

**IN THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR CURRY COUNTY, OREGON
AN ORDINANCE ESTABLISHING REGULATIONS FOR DIVISIONS OF LAND FOR
CURRY COUNTY, OREGON**

The Board of Commissioners, Curry County, Oregon, Ordain as follows:

ARTICLE 1. GENERAL PROVISIONS

Section 1.0010. General Purpose

The general purpose of this chapter is 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 Chapters 92 and 215.

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 Curry County Comprehensive Plan;
- 3) to protect the natural assets of the County by providing the means for encouraging orderly developments by relating the number, design, and distribution of lots or parcels to existing topographical, ecological, hydrological, and other natural conditions.
- 4) to minimize, through property 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, and prevention of the overcrowding of land.
- 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 welfare;
- 8) to provide adequate provisions for transportation designed to handle the anticipated usage and to ensure that they minimize safety hazards and adverse impact on the neighboring area;
- 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 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 by means of a PUD or clustering. 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.

Section 1.0020. Interrelationship with other County Ordinances, Codes, Orders and Policies

- 1) Comprehensive Plan. All land divisions shall be in conformity with the county Comprehensive Plan.
- 2) County Zoning. All land divisions shall conform to all applicable requirements of the County Zoning Ordinance.
- 3) All land divisions shall be subject to all applicable requirements of County Road Standards.

Section 1.0030. Definitions

As used in the zoning and subdivision ordinance, unless the context requires otherwise:

- 1) *Assessment of Water Quality and Quantity*: for purposes of subdivision disclosure shall include the following information:
 - a) the number of wells located in the quarter section of land in which the lot is located.
 - b) the quantity and flow rates of these wells from Department of Water Resources data or personal investigation.
 - c) the flow rates of any springs or creeks proposed as sources of domestic water;
 - d) the quality of water from any proposed sources by test for biological contamination and;
 - e) the disposition of water rights for any sources of water proposed for domestic use.
- 2) *Contested Case*: means a proceeding in which the legal rights, duties or privileges of specific parties pursuant to the zoning and subdivision ordinances of Curry County and any orders or regulations pursuant thereto, at which specific parties are entitled to appear and be heard.
- 3) *Hearing*: means a quasi-judicial hearing held pursuant to notice and may include the taking of testimony under oath and the introduction of exhibits at the discretion of the hearings officer.
- 4) *Hearings Officer*: means a person or board or commission appointed by the Board of County Commissioners to hear matters encompassed within this ordinance and may include one or more such persons, boards or commissioners.
- 5) *Lot*: means a unit of land that is created by a subdivision of land.
- 6) *Major Partition*: means a partition which includes the creation of a road.
- 7) *Map*: means a final diagram, drawing or other writing concerning a major partition.
- 8) *Minor Partition*: means a partition that does not include the creation of a street or road.
- 9) *Parcel*: means a unit of land that is created by a partitioning of land.
- 10) *Partition*: means either an act of partitioning land or an area or tract of land partitioned as defined in this section.
- 11) *Partition land*: means to 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. *Partition land* does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.

- 12) *Permit*: means authority or approval of a proposed use of land for which approval is a matter of discretion and is required pursuant to this ordinance.
- 13) *Plat*: includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- 14) *Road or Street*: means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
- 15) *Subdivide land*: means to divide an area or tract of land into four or more lots within a calendar year when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- 16) *Subdivision*: means either an act of subdividing land or an area or a tract of land subdivided as defined herein.

Section 1.00140. Delegation of Powers.

- 1) The Curry County Planning Commission is hereby delegated authority by the Board of County Commissioners to place requirements, hold hearings, consider, and make decisions, subject to appeal, with respect to subdivision, planned unit developments and major partitions.
- 2) The Curry County Planning Director is hereby delegated authority by the Board of County Commissioners to place requirements, hold hearings, consider and make decisions, subject to appeal, with respect to minor partitions.

Section 1.0050. Sale of Property.

- 1) No person shall dispose of, transfer, sell or agree to sell, offer or negotiate to sell any lot or parcel in any subdivision, planned unit development, major partition or minor partition until such plan or map has been finally approved by the designated County authority and duly recorded with the recording officer of the county.
- 2) Curry County shall refrain from issuing any permit or approval for any application other than approval pursuant to this section, including building, road access and septic installation permits for any parcel of land not complying with this section.

ARTICLE II. MINOR PARTITIONS

Section 2.0110. General Requirements

- 1) The map of a minor partition need not be recorded, however, it shall be filed with the County Planning Director.
- 2) All descriptions shall be by metes and bounds and not by reference to lot and block, however the partitioner may assign lot numbers for convenience and reference.
- 3) The person proposing the partition or his authorized agent or representative shall make application in writing to the Planning Director. Each application shall be accompanied by one copy of the plan including a map showing the general design. The filing fee shall be paid at this time.

Section 2.0210. Standards and Procedures for Submission of Plans and Maps,

- 1) The map shall be of a size and scale prescribed by the Planning Director and shall contain the following:
 - a) north point, scale and date of application.
 - b) Names and addresses of the partitioner and of the engineer or surveyor employed, if any, to make the survey and map.
 - c) Written legal description of the entire property and of the proposed partitions,
 - d) Description and location of all permanent and reference monuments found or set within the area.
 - e) Names and location of existing streets.
 - f) Location and outline of existing buildings on the lots being partitioned and within 100 feet thereof.
 - g) Approximate acreage of the lots and any property retained by the partitioner.
 - h) Location of all existing and proposed utilities, easements, sewer and water lines, septic test holes, drainfield areas, location of water source, and power poles.
 - i) Zoning districts and restrictions in that area.
 - j) A vicinity map showing the general area, if required.
 - k) A statement indicating number of lots sold from the same tract by the same owner since January, 1974.

Section 2.0310. Action by the Planning Director

- 1) The Planning Director shall maintain a file properly indexed for all applications and plans. One copy of such shall be marked "file copy" and shall be permanently filed. Each such permanent copy shall show the date of filing, name of person filing the same and amount of fee paid. In addition, there shall be a record of the action of the Board of County Commissioners and any appeal from any decision thereof and the ultimate disposition of the application with the appropriate dates. If approved, this shall constitute the requisite filing with the Planning Director.
- 2) Within thirty (30) days the Planning Director shall indicate his decision. This shall constitute final approval or denial unless appeal is made.
- 2) Upon receiving approval of the minor partition the same shall be recorded as provided by law to substantiate the division of land. Any approved minor partition not recorded within 12 months of the date of approval shall become null and void and the County Clerk shall refuse to accept the same for recording,

ARTICLE III. SUBDIVISIONS AND MAJOR PARTITIONS

Section 3.0110. General Requirements.

- 1) Before a plat of any subdivision or the map of any major partition may be made and recorded, the person proposing the subdivision or the major partition or his authorized agent or representative shall make an application in writing to the Planning Commission for approval of such proposed subdivision or major partition. Each application shall be accompanied by eight (8) copies of the preliminary plan including plats and maps showing the general design. The filing fee shall be paid at this time. No plat or map will be considered for final approval until the preliminary plan has been approved.
- 2) The application shall be filed with the County Planning Director.
- 3) Approval of the preliminary plan shall not constitute final acceptance of the plat of the proposed subdivision or the map of the proposed major partition for recording; however, approval of such preliminary plan shall be binding for the purposes of the preparation of the plat or map and only such changes in the plat or map may be required as are necessary for compliance with the terms of its approval of the preliminary plan for the proposed major partition or the proposed subdivision.

Section 3.0210. Standards and Procedures for Submission of Preliminary Plans and Plats.

- 1) The preliminary plat shall be of a scale of one inch to twenty, fifty or one hundred feet and shall contain the following:
 - a) The proposed name of the subdivision.
 - b) North point, scale and date of application.
 - c) Names and addresses of the subdivider and of the engineer or surveyor and the land planner or landscape architect if one has been employed.
 - d) The tract designation and legal description and existing tax lot and map numbers.
 - e) The boundary line of the entire tract and the portion to be subdivided.
 - f) Contours, with intervals of five (5) feet or less, may be required. (All elevations shall be based upon mean sea level datum if possible),
 - g) The names of adjacent subdivisions or partitions or the names of recorded owners and deed reference of adjoining parcels of unsubdivided land.
 - h) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings and other

important features such as section lines, political subdivisions or incorporation lines and school district boundaries.

- i) Existing and proposed sewers, water mains, culverts and other underground structures and utilities within the tract or immediately adjacent thereto together with pipe sizes, grades and locations.
 - j) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision together with the purpose of conditions or limitations of such reservations, if any.
 - k) The proposed street pattern or layout showing the names, and width and grades. Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradients.
 - l) Easements together with their dimensions and purpose.
 - m) Proposed lots, lot sizes, approximate lot dimensions and lot numbers. Where lots are to be used for purposes other than residential, it shall be indicated on such lots.
 - n) Parks, playgrounds, recreational areas, parkway and open space for public use.
 - o) Zoning, as set forth in the zoning ordinance of that area.
 - p) Drafts of proposed restrictions and covenants affecting the plat.
 - q) Location of all monuments found or set in the area.
 - r) Location of all septic test holes and drainfield areas on all lots.
 - s) Location of the water source and necessary easements to provide water for each lot.
- 2) The preliminary plan shall include the following information:
- a) Drainage plan.
 - b) Any unusual topographic or geologic feature.
 - c) A vicinity map showing the general area.
 - d) A description of the proposed method of supplying domestic water to the proposed lots. If the proposed method involves the creation of a community water supply system, the plans, approved by a licensed engineer, and other related documentation including water rights, water quality tests, water quantity tests and

letters of approval from the appropriate agency shall be provided. If the proposed method involves the extension of an existing supply system, a statement from the agency that controls the system that they can and will supply water to the proposed subdivision if all requirements are met. If individual water sources are to be provided to each lot, an assessment of the water quantity and quality shall be provided.

- e) A description of the proposed method of sewer service to the proposed use. If the proposed method involves the creation of or extension to a community sewer treatment system, a statement from system that they can and will supply service to the proposed subdivision if all requirements are met.
- 3) The Planning Director or the Planning Commission may require supplemental information including a profile of all roads and streets on and adjacent to the proposed subdivision

Section 3.0310. Action by the Planning Director and Planning Commission

- 1) The Planning Director shall maintain a file properly indexed for all applications and preliminary plans. One copy of such shall be marked "file copy" and shall show the date of filing, name of person filing the same and amount of fee paid.
- 3) The remaining seven copies shall be distributed as follows:
- a) One copy to County Surveyor.
 - b) One copy to the County Sanitarian.
 - c) One copy to the County Road Department.
 - d) One copy to the County Tax Department.
 - e) Three copies to the Planning Commission.
- 3) Upon such filing the Planning Director shall forthwith make an investigation of the proposed subdivision or major partition. Within thirty (30) days he shall transmit to the Planning Commission his written report and recommendations of the County Road Department, County Sanitarian, and other affected agencies.
- 4) Upon receipt of the report of the Planning Director, the Planning Commission shall schedule a hearing on the same at a regular meeting not later than thirty (30) days after its receipt. Notice shall be given to the person filing the application.
- 5) Within seven (7) days after the hearing the Planning Commission shall by letter express its approval or disapproval of the preliminary plan. If the plan is rejected the reasons shall be stated in writing. Approval of the preliminary plan is null and void if the final plan is not submitted to the Planning Commission within six (6) months after the date of the letter of approval.

ARTICLE IV. PRELIMINARY PLANS-PLANNED UNIT DEVELOPMENTS

Section 4.0110. General Requirements

- 1) A Planned Unit Development is a development for multiple use of all or a portion of the land and facilities. Examples are a condominium, subdivision type development where there are common areas such as parks, recreational areas and facilities, etc. for the use of the owners or occupants rather than the general public; trailer or mobile parks.
- 2) The intent of a Planned Unit Development is to develop land for residential, business, commercial, industrial, or other uses in a manner which creates an attractive healthful, efficient and stable environment.
- 3) Before any plan or plat of a Planned Unit Development may be made and recorded, the person proposing the same or his authorized agent or representative, shall make an application in writing to the Planning Commission for approval thereof. Each application shall be accompanied by seven (7) copies of a preliminary plan including plats and maps showing the general design.
- 4) The application shall be filed with the County Planning Director.
- 5) Approval of the preliminary plan shall not constitute final acceptance, however, approval of such preliminary plan shall be binding for the purposes of the preparation of the final plan and only such changes may be made as are necessary for compliance with the approval of the preliminary plan.
- 6) Detailed specifications of buildings are not required, however, the applicant must furnish proof that the same comply with applicable building, health, fire and safety codes.
- 7) Before final approval the applicant must furnish proof of compliance with all applicable laws pertaining, to condominiums and joint ownership and use.
- 8) Because of the varying types and complexities of Planned Unit Developments, the specifications required herein are minimum requirements, and greater detail may be required by the Planning Director or Planning Commission.

Section 4.0210. Standards and Procedures for Submission of Preliminary Plans

- 1) The preliminary plat or map shall be to the largest practical scale of one inch to twenty-five, fifty or one hundred feet.
- 2) The preliminary plat or map shall in general follow the requirements for preliminary plans and plats of subdivision as contained in Article III and in addition shall contain the following:

- a) Location and dimensions of all proposed and existing structures together with the name and address of any architect, engineer or designer designing the same.
 - b) Housing or use densities.
 - c) Location and size of all parking areas.
 - d) Landscaping, walls and fences.
- 3) If the proposed development requires a zone change or a conditional use, the applicant must make a showing in conformity with the requirements of the zoning ordinance of Curry County. The Planning Commission shall follow the procedures as stated in such ordinance.

Section 4.0310. Action by the Planning Director and Planning Commission

In general the actions taken by the Planning Director and the Planning Commission shall be the same as stated in Article III hereof, pertaining to subdivisions and major partitions. In the event of a zone change or conditional use permit is requirement, the Planning Commission shall first dispose of this. If such disposition is favorable to the applicant, the Planning Commission shall then proceed with the consideration of the Planned Unit Development in accordance with Article III.

**ARTICLE V. FINAL PLANS
SUBDIVISIONS, MAJOR PARTITIONS, AND PLANNED UNIT DEVELOPMENTS**

Section 5.0110. General Requirements

- 1) All plats and maps and other writings made a part of such plats and maps shall be made in black India ink or photocopy upon material that is suitable for binding and copying purposes, and is of sufficient strength and durability to be a permanent record of the County.
- 2) The size of the paper shall be eighteen inches by twenty-four inches. There shall be at least one inch of clear space left around all sides.
- 3) The scale shall be of one inch to twenty, twenty-five, fifty or one hundred feet.
- 4) Only one side of the material may be used.
- 5) All lettering, affidavits, dedications, etc. shall be of such size as will be clearly legible. Space shall be provided for all necessary signatures of approving agencies as stated in (8) below, the Chairman and Secretary of the Planning Commission and the Board of County Commissioners.
- 6) The plat or map shall be placed on as many sheets as necessary but when two or more sheets are used there shall be a face sheet, index sheet and a sheet showing the entire layout of the Planned Unit Development, subdivision or major partition to a smaller scale so it all appears on one sheet. If practical, the index sheet and layout sheet may be combined.
- 7) The survey and plat or map shall be made only by a surveyor licensed in the State of Oregon.
- 8) All final plans shall be presented to the Planning Director and shall have the necessary signatures of the owners and mortgagees, and signature blanks for the Planning Director, County Sanitarian, County Surveyor, County Assessor, County Roadmaster, Planning Commission Chairman and Secretary, County Tax Collector, and Board of County Commissioners.

Section 5.0210. Subdivisions and Major Partitions

The final plan shall show:

- 1) The name of the Subdivision or Partition.
- 2) North point, scale and date submitted.

- 3) Names and addresses of the subdivider and of the engineer or surveyor and of the land planner or landscape architect if one has been employed.
- 4) The tract designation and legal description and existing tax lot and map numbers.
- 5) The boundary line of the entire tract and the portion subdivided.
- 6) A vicinity map showing the general area.
- 7) The names of adjacent subdivisions or partitions or the names of recorded owners and deed references of adjoining parcels of unsubdivided land.
- 8) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, and other important features such as section lines, political subdivisions or incorporation lines and school district boundaries.
- 9) Existing sewers, water mains, culverts and other underground structures within the tract or immediately adjacent thereto together with the pipe sizes, grades and locations.
- 10) The location of all the septic drainfield areas.
- 11) The location of the source of water for the lot and any easements necessary to provide water to the lot.
- 12) All parcels of land dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
- 13) The street pattern showing the names, widths and grades, and the length of all arcs, tangents, and radii, and all internal angles and points of curvature.
- 14) Easements including those for public services and utilities together with their dimensions and purpose.
- 15) Lots, lot dimensions, lot sizes and lot and block numbers. Where lots are to be used for purposes other than residential, it shall be indicated on such lots .
- 16) Parks, playgrounds, recreational areas, parkway and open space for public use.
- 17) Restrictions and covenants affecting the plat.
- 18) Location of all monuments found or set in the area. All monuments set shall meet the specifications as set forth in ORS 92. A private road in a major partition shall not be considered a lot for purposes of monumentation under this subsection.

- 19) A description of the proposed street and road improvements including a certification from the County Road Department that all streets and roads proposed by the applicant have been completed to County requirements.
- 20) If a private road is proposed a dedication shall be shown on the plat that the road remains in private ownership as an undivided interest of the lots it serves.
- 21) The affidavit of the land surveyor that has correctly surveyed the property and that all corners and monuments are properly set or that all monuments for the exterior boundaries have been set; that all interior monuments will be set on or before a certain date; and that a cash deposit or approved bond to cover the cost of setting the same has been furnished.
- 22) A Subdivision Guarantee, provided by a recognized land title insurance Company.
- 23) A statement on the plat that a Disclosure Statement regarding the subdivision is recorded with the County Clerk and its appropriate reference in the Book of Records.

Section 5.0310. Planned Unit Developments

The final plan shall show:

- 1) The information required for the final plan of a subdivision as contained herein.
- 2) Location and dimensions of all proposed and existing structures together with the name and address of any architect, engineer or designer designing the same.
- 3) Housing or use densities.
- 4) Location and size of all parking areas.
- 5) Landscaping, walls and fencing.
- 6) A statement that any required zone change or conditional use has been granted and that the plan conforms to the zone or conditions of any conditional use.

Section 5.0410. Action by the Planning Director and Planning Commission

- 1) Upon a final plan being presented to the Planning Director, the director shall check to see that it conforms with the requirements of this ordinance and with the preliminary plan as approved. The director shall verify the approval of the other concerned county agencies and within thirty (30) days shall transmit the same to the Planning Commission with a recommendation of approval or disapproval. The director's approval shall be shown by a letter or memorandum accompanying the plan. If the recommendation is for disapproval, the director shall state his reasons, therefore.
- 2) Upon receipt of the plan and the recommendations, the Planning Commission shall schedule a hearing on the same at a regular meeting not later than thirty (30) days after its

receipt. Notice shall be given to the person filing the plan.

- 3) Within seven (7) days after the hearing the Planning Commission shall, by letter, express its approval or disapproval of the final plan to the applicant. If the plan is approved the necessary signatures shall be affixed and the plan shall be delivered to the Board of County Commissioners for final approval which shall be indicated by the signatures of a majority of the Board members.

Section 5.0510. Action by the Subdivider

Upon receiving approval of the final plan, the same shall be recorded as provided by law and seven copies given to the Planning Director for distribution to agency requirements. Any final plan not recorded within ninety (90) days from the date of approval shall become null and void and the County Clerk shall refuse to accept the same for recording.

ARTICLE VI. REQUIREMENTS FOR ALL DIVISIONS OF LAND

Section 6.0110. Availability of Public Services

A statement shall accompany all initial applications describing the availability of public services, such as police and fire protection, schools, and school buses and electric, telephone or other utilities. The statement shall indicate the proximity of such services in addition to giving an estimate of the capacity of the service to effectively absorb the increased demand reasonably anticipated to be placed on the services as a result of the land development.

Section 6.0210. Street and Road Specifications

1) Street Design and Connectivity

- a) The road system of a proposed partition, subdivision or planned unit development shall be designed to connect with existing, proposed and planned roads outside of the development.
- b) Wherever a proposed partition, subdivision or planned unit development abuts unplatted land or a future development phase of the proposed development, road stubs shall be provided for access to abutting properties in order to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn around unless specifically exempted by the Planning Director or Planning Commission after consultation with the Roadmaster. The extension of the road shall be the responsibility of any future developer of the abutting land.
- c) Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.
- e) Cul-de-sacs or permanent dead-end roads may be used in planning partition, subdivision or planned unit developments, however, through roads are encouraged except where topographical, environmental or existing adjacent land use constraints make connection roads infeasible. Cul-de-sac roads in excess of 300 feet in length are discouraged. A cul-de-sac greater than 300 feet in length will be allowed only where it can be shown that the terrain or other limitations prohibit connecting this road with other roads in the area. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other roads, or to neighborhood activity centers, unless physical features make such accessway unfeasible.

2) Road Construction Standards

- a) All streets within partitions, subdivisions and planned unit developments, shall meet local standards for road construction as established in the road standards adopted by Curry County, and in Section 4.050 of the CCZO.

3) Accessways

- a) Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 20-foot wide right-of-way or easement. If the roads within a subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep.
- b) Accessways for pedestrians and bicyclists shall be provided at mid-blocks where the area is developed with block pattern street grid and the block is longer than 600 feet.
- c) The Planning Commission or Planning Director as the decision maker may determine, based on evidence in the record, that accessways are impracticable. Such evidence may include but is not limited to:
 - i) Physical or topographic conditions make an accessory connection impractical. Such conditions include but are not limited to extremely steep slopes, wetlands or other bodies of water where a connection cannot reasonably be provided.
 - ii) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.
 - iii) Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995 that precludes a required accessway connection.
 - iv) Where there is no existing or planned public or private road, street, bike path or accessway to connect the required accessway to for pedestrian or bicycle transportation.

4) Bicycle and Pedestrian Access Standards

- a) All subdivision and planned unit development tentative plats include the location and design of all proposed pedestrian and bicycle facilities, including accessways. All final subdivision and planned unit developments shall include the location and legal description of any proposed, dedicated pedestrian and bicycle right-of-ways.
- b) Bicycle parking. A subdivision or planned unit development located in an area where there is provision for bicycle access on the public road system shall include provisions for bicycle parking facilities. The location and design of bicycle parking facilities shall be indicated on the tentative plat or plan.

- c) Internal pedestrian circulation shall be provided in new commercial and multi-family residential planned unit developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways or similar techniques.
- d) New planned unit commercial developments shall have the building(s), particularly retail stores and offices, oriented toward the road near or at any property setback line. A main entrance shall face toward the road. On parcels that are corner properties or border more than one street, the building(s) shall be oriented to face the street that carries the greatest volume of traffic.
- e) Off-street parking for new planned unit commercial developments shall be located at the side or behind the proposed building(s).
- f) All plans for planned unit commercial and multi-family residential developments shall clearly show how the site's internal pedestrian and bicycle facilities connect with external or planned facilities or systems.

Section 6.0310. Natural Hazard Areas

All divisions of land within natural hazard areas identified in the County Comprehensive Plan shall meet the standards as established in the Zoning Ordinance Article II, Natural Hazards Provisions.

Section 6.0410. Disclosure Statement

Upon the offering for sale of any Subdivision, Planned Unit Development, Major Partition, or Minor Partition, a copy of a disclosure statement shall be given by the owner or his agent or salesmen to every prospective purchaser.

The original of the disclosure statement shall be approved by the Planning Commission and become a part of the permanent record of the application.

The disclosure statement shall include the following:

- 1) Name and address of the developer.
- 2) A statement of the uses for which the property is prepared and offered by the developer.
- 3) A statement of the zoning of the property and the uses permitted in that zone.
- 4) A statement describing access to the property, ownership of the access, and the party responsible for maintaining the access.
- 5) A statement describing common areas and facilities, if any, and any restrictions on their use.

- 6) A statement describing existing water and sewer facilities.
- 7) A statement describing any restrictions established by the county.
- 8) A statement describing any known or potential hazards on the property such as geologic hazards, erosion and flooding, etc.
- 9) A statement indicating any ownership rights retained by previous owners such as mineral rights, unsurveyed easements, airspace reservations, etc.

ARTICLE VII. ADMINISTRATION

Section 7.0110. Hearings

Notice of hearing for a subdivision, major partition or planned unit development shall be given to the applicant at least ten (10) days before such hearing.

Section 7.0210. Conduct of Hearing

The Planning Commission, Planning Director and Board of County Commissioners are empowered to formulate such rules and procedures as they deem necessary or proper for the conduct of their respective hearings; including the power to require witnesses to testify under oath, PROVIDED that no rule shall be adopted that limits the right of an interested person or group to be represented by counsel.

Section 7.0310. Appeal

- 1) An action or ruling of the Planning Commission or Planning Director authorized by this ordinance may be appealed to the Board of County Commissioners within fifteen (15) days after the Planning Commission or Planning Director has rendered their decision, by filing written notice with the Curry County Clerk.
- 2) The Board of County Commissioners may appeal a decision by the Planning Commission or Planning Director by resolution within fifteen (15) days after the Planning Commission or Planning Director has rendered their decision.
- 3) If no appeal is taken within the fifteen day period the decision of the Planning Commission or Planning Director shall be final.
- 4) If an appeal is filed:
 - a) The Board of County Commissioners shall receive a report from the Planning Director.
 - b) Shall hold a public hearing on the appeal.
 - c) Notice of the public hearing shall be by one publication in a newspaper of general circulation in the county, not less than ten (10) days prior to the date of the hearing.
 - d) The Commissioners may grant an appeal de novo, or to a specific issue requested or unrequested.
 - e) Notification of the scope of the appeal will be given to the public and the appellant ten days prior to the hearing date.

- f) The applicant may not commence any action authorized by the Planning Commission's decision until the expiration of the appeal date.
- g) Should an appeal be filed the activity allowed by the Planning Commission will be stayed until the decision is rendered in writing by the Board of Commissioners.

Section 7.0410. Form of Petitions, Applications and Appeals

Petitions, applications, and appeals provided for in this ordinance shall be made on forms provided for the purpose, or as otherwise prescribed by the county in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets.

Section 7.0510. Effect of Approval

Following approval of a preliminary plan, the applicant may proceed with preparation of Final Plans. Development as per the preliminary plan is yet subject to approval of the supplemental information as required by Article VI and approval of the final plat and plan as required by Article V.

Section 7.0610. Extension of Time

The Planning Commission may extend the time period allowed for submitting of the final plat to the Planning Commission provided the Subdivider or Partitioner can establish to the satisfaction of the Planning Commission that sufficient effort has been made toward completion of the final plat.

Section 7.0710. Application Fees

The fees for minor and major partitions, subdivisions, planned unit developments and other land use applications shall be determined by the Board of Commissioners as detailed within the appropriate ordinance.

Section 7.0810. General Provisions

- 1) Nothing herein shall be construed to prohibit the initiation of any matter pertaining to this ordinance by the Planning Director, Planning Commission or Board of County Commissioners.
- 2) The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause, or phrase is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions. Likewise, any amendment or repeal of any portion hereof shall not affect the remaining portions not specifically amended or repealed.