necessary such major land use and potential nuisance activities proposed for unzoned lands and to allow landowners and residents of any particular area of the County an opportunity to participate in a permit hearing process for these activities. Nothing herein shall be construed to require the granting of a Development Permit.

9.705 Definitions. For the purpose of this Sub-chapter unless otherwise provided herein, the definitions provided in LC 10.020 supersede definitions otherwise provided in this Code.

9.710 Uses and Activities Subject to a Development Permit. Development Permits shall be required for the following uses and activities on any property not subject to zoning in accordance with the provisions of Chapters 10 and/or 12 of this Code, provided such use or activity is new or is an expansion (a) at least equivalent to the quantitative standards provided in this section, and (b) which would result in an accumulated area expansion of fifty per cent or greater after August 15, 1973.

(1) Airports and heliports for use by persons other than the owner or operator of the subject property.

(2) Amusement parks.

(3) Animal feed lots which are not incidental to an existing agricultural use.

(4) Auto courts, motels, and tourist lodges in excess of five units; organizational camps providing overnight facilities for in excess of ten persons.

(5) Automotive service stations and repair garages.

(6) Campgrounds in excess of ten spaces per site.

(7) Community sewage treatment facility plants and lagoons.

(8) Correctional institutions.

(9) Radio and television transmission towers.

(10) Electric transmission facilities transmitting electrical current in excess of 75,000 volts; public utility substations and structures not essential for the provision of service to the immediately adjacent area.

(11) Electric power generating plants which are not otherwise prohibited from review by State or Federal law.

(12) Golf courses.

9.710

Lane Code

9.715

- (13) Horse-show arenas and commercial riding stables or academies.
- (14) Junk yards, as defined by LC 3.405.
- (15) Marinas used for commercial purposes.
- (16) Mobile home parks in excess of five (5) spaces.
- (17) More than five (5) dwelling units per lot or parcel or contiguous lots or parcels under the same ownership.
- (18) Drilling, removal, or refining of oil, gas or other hydrocarbon substance.
- (19) Outdoor drive-in movie theaters.
- (20) Race tracks and similar facilities and any areas used for all terrain vehicles or motorcycles for commercial or organized purposes.
- (21) Rendering plants.
- (22) Rock, sand, gravel, and loam excavation in excess of 1,000 yards per year.
- (23) Shake and shingle mills.
- (24) Schools, elementary, junior high and high schools and colleges.
- (25) Slaughter house.
- (26) Solid waste disposal sites and facilities.
- (27) Stadiums.
- (28) Stockyards.
- (29) Preliminary major subdivision applications as defined by LC Chapter 13. The application for a preliminary subdivision and a development permit may be filed and processed concurrently.
- (30) Taverns, nightclubs, bars.
- (31) Travel trailer parks in excess of five (5) spaces.
- (32) Industrial uses with a combined gross floor area and outdoor storage area in excess of 25,000 square feet.
- (33) Commercial uses, or combinations of commercial uses in a single unit development, in excess of 3,000 square feet of gross floor area.
- (34) Removal, by artificial means, of inorganic materials or fill of inorganic or organic materials which:
 - (a) constitute fifty (50) cubic yards or more at any one location; and
 - (b) are in natural waterways which are constantly flowing or on adjacent wetlands.
- (35) Any other temporary or permanent structure or building on a lot or parcel or contiguous lots or parcels intended or used for living purposes by twenty-five (25) or more individuals.

9.715 - Criteria. A Development Permit shall not be granted unless the proposed use or activity will:

- (1) Be in conformity with the Comprehensive Plan for Lane County where applicable.

9.715

Lane Code

9.720-

(2) Be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(3) Not be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(4) Not be unduly potentially affected by natural hazards, such as floods, slides, or faults.

(5) Not result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(6) Not result in significant undue water or air pollution. In making this determination, at least the following shall be considered:

(a) the relation to flood plains,

(b) the nature of soil and subsoil and their ability to adequately support waste disposal,

(c) the slope of the land and its effect on effluents,

(d) the availability of streams approved or capable of being approved for the disposal of treated effluents,

(e) applicable climatological conditions, and

(f) the applicable water and air regulations.

(7) Have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(8) Not cause an unreasonable burden on existing or future community facility systems.

(9) Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy, or otherwise undesirable condition.

(10) Not cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

(11) Not place an unreasonable burden on the ability of local governmental agencies to provide public services.

In the evaluation of the criteria provided in this section, consideration shall be given to uses and activities for which substantial project planning and/or site preparation costs have been incurred by the applicant prior to August 15, 1973.

9.720 Conditions. Reasonable conditions, safeguards, and restrictions may be imposed in connection with the Development Permit as may be necessary to comply with the criteria of LC 9.715 and to carry out the general purpose and intent of this section. Guarantees and evidence may be required that such conditions will be or are being complied with.

Lane County Water Department

9.725

Lane Code

9.725

9.725 Application. Application for a Development Permit shall be filed with the Planning Department on the form prescribed by the Department by any person with a legal interest in the property, at least thirty (30) days prior to the Planning Commission's public hearing, and shall include the following:

- (1) Name and address of applicant.
- (2) Statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest, and in case the applicant is not the owner, that the owner knows of the application.
- (3) Address and legal description of property.
- (4) Six (6) copies of drawings clearly showing the following, when appropriate:
 - (a) parcel location, boundaries, dimensions and total area,
 - (b) approximate location, arrangement and dimensions of buildings and structures, and their use,
 - (c) approximate locations, heights, materials and finishes of existing and proposed enclosures, walls and fences,
 - (d) approximate location, dimensions, uses and screening provisions for storage, refuse and service areas,
 - (e) approximate location, arrangement and dimensions of streets, driveways, access points, trails, bikeways, off-street parking and loading areas,
 - (f) proposed drainage, water and sanitary systems and facilities,
 - (g) approximate location, character and type of signs and lighting facilities,
 - (h) general landscaping plan depicting existing and proposed tree plantings, ground cover, screen plantings, etc.,
 - (i) architectural sketches or drawings, if required, to clearly establish the scale, character and relationship of buildings, streets, ways, parking spaces, garages, and open spaces,
 - (j) other data such as information on soils, geology, and hydrology, as may be required by individual circumstances to satisfy the purpose and provisions of this sub-chapter.
- (5) A statement explaining the intended use and nature of the operation.
- (6) The fee required by this sub-chapter to defray the cost of processing the application.
- (7) Any other materials or information as may be deemed necessary by the applicant to assist in evaluation of the request.

9.730

Lane Code

9.740

9.730 Investigation and Reports. The Planning Director shall make or cause to be made an investigation to provide necessary information to insure that the proposed use is consistent with the Development Permit criteria (LC 9.715). Any report of such investigation shall be submitted to the Planning Commission for its consideration prior to or at the public hearing.

9.735 Planning Commission Public Hearing and Notice.

(1) The Commission shall hold not less than one public hearing on each Development Permit application.

(2) Notice of the time and place of hearing shall be given, at least ten (10) days in advance, by mail to the applicant, property owner (if not the applicant), and the owners of all property within three hundred (300) feet of the exterior boundaries of the contiguous property ownership involved.

(3) The requirements of this Section for public hearing notice shall not restrict additional notification considered necessary or desirable by the Board of Commissioners, Planning Commission, or Planning Director for any reason.

(4) The Planning Commission shall review the application and shall receive pertinent evidence as to the consistency of the proposed use with the criteria for Development Permits (LC 9.715). The Planning Commission shall determine whether the evidence presented at the hearing is sufficient to show that the required criteria have been met, and shall approve or deny the application accordingly. Development Permit decisions by the Commission shall become final after an elapsed period of ten (10) days from the date of the decision of the Commission unless appealed to the Board of Commissioners within that ten (10) day period.

(5) An application for a Development Permit which is not acted upon by the Planning Commission within sixty (60) days from the receipt of application by the Planning Department may be deemed denied by the applicant and may be appealed to the Board of Commissioners in the manner as provided for appeals of Planning Commission decisions.

9.740 Appeal to the Board of Commissioners.

(1) An appeal may be made to the Board of Commissioners by any interested person or County official. Such appeal shall be filed in written form with the Planning Department within ten (10) days of the date of the Planning Commission action, stating how the Planning Commission erred in its application of the requirements of this Section.

(2) Within thirty (30) days of the filing of the notice of appeal, the Board of Commissioners shall hold a public hearing. Such hearing and action by the Board shall be in accord with the provisions of this Section for Planning Commission hearings. Prior to the hearing, the Planning Director shall forward to the Board of Commissioners a copy of the application, all pertinent data filed with it, and the minutes of the Planning Commission's public hearing if applicable.

9.740

Lane Code

9.755

(3) In reversing a decision of the Planning Commission, the Board of Commissioners shall indicate by order the basis of its decision.

9.745 Compliance With Conditions of Approval. Compliance with conditions imposed in the Development Permit, and adherence to the plot plan submitted as approved is required. Any departure from these conditions of approval and approval plans constitutes a violation of this Chapter.

9.750 Vested Interest in Approved Development Permits. A valid Development Permit does not supersede provisions of subsequent zoning in accordance with Chapter 10 and Chapter 12 of this Code, or amendments to this Chapter unless specifically provided otherwise by the provisions of this Section or the conditions of approval of the Development Permit.

9.755 Revocation.

(1) Development Permits are automatically revoked without special action if:

(a) the permit has not been exercised within two years of the date of approval; or

(b) the use approved by the Development Permit is discontinued for any reason for two continuous years or more; or

(c) the use or activity becomes a nonconforming use or structure upon zoning. However, any conditions imposed in the Development Permit would still apply to the nonconforming aspects of any use or activity.

(2) Notwithstanding (c) above, any use or activity with a valid development permit shall be allowed a period of two years from date of approval for completion or development as specified in or allowed by the permit regardless of whether the use or activity becomes or would become if completed, a nonconforming use or structure upon zoning.

(3) The Planning Commission may revoke any Development Permit for failure to comply with any prescribed condition of the Permit approval.

(4) A hearing for revocation of a Development Permit may be requested of the Planning Commission by any administrative officer of the County who is of the opinion any or all of the bases for revocation as stated in this Section exist. Request for a revocation hearing shall be accomplished by submitting a letter to the Planning Commission stating the basis for requesting the hearing for the revocation. The Commission shall then set a hearing for the revocation if it determines a hearing is warranted.

9.755

Lane Code

9.765

(5) The public hearing notification and appeal procedures for revocation hearings by the Planning Commission and Board of Commissioners shall be the same as those for original Development Permit application hearings and appeals provided in this Section.

9.760 Limitations on Refiling of Application. Applications for which a substantially similar application has been denied or revoked for cause within the previous year shall be heard by the Planning Commission only after the Commission's separate determination that for good cause shown the application may be refiled.

9.765 Fees.

(1) For the purpose of partially defraying expenses involved in processing Development Permit applications, the Planning Department shall require fees as established by Order of the Board of Commissioners.

(2) All fees are non-refundable except in cases when the processing of an application was terminated prior to the incurring of any substantial administrative expenses. Refunds shall be made at the direction of the Planning Director.

9.990

Lane Code

9:995

Violations and Penalties9.990 Violation.

(1) Violations of Sections 9.035, 9.710, 9.745, and 9.755 constitute a county infraction and shall be handled in accordance with Sections 5.005 to 5.065. Any person shall have the authority to sign county infraction complaints for violation of Section 9.035.

(2) At the expiration of the period set by the County for correction of any violation of Sections 9.310 to 9.370, the County shall again inspect the dwelling. If the violation has not been corrected, the violation shall constitute a County Infraction.

(3) The Director of the County Health and Sanitation Department, or his duly authorized agent, has the authority to sign the County Infractions complaint and summons for violation of Sections 9.035, 9.710, 9.745 and 9.755. Each violation of any provision of these minimum standards shall constitute a separate County Infraction as defined in Chapter 5 of Lane Code. Continued violation of these minimum standards after the expiration of the period required by this section for correction constitutes a separate infraction for each day the violation continues.

9.995 Penalty

Violation of Sections 9.020 to 9.030 and Sections 9.040 to 9.115 and any of the rules and regulations promulgated under the authority of Lane Code 9.110 shall be deemed to be a misdemeanor and shall be punishable upon conviction by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than six months, or both. [Corrected by 20-72; 10.13.72]

FILED
MAR 10 1975

MAR 10 1975

R. H. SIMON, Director of the
Office of the County Clerk, Lane County

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

BY: *Richard Lawrence*
Secretary

ORDINANCE NO. 3-75)
) IN THE MATTER OF AMENDING CHAPTER
) 9 OF LANE CODE TO CLARIFY UNZONED
) AREA DEVELOPMENT PERMIT CRITERIA
)
)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 9 of Lane Code is hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

INSERT THESE PAGES

9.710 - 9.715 to
9.715 - 9.720 (two pages)

9.710 -- 9.715(1) to
9.715(2) - 9.720 (two pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to clarify unzoned area development permit criteria.

Enacted this *5th* day of *March*, 1975.

Frank E. Elliott
Chairman, Lane County Board of
Commissioners

Richard Lawrence
Recording Secretary for this Meeting of
the Board

APPROVED AS TO FORM
DATE *2/11/75*
Sam Johnson
OFFICE OF LEGAL COUNSEL

9.710

Lane Code

9.715 (1)

- (13) Horse show arenas and commercial riding stables or academies.
- (14) Junk yards, as defined by LC 3.405.
- (15) Marinas used for commercial purposes.
- (16) Mobile home parks in excess of five spaces.
- (17) More than five dwelling units per lot or parcel or contiguous lots or parcels under the same ownership.
- (18) Drilling, removal, or refining of oil, gas or other hydrocarbon substance.
- (19) Outdoor drive-in movie theaters.
- (20) Race tracks and similar facilities and any areas used for all terrain vehicles or motorcycles for commercial or organized purposes.
- (21) Rendering plants.
- (22) Rock, sand, gravel, and loam excavation in excess of 1,000 yards per year.
- (23) Shake and shingle mills.
- (24) Schools, elementary, junior high and high schools and colleges.
- (25) Slaughter house.
- (26) Solid waste disposal sites and facilities.
- (27) Stadiums.
- (28) Stockyards.
- (29) Preliminary major subdivision applications as defined by LC Chapter 13. The application for a preliminary subdivision and a development permit may be filed and processed concurrently.
- (30) Taverns, nightclubs, bars.
- (31) Travel trailer parks in excess of five spaces.
- (32) Industrial uses with a combined gross floor area and outdoor storage area in excess of 25,000 square feet.
- (33) Commercial uses, or combinations of commercial uses in a single unit development, in excess of 3,000 square feet of gross floor area.
- (34) Removal, by artificial means, of inorganic materials or fill of inorganic or organic materials which:
- (a) constitute 50 cubic yards or more at any one location;
 - (b) are in natural waterways which are constantly flowing or on adjacent wetlands; and
 - (c) are not subject to state or federal permit approval.
- (35) Any other temporary or permanent structure or building on a lot or parcel or contiguous lots or parcels intended or used for living purposes by 25 or more individuals.

9.715 Criteria. A Development Permit shall be granted unless there is a specific finding the proposed use or activity will result in one of the following:

- (1) Be in conflict with the Comprehensive Plan for Lane County where applicable.

9.715(2)

Lane Code

9.720

(2) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(3) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(4) Be unduly potentially affected by natural hazards, such as floods, slides, or faults.

(5) Result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(6) Result in significant undue water or air pollution. In making this determination, at least the following may be considered:

(a) the relation to flood plains,

(b) the nature of soil and subsoil and their ability to adequately support waste disposal,

(c) the slope of the land and its effect on effluents,

(d) the availability of streams approved or capable of being approved for the disposal of treated effluents,

(e) applicable climatical conditions, and

(f) the applicable water and air regulations.

(7) Not have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(8) Cause an unreasonable burden on existing or future community facility systems.

(9) Cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy, or otherwise undesirable condition.

(10) Cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

(11) Place an unreasonable burden on the ability of local governmental agencies to provide public services.

9.720 Conditions. Reasonable conditions, safeguards, and restrictions may be imposed in connection with the Development Permit as may be necessary to comply with the criteria of LC 9.715 and to carry out the general purpose and intent of this section. Guarantees and evidence may be required that such conditions will be or are being complied with.

JUN 13 1978

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON (D.M. FENFOLD DIRECTOR OF Central Services of Lane County)
BY *Richard J. Seese* DEPU

ORDINANCE NO. 9-77) IN THE MATTER OF AMENDING CHAPTERS
) 9 AND 13 OF LANE CODE REQUIRE UNZONED
) AREA DEVELOPMENT PERMITS, SUBDIVISIONS
) AND PARTITIONS TO CONFORM TO LCDC
) STATEWIDE GOAL #3--AGRICULTURAL LANDS

The Board of County Commissioners of Lane County ordains as follows:

Chapters 9 and 13 of Lane Code are hereby amended by removing and substituting the following pages:

REMOVE THESE PAGES

9.715(1) - 9.715(1) to
9.715(1) - 9.720 (two pages)
13.020 - 13.030
(beginning with "Sewerage
Facility, Public".)

INSERT THESE PAGES

9.715(1) - 9.719(1) to
9.715(1) - 9.720 (two pages)
13.020 - 13.030(4)
beginning with "Sewerage
Facility, Public".)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to require Unzoned Area Development Permits, Subdivisions and Partitions to conform to LCDC Statewide Goal #3 - Agricultural Lands

Enacted this 28 day of June , 1978.

Gerald H. Rust, Jr.
Chairman, Lane County Board of
Commissioners

Jane K. Waler
Recording Secretary for this Meeting of
the Board

In the Matter of Amending Chapters 9 and 13 of Lane Code to Require Unzoned Area Development Permits, Subdivisions and Partitions to Conform to LCDC Statewide Goal #3 - Agricultural Lands

APPROVED AS TO FORM
August 18, 1977
Arthur J. Lind

9.715

Criteria.

(1) (a) Prior to the adoption of a Subarea Comprehensive Plan by the Board applicable to the property for which a Development Permit is requested, a Development Permit shall be granted unless there is a specific finding that the proposed use or activity will result in one of the following:

(i) Not be in compliance with the Comprehensive Plan for Lane County, as defined in LC 9.715(1)(b) below, where applicable, or with LCDC Statewide Goal #3 - Agricultural Lands.

(ii) Will adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, taking into consideration, among other things, the anticipated density, bulk and noise level of the use or activity.

(iii) Be adversely affected by existing or reasonably anticipated uses and the surrounding vicinity.

(iv) Be unduly potentially affected by natural hazards, such as floods, slides, or faults.

(v) Result in a substantial adverse effect on existing uses and on the natural resources or scenic character in the general vicinity.

(vi) Result in significant undue water or air pollution. In making this determination, at least the following may be considered:

(a) the relation to flood plains,

(b) the nature of soil and subsoil and their ability to adequately support waste disposal,

(c) the slope of the land and its effect on effluents,

(d) the availability of streams approved or capable of being approved for the disposal of treated effluents,

(e) applicable climatological conditions, and

(f) the applicable water and air regulations.

(vii) Not have water of sufficient quantity and quality available for the reasonably foreseeable needs of the subdivision or development.

(viii) Cause an unreasonable burden on existing or future community facility systems.

(ix) Cause unreasonable soil erosion or reduction in the capacity of the land to hold water which would result in a dangerous, unhealthy, or otherwise undesirable condition.

(x) Cause unreasonable road congestion or unsafe conditions with respect to use of existing or proposed roadways.

(xi) Place an unreasonable burden on the ability of local governmental agencies to provide public services.

(b) "Comprehensive Plan", for purposes of (1)

(a)(i) above, shall mean:

(i) Any element of the Comprehensive Plan applicable to the property and adopted by the Board, and

(ii) The more recent of a proposed Subarea Comprehensive Plan, after the Plan has been set for hearing before the Planning Commission by the Planning Commission in public session or a Subarea Comprehensive Plan recommended for adoption to the Board by the Planning Commission.

(2) After the adoption of a Subarea Comprehensive Plan by the Board applicable to the property for which a Development Permit is requested, a permit may be granted upon a showing of compliance with the Comprehensive Plan and with LCDC Statewide Goal #3 - Agricultural Lands.

9.720 Conditions. Reasonable conditions, safeguards, and restrictions may be imposed in connection with the Development Permit as may be necessary to comply with the criteria of LC 9.715 above and to carry out the general purpose and intent of this section. Guarantees and evidence may be required that such conditions will be or are being complied with.

(Go To Next Page)

Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves a sole user for the purpose of disposal of sewage and which facility is provided for or is available for public use.

Water Supply. See Lane Code, Chapter 9, "Environmental Health".

13.025 Approval of Partitions and Subdivisions Required.

(1) No person shall dispose of, transfer, sell, or agree, offer, or negotiate to sell any lot in any subdivision for which approval is required by this Chapter:

(a) Until such approval is obtained, and

(b) The plat of the subdivision has been acknowledged and recorded with the recording officer of the County.

(2) No person shall dispose of, transfer, sell, or agree, offer, or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of subdivision before the plat of subdivision has been so recorded.

(3) No person may dispose of, transfer, or sell any parcel in a partition for which approval is required by this Chapter until such approval is obtained and the partition recorded, however, a person may offer or negotiate to sell a parcel in a partition prior to the required approval of the partition.

(4) No person shall create a street or road for the purpose of partitioning or subdividing an area or tract of land without the appropriate approval of the County.

(5) No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the County.

13.030 Interrelationship with Other County Codes, Orders and Policies.

(1) Comprehensive Plan for Lane County. A subdivision or partitioning shall be in conformity with the Comprehensive Plan for Lane County where applicable.

(2) Lane Code, Chapter 9, "Environment and Health". A subdivision or partition shall be subject to all applicable requirements of Chapter 9, "Environment and Health".

(3) Lane Code, Chapter 10, "Zoning". A subdivision or partitioning shall conform to all applicable requirements of Chapter 10, "Zoning". If the property is not zoned, the subdivision or partition shall be in compliance with Statewide Goal #3 - Agricultural Lands.

(4) Lane Code, Chapter 11, "Building". An application for a permit for the construction of a building shall not be approved for any lot or parcel created, subdivided or partitioned in violation of this Chapter or its preceding ordinances unless or until the Director of the Planning Division finds that creating such permit would not be inconsistent with the basic purpose of this Chapter. In making such findings, the Director shall give consideration to:



213 4702

February 16, 2005

RECEIVED FEB 17 2005

James Silke
680 Tyler Street
Eugene, OR 97402

Re: Erhart Acres, Florence OR 97439

Dear Mr. Silke:

Thank you for considering our firm as Marketing Broker for your Erhart Acres project.

If you recall, you provided me with a copy of a partition map (attached) proposing a Planned Unit Development showing 10 buildable lots in the 14 acre parcel. It is my understanding that you could have developed your land to the density proposed in the attached plat in 1977.

After you and I walked the property in January, you asked how much I could reasonably sell the lots for (assuming the proposed plat), with septic approvals, paved road, water to each lot line, together with power and phone. After much consideration, I have concluded that we could achieve approximately, 10 sales, totaling, \$1,005,000.00.

You also asked me what the lot sales would total if the development had to adhere to a 2 acre minimum lot size given the topographical constraints. It is my opinion that you would have a hard time obtaining more than 6 buildable lots with total sales of \$625,000.00.

Thank you for this opportunity to serve you, please do not hesitate to call or write if you have any further questions.

Respectfully yours;

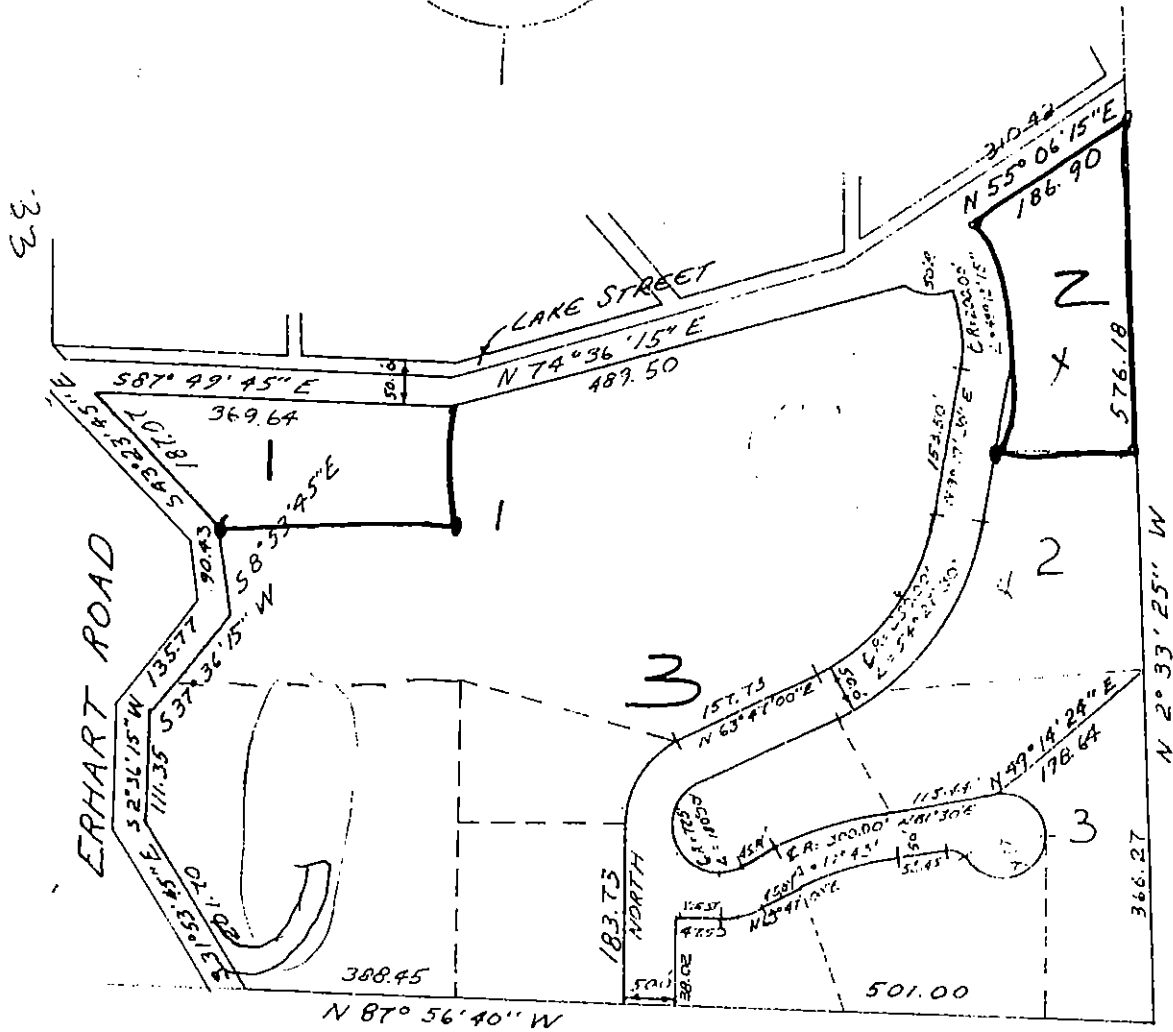
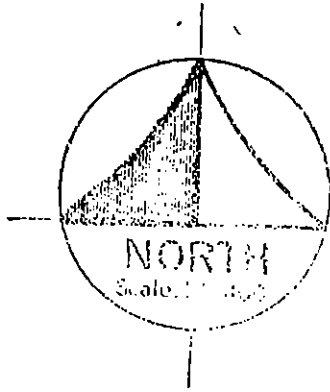
Dale A. Saari, Broker
Office: 541.997.5926

enc

MINOR
 MAJOR

partition

lane coun



Jim Silke

To: William A Van Vactor

Subject: measure 37 claim for J&Carol Silke 19 12 25 22 tl 1800

List of records from Lane County Deeds and records

#1 Easment to cross TL 1800 for lot created by m456-78 this is to use a portion of the road that has been constructed to serve the lots proposed for tl 1800. This has no impact on the development as planned.

#2 drainfield easment for lot 7 block 7. this has no impact on the development of TL 1800

#3 drainfield easment for lot 2 block 7. this easment has no impact on the development of tl 1800

#4 easm ent for spring that serves lot 2 and 7 Block 7 and a parcel created by m456-78 this spring is located on a portion of TL 1800 that will not be developed and has no impact on the development.

4/27/2005

EXHIBIT-4

8122572 EASEMENT AGREEMENT

THIS AGREEMENT made this 26th day of May 1981 by and between

James D. Silke Grantor and

James D. Silke Grantee

WHEREAS, grantee is the owner of the following described real property in LANE County, Oregon, To-wit:

BLOCK 10 Parcel 3 ERHART ACRES near Florence, Or map 19 12 25 22

The grantor, in consideration of one dollar (1.00) receipt of which is hereby acknowledged, do hereby grant and convey to the grantee, his heirs, successors and assigns, a non-exclusive easement described as follows to-wit:

The area of circle having a radius of 100.0 feet said radius point being South 246 feet and East 696 feet from the Northwest corner of Block 10, ERHART ACRES as platted and recorded in Book 7 Page 24, Lane County Plat Records in Lane County, Oregon. The described area contains 0.72 acres more or less.

B 5 • 11-031(01) 10007(0)

subject to liens and incumbrances of record, in and upon the following described real property of grantor in Lane County to-wit: Block 10 Erhart Acres Florence, Oregon for the construction use and repair of a SPRING fed domestic water system to supply water to Parcel 1 Block 10, Block 7 Lots 2 and 7. Grantor for themselves and their heirs successors and assigns, that the above described property of the grantee shall not be used for any purpose detrimental to said system or contrary to laws and rules of governmental agencies applicable or related to said system.

EXHIBIT #3

EASEMENT AGREEMENT

8118876

THIS AGREEMENT, made this 22 day of April, 1981,
by and between JAMES D. SILKE
grantors
and JAMES D. SILKE
grantees;

WHEREAS, grantees are the owners of the following described real
property in Lane County, Oregon, To-wit:

Lot 2, Block 7, ERIHART ACRES, as platted and recorded in Book 7, Page 24,
Lane County Oregon Plat Records, in Lane County, Oregon.

B 5 • 1*019853 00007.00

The grantors, in consideration of ONE DOLLAR (\$1.00) and other
valuable consideration, receipt of which is hereby acknowledged, do hereby
grant and convey to the grantees, their heirs, successors and assigns,
a nonexclusive easement described as follows, to-wit:

Beginning at the Southwest corner of Block 10, ERIHART ACRES, as platted and
recorded in Book 7, Page 24, Lane County Oregon Plat Records; thence along the
Westerly line of said Block 10 North 31° 53' 45" West 201.70 feet; thence
North 2° 36' 15" East 55.20 feet; thence leaving said Westerly line South
76° 00' 00" East 97.24 feet; thence South 2° 44' 25" East 203.10 feet to the
point of beginning, in Lane County, Oregon.
subject to liens and encumbrances of record, in and upon the following
described real property of grantors in Lane County, Oregon, to-wit:

Block 10, ERIHART ACRES, as platted and recorded in Book 7, Page 24, Lane
County Oregon Plat Records, in Lane County, Oregon.

for the construction, maintenance, use and repair of an individual
water-carried on-site sewage disposal system (hereinafter called "system")
appurtenant to the above described property of grantees.

Grantors, for themselves and their heirs, successors and assigns,
covenant and agree to and with the grantees, their heirs, successors and
assigns, that the above-described property of the grantors shall not be
used for any purpose detrimental to said system or contrary to laws and
rules of governmental agencies applicable or related to said system.

EXHIBIT 2

10-30

EASEMENT AGREEMENT

8118877

THIS AGREEMENT, made this 22 day of April, 1981, by and between JAMES D. STILKE, grantors and JAMES D. SILKE, grantees;

WHEREAS, grantees are the owners of the following described real property in Lane County, Oregon, To-wit: Lot 7, Block 7, ERHART ACRES, as platted and recorded in Book 7, Page 24, Lane County Oregon Plat Records, in Lane County, Oregon.

B 5 1-81 9853 00010-50

The grantors, in consideration of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant and convey to the grantees, their heirs, successors and assigns, a nonexclusive easement described as follows, to-wit:

See attached EXHIBIT B.

subject to liens and encumbrances of record, in and upon the following described real property of grantors in Lane County, Oregon, to-wit:

Block 10, ERHART ACRES, as platted and recorded in Book 7, Page 24, Lane County Oregon Plat Records, in Lane County, Oregon.

for the construction, maintenance, use and repair of an individual water-carried on-site sewage disposal system (hereinafter called "system") appurtenant to the above described property of grantees.

Grantors, for themselves and their heirs, successors and assigns, covenant and agree to and with the grantees, their heirs, successors and assigns, that the above-described property of the grantors shall not be used for any purpose detrimental to said system or contrary to laws and rules of governmental agencies applicable or related to said system.

6-10-99

EXHIBIT I

2559

99052066

After recording return to:
Ford-Hess-Fassbender, Inc.
PO Box 22738
Eugene, Oregon, 97402

25.
10.
20.

GRANT OF EASEMENT AND MAINTENANCE AGREEMENT

For value received, receipt of which is hereby acknowledged, James & Carol L. Silke, hereby grant, transfer and convey to Leonard Buckley, a perpetual nonexclusive easement to use a strip of land described as follows:

Beginning at the Northeast corner of Block 10 of Erhart Acres as platted and recorded in Book 7, Page 24, Lane County Oregon Plat records; thence South 2°33'25" East 39.65 feet along the easterly line of said Block 7 of Erhart Acres; thence leaving said easterly line run South 55°06'15" West 188.90 feet to the TRUE POINT OF BEGINNING of the herein easement; thence along the westerly boundary of that certain parcel as described in Reel 1273, Instrument no. 8344214 as recorded in the Lane County Oregon Deed Records the following courses; Thence along a 225.00 foot radius curve to the right (the long chord of which bears South 12°47'07" East 189.38 feet) a distance of 173.66 feet; thence South 9°19'30" West 94.30 feet; thence leaving said westerly line run North 87°32'30" West 30.22 feet; thence North 9°19'30" East 98.54 feet; thence along a 195.00 foot radius curve to the left (the long chord of which bears North 5°39'39" West 100.85 feet) a distance of 102.01 feet to a point on the southerly boundary of that certain public road easement as described in Reel 1072, Instrument no. 8023492 as recorded in the Lane County Oregon Deed Records; thence run along said southerly boundary along a 50.00 foot radius curve to the left (the long chord of which bears North 1°58'30" East 60.00 feet) a distance of 64.35 feet, to the true point of beginning, all in Lane County, Oregon.

1. This easement is not personal or in gross but is to be appurtenant to each and every portion of the following described property owned by Grantee:

6593JUN.10*99#04REC 25.00

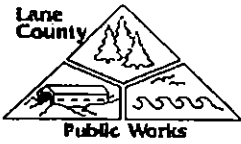
Beginning at a point being North 150.63 feet and East 944.04 feet from the Northwest corner of Block 10, Erhart Acres, as platted and recorded in Book 7, Page 24, Lane County Oregon Plat Records; thence along the arc of a 225.00 foot radius curve right (the chord of which bears south 12°47'07" East 189.38 feet) a distance of 173.65 feet; thence South 9°19'30" West 94.93 feet; thence South 87°32'30" East 147.95 feet to the Easterly line of said Block 10; thence along said Easterly line North 2°33'35" West 372.50 feet to a point which bears North 55°06'15" East from the point of beginning; thence leaving said Easterly line south 55°06'15" West 188.90 feet to the point of beginning, in Lane County, Oregon.

6593JUN.10*99#04PFUND 10.00

2. This easement is granted over and across property owned by Grantors in Lane County, Oregon, described as follows:

6593JUN.10*99#04A&T FUND 20.00

All of Block 10 or Erhart Acres as platted and recorded Book 7, Page 24, Lane County Oregon Plat Records, except those portions as described in Reel 1072, Instrument no. 23492, Reel 1268, Instrument



LANE COUNTY RECEIPT

RECEIPT NUMBER: R05003480

04-27-2005

PLANNING ACTION #: PA055537

TYPE: Measure 37 Claim
SITE ADDRESS: 83315 ERHART RD FLO
PARCEL: 19-12-25-22-01800
APPLICANT: SILKE JAMES & CAROL L
PO BOX 21505
EUGENE OR
97402
484-2542

Type	Method	Description	Amount
Payment	Check	9238	850.00

Description	Current Pymt
3040 Planning Hrg Official	850.00

PAID BY: JAMES SILKE