

ARTICLE 31

SUBDIVISION PROCEDURES

SECTION 31.010, PURPOSE: The purpose of this article is to set forth the requirements and standards regulating the preliminary and final platting procedures for subdivisions. All subdivisions shall be governed by the standards and specifications set forth by this article, which are consistent with the Wallowa County Transportation System Plan. Subdivisions may be allowed where consistent with the Wallowa County Comprehensive Land Use Plan and Land Development Ordinance Articles.

SECTION 31.015, DEFINITIONS: In addition to the definitions listed in Article 1, 1.065, the definitions for this article shall be those shown in Article 32, Road Standards, Section 32.015.

SECTION 31.020, REVIEW PROCEDURE: Application for the review of a subdivision shall be subject to the Public Hearing process.

SECTION 31.025, PRELIMINARY PLAT INFORMATION:

01. It shall be the applicant's responsibility to provide the following information on the preliminary plat. A minimum of 10 copies shall be submitted (7 for the Planning Commission, 1 for the Planning Department, 1 for ODOT, and 1 for the public).

General Information

- A. Proposed name of subdivision.
- B. North point, scale, date of the completed drawing, approximate acreage, and boundary lines.
- C. Appropriate identification clearly stating the map is a preliminary plat.
- D. Location of the subdivision by Township, Range, Section, Tax Lot or Lots, or other means sufficient to define the location and boundaries of the proposed subdivision.

- E. Names, addresses, phone numbers, and zip codes of all owners, subdividers, engineers, or surveyors responsible for laying out the subdivision.
- F. Location, acreage, and dimensions of all lots and the proposed lot numbers.
- G. Location, acreage, and dimensions of areas proposed for public use.
- H. Sites, if any, allocated for a purpose other than single-family dwellings.
- I. Location and direction of all water courses and/or bodies of water and the location of all areas subject to flooding.
- J. Additional information as the Planning Director deems appropriate.

Roadway Information

- K. All subdivisions that include road and street improvements shall provide the nature and findings regarding the desired improvements, and give notice to each transportation facility provider.
- L. All proposed road improvements should conform to this Article and Article 32, Road Standards. The Preliminary Plat shall also show:
 - a. Location of proposed and existing access point(s) on both sides of the road where applicable.
 - b. Distances to neighboring access points, intersections and other transportation features on both sides of the property, and across roads being accessed.
 - c. Number and direction of lanes to be constructed on the driveway and striping plans.
 - d. All planned transportation features.
 - e. Parking and internal circulation plans including walkways and

bikeways.

- f. A detailed description of any requested variance and the reasons the variance is requested.
- M. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.

The determination of impact or effect and the scope of the impact study should be coordinated with the affected transportation provider(s).
- N. Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
- O. Existing locations, widths, and names of both opened and unopened roads within or adjacent to the subdivision together with easements or rights-of-way and other important features, such as: section lines, corners, city boundary lines, and monuments.
- P. Location, width, name, approximate grade, and radius of curves of all proposed roads and the relationship of such roads to any projected or existing roads adjoining the proposed subdivision. If direct access to a state highway is proposed, access must be provided in a manner consistent within the access management provisions of the Transportation System Plan and existing ODOT standards.
- Q. Location, width, and purpose of proposed easements of road access and private roads for private use where permitted; and all reservations or restrictions relating to such easements and private roads for private use where permitted; and all reservations or restrictions relating to such easements and private roads.
- R. Notations indicating any limitations on right-of-access to or from roads and lots or other parcels of land proposed by the developer.

Pedestrian and Bicycle Information

- S. A plan for bicycle and pedestrian facilities and improvements within the subdivision, including access ways as necessary to provide connectivity throughout subdivision. The tentative plan shall demonstrate how the subdivision's internal pedestrian and bikeway system provides safe and convenient connections to the surrounding transportation system.

Utility Information

- T. Location of all underground utility lines. Utility service lines such as electric, cable TV, and phone shall be placed underground unless evidence satisfactory to the review authority is presented that underground placement is not feasible.
 - U. An acceptable and approved method of sewage disposal for each of the proposed lots which meets the rules and regulations of the Environmental Quality Commission of the State of Oregon as administered by the Department of Environmental Quality or its contract agent.
 - V. An adequate and approved method of potable water supply. And, a sufficient supply of water for firefighting, including fire hydrants to be spaced at intervals not greater than 400 feet.
02. The following information shall accompany the preliminary plat.
- A. The nature and type of improvements proposed for the subdivision and a timetable for their installation.
 - B. Subdividers shall provide a list of any proposed restrictive covenants.
 - C. Proposed plan for draining surface water, including location and type of drainage ways to carry surface water from the development without adversely affecting adjacent properties.

SECTION 31.030, REVIEW CRITERIA:

- 01. In reviewing preliminary plats all of the following criteria shall be met prior to approval.
 - A. All of the required information pursuant to Section 31.020 shall be found to be included with the request.

- B. All of the proposed lots must conform to the minimum standards for lot designs as set out in the respective zones.
- C. The preliminary plat complies with all applicable Wallowa County Ordinances including the purposes and intent of this article.
- D. The road design meets the required road standards as found in the Wallowa County Transportation System Plan and Article 32, Road Design, and if a bond is required to be posted; the subdivider has so agreed, in writing, to post such a bond. Additional access criteria are:
 - 1. If any lot abuts a street right-of-way that does not conform to the design specifications of this article, the owner may be required to dedicate all of the total right-of-way width required.
 - 2. All proposed road shall follow the natural topography and preserve natural features of the site where possible and practical. Alignments shall be planned to minimize grading/fills.
 - 3. An internal accessway system of sidewalks or paths shall provide continuous connections to parking areas, entrances to the development, open space, and recreational and community facilities associated with the development. Sidewalks shall also connect with the peripheral street system and be adjacent to all residential properties.
- D. Any application that involves the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with State access management standards.
- E. Each lot has an approved method of sewage disposal in accordance with State requirements.
- G. The subdivision is in the public interest and is not contrary to the public health, safety, and welfare.
- H. Other requirements as deemed necessary by the review authority.
- I. Clustering of dwellings may be allowed by the review authority if an appropriate variance is obtained by the developer and open space is made

available to mitigate overall dwelling density.

- J. Variances shall be reviewed in accordance with Article 10, Variance Procedure. Specifically, variances for access shall be considered as Use Variances and the applicant shall provide proof that:
 - 1. Indirect or restricted access cannot be obtained.
 - 2. No engineering or construction solutions can be applied to mitigate the condition.
 - 3. No alternative access is available from a street with a lower functional classification than the primary roadway.
02. In the event of conditional approval, the review authority may require the subdivider to file a map within 30 days of the date of approval showing the revised design as approved by the review authority.

SECTION 31.035, PRELIMINARY PLAT APPROVAL:

- 01. Preliminary plat approval shall be binding upon Wallowa County and the subdivider for the purpose of preparing the final plat provided the preliminary plat is not substantially changed after the approval unless the approval requires such changes, and the final plat complies with all conditions as set forth by the review authority. If substantial changes not mandated by the review authority are made on the final plat, the Wallowa County Planning Director may refer the proposal back to the review authority for another public hearing. The review authority shall have the authority to revoke, revise, amend, or alter the prior approval, and shall have sole authority to determine whether a change is substantial.
- 02. The determination of the review authority shall become final twelve working days after the decision unless appealed pursuant to Article 7, Appeals.
- 03. Written notice of the decision rendered by the review authority shall be mailed within five working days of the date of decision to the applicant and to any person who has specifically requested such notification.
- 04. Approval of a preliminary plat shall be valid for twelve months from the effective date of approval. Unless an extension is granted for the filing of a final plat, approval of a preliminary plat shall be voided twelve months after the effective date of approval; and

a new hearing shall be held on the proposal prior to the filing of a final plat.

05. Where a preliminary plat has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the new application is substantially different from the previous application.

SECTION 31.040, EXTENSION OF TIME:

01. The Planning Director shall have the authority to grant one extension of up to twelve months of the preliminary plat approval.
02. A subdivider wishing to gain an extension shall file a written request setting forth the reasons why an extension should be granted. After receiving the written request from the subdivider, the Planning Director shall review the facts presented and, upon those facts, may grant an extension of up to twelve months and establish any conditions necessary for the implementation of this article. The Planning Director shall have the sole authority to establish criteria for a decision.
03. The Wallowa County Board of Commissioners shall review all requests for extensions which exceed twelve months.

SECTION 31.045, SUBMISSION OF FINAL PLAT:

01. Within twelve months after the effective date of the preliminary plat approval or within such time set forth by the Wallowa County Planning Director or the Wallowa County Board of Commissioners per Section 31.035, the subdivider shall cause the subdivision to be surveyed and a final plat drawn in accord with the approved preliminary plat and any changes mandated by the review authority. The developer shall file with the Wallowa County Surveyor one complete set of original tracings, two complete sets of prints of the final plat or map, and one copy of the deed restrictions applicable to the subdivision.
02. **INFORMATION ON FINAL MAP:** The final map or plat shall include all information which is required on the preliminary plat plus the additional requirements set forth in this section.
03. **FORM OF FINAL PLAT:** The final plat shall be made in black India ink on 18 by 24 inch material suitable for copying and binding, as specified in ORS 92.080.
04. **MONUMENTATION:** All exterior boundary corners, street intersections, and

interior lot or parcel corners shall be monumented as specified by ORS 92.060. The exterior boundary corners must be set prior to approval of the final plat, but post monumentation of street intersections and lot corners is permissible provided that the surveyor or engineer doing the survey certifies that the monumentation will be done by a specified date and bond or cash deposit is made to this effect by the developer, as provided by ORS 92.070.

05. **SURVEY REQUIREMENTS:**

- A. A complete and accurate survey of the land to be subdivided shall be made by an engineer or surveyor licensed to practice in the State of Oregon and in accordance with standard practices and principles of land surveying.
- B. The traverse of the exterior boundaries of a subdivision plat and of each block and lot or parcel shall close within an accuracy such that the error of closure shall not exceed one foot in 4,000 feet.

06. **CERTIFICATES ON FINAL PLATS OR MAPS:** The following certificates and acknowledgments and others required by State Law shall appear on the final plat or map. Such certificates may be combined where appropriate.

- A. A certificate of ownership, signed and acknowledged by the record owner and all parties owning an interest in the property, consenting to the preparation and recordation of the final plat or map; and offering for dedication all parcels of land, streets, alleys, pedestrian-ways, drainage channels, easements, and other rights-of-way intended for public use; and offering for dedication rights of access to and from prescribed streets, lots, and parcels of land.
- B. A certificate of the registered engineer or licensed surveyor who prepared the survey and the final plat or map.
- C. A certificate for execution by the chairman of the Wallowa County Planning Commission on behalf of the Wallowa County Planning Commission.
- D. A certificate for execution by the Wallowa County Surveyor.
- E. A certificate for execution by the Wallowa County Tax Collector.
- F. A certificate for execution by the Wallowa County Assessor.

- G. A certificate for execution by the irrigation district where applicable.
- H. A certificate for execution by the Wallowa County Board of Commissioners.

07. DEDICATIONS AND PUBLIC UTILITY REQUIREMENTS:

- A. All lots and parcels shown on the final plat or map as intended for public use shall be offered for dedication for public use at the time the plat or map is filed except those lots or parcels which are intended for the exclusive use of land owners in the subdivision, their licensees, visitors, tenants, and servants.
- B. All streets, pedestrian-ways, drainage channels, easements, and other rights-of-way shown on the final plat or map as intended for public use shall be offered for dedication for public use at the time the final plat or map is filed.
- C. All rights of access to and from streets, lots, and parcels shown on the final plat or map intended to be surrendered shall be offered for dedication at the time the final plat or map is filed.
- D. Reserve strips across the end of stubbed streets shall be offered to Wallowa County for dedication for public use at the time the final plat or map is recorded.

08. IMPROVEMENTS AGREEMENT:

- A. The subdivider shall improve - or agree to improve - all lands dedicated for streets, alleys, pedestrian-ways, drainage channels, easements, and other rights-of-way as a condition precedent to acceptance thereof and approval of the final plat or map subject to exceptions prescribed by Article 6, Design Review. Transportation system improvements shall be supported by appropriate documentation as proof of completing any required Traffic Impact Study, and ODOT Access Regulation. All such improvements shall be in conformance to that specification of design and materials as provided in the standard specifications found in this Article and Article 32, Road Standards, and by the Wallowa County Board of Commissioners. The subdivider shall give notice to the Wallowa County Road Department prior to commencement of construction of improvements. Wallowa County shall have the right to enter upon the sites of improvements for the purpose of inspecting them.
- B. Prior to the approval by the Wallowa County Board of Commissioners of the

final plat or map, the subdivider shall execute and file an agreement between himself and the Wallowa County Board of Commissioners specifying the period within which he/she or his/her agent or contractor shall complete all improvement work, and providing if he shall fail to complete such work within such period, Wallowa County shall call on the surety to complete the same. The agreement shall provide for inspection of all improvements by the Wallowa County Board of Commissioners. Such agreement may provide:

1. For the construction of the improvements in unit.
 2. For an extension of time under conditions therein specified.
 3. For progress payment.
- C. The subdivider shall file with the agreement, to assure his full and faithful performance, a bond for such sum as is deemed sufficient by the County Road Department to cover the cost of said improvements and incidental expenses and to cover replacement and repair of existing streets and other improvements damaged in the development of the subdivision. Such bond shall be executed by a surety company authorized by the District Attorney(s) as to form. In lieu of said bonds, the subdivider may elect any one of the following alternatives to assure full and faithful performance.
1. The subdivider may deposit with Wallowa County cash money in an amount fixed by Wallowa County.
 2. The subdivider may submit written certification by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and it will be released only upon authorization of Wallowa County as in case of cash.
 3. The subdivider may submit bonds acceptable to the Wallowa County Board of Commissioners.
 4. The subdivider may enter into an agreement with the Wallowa County Board of Commissioners setting forth the period of time within which he plans to construct improvements either in whole or in part. Such agreement shall specify that the subdivider deposit in an escrow account, for the benefit of Wallowa County an amount of money equal to twice the pro-rata share of improvement costs for the entire

subdivision attributable to a single lot or parcel at the time of sale of said lot or parcel provided that:

- a. This alternative procedure shall be permitted only for a final plat or map not exceeding 20 lots.
- b. This alternative procedure shall not be permitted for subsequent phases on development until the improvements in the initial final plat or map have been completed.
- c. Such agreement will not extend more than 12 months from the date of execution unless extended by the Wallowa County Board of Commissioners as an amendment to the agreement.

SECTION 31.050, PROCEDURE FOR PROCESSING FINAL PLAT OR MAP: The Wallowa County Planning Director, who is responsible to the Wallowa County Planning Commission and Wallowa County Board of Commissioners for the administration of this article, shall be responsible for final plat or map conformance to preliminary plat or map approval and final plat or map processing and submittal to the Wallowa County Planning Commission and the Wallowa County Board of Commissioners pursuant to the provisions of this section.

01. The final plat or map shall be submitted to the Wallowa County Surveyor who shall examine the final plat or map and determine the sufficiency of affidavits and acknowledgments, the correctness of surveying data, mathematical data, and computation and determine whether the provisions of the Subdivision Act and the requirements of this article have been complied with. The subdivider shall provide traverse sheets and work sheets or accurate and complete electronic computations showing the closure of the exterior boundaries of the subdivision as required by the Wallowa County Surveyor. The final plat or map shall be returned to the subdivider with notations as to errors or omissions, if any. If the final plat or map is found to be correct, the matters shown thereon are sufficient, and all applicable provisions of the subdivision act and this article have been complied with; the Wallowa County Surveyor shall certify this approval on the original plat or map.
02. Any required improvement plans, profiles, and specifications of proposed improvements shall be submitted to the Wallowa County Road Department for verification of conformance to this Article and Article 32, Road Standards, at the time the final plat or map is submitted for approval. Such plans and profiles shall show the full details of the proposed improvements. Where standards and specifications are in

compliance with this Article and Article 32, Road Standards, they may be submitted by reference. The Wallowa County Road Department may sign off on and approve the proposed transportation improvements if they are found to conform to regulations and specifications.

03. After the final plat or map has been checked and certified by the Wallowa County Surveyor, it shall be submitted to the Wallowa County Planning Director who shall deliver it to the Wallowa County Assessor, Tax Collector, and applicable irrigation district for certifications unless done by the subdivider, or agent. If the final plat or map conforms to the preliminary plat or map as approved and no changes have been made which have not been approved by the Wallowa County Planning Commission or Planning Director, the Planning Director shall then submit the final plat to the chairman of the Wallowa County Planning Commission who shall certify the final plat or map on behalf of the Planning Commission.
04. After the final plat or map has been checked and approved as provided in this section, and when all the certificates which appear on the final plat or map - except the approval certificates of the Wallowa County Board of Commissioners and Clerk - have been signed and, where necessary, acknowledged; the Wallowa County Planning Director shall certify the final plat or map and submit it along with any proposed improvements agreement to the Wallowa County Board of Commissioners for approval. The Wallowa County Planning Director shall so notify the subdivider.
06. Upon receipt of the final plat or map; the Wallowa County Board of Commissioners shall consider said plat or map, the plan of the subdivision, and the offers of dedication in accordance with the requirements of this article. If the subdivider has entered with the provisions of Article 40, Performance Guarantee; the Wallowa County Board of Commissioners shall approve the final plat or map. No plat or map shall have any force or effect until the same has been approved by the Wallowa County Board of Commissioners, and no title to any property described in any offer of dedication shall pass until the final plat or map has been recorded.
