

Exhibit A

17.04.050 Construction and terminology.

(1) Construction. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.

(2) Terminology. The word "county" shall mean the county of Crook, state of Oregon. The words ~~"county court"~~ *board of commissioners* and ~~"court"~~ *board* shall mean the ~~county court~~ *Board of County Commissioners* of Crook County. The words "planning commission" and "commission" shall mean the county planning commission of the county of Crook duly appointed by the ~~county court~~ board. The words "planning director," "county roadmaster," "assessor," "county sanitarian," "county surveyor," "county clerk," and "tax collector" shall mean the planning director, roadmaster, sanitarian, surveyor, county clerk, tax collector, and assessor of the county of Crook. (Ord. 19 § 1.060, 2003)

17.08.010 Definitions.

As used in this title, the following words and phrases shall mean:

(1) "Access" means the right to cross between public and private property allowing pedestrians and vehicles to enter and leave the property.

(2) "Advertising" means the publication or causing to be published of any material relating to disposition of interests in a land development which has been prepared for public distribution by any means of communication.

(3) "Agent" means any person who represents, or acts for or on behalf of, a developer in disposing of interests in a land development and includes a real estate broker as defined in ORS [695.010](#)(8), but does not include an attorney at law whose representation of another person consists solely of rendering legal services.

(4) "Alley" means a minor street primarily for service access to the back or side of properties abutting other streets.

(5) "Blanket encumbrance" means a trust deed or mortgage or mechanic's lien or other lien reflecting a financial encumbrance, securing or evidencing money debt and affecting lands to be subdivided or affecting more than one lot, parcel, unit, or interest of subdividing land; or an agreement affecting more than one lot, parcel, unit or interest by which the developer holds the subdivision under an option, contract to purchase or trust agreement, except a lien or other encumbrance arising as a result of the imposition of a tax assessment by a public authority so long as no portion thereof is past due.

(6) "Block" means an area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleys), railroad right-of-way, unsubdivided land or water courses.

(7) "Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected. If no line is shown on the plat, the building line shall be constructed as defined or set forth in the county's zoning ordinance.

(8) "Community water supply system" means a domestic water supply source or distribution system which serves more than three single residences or other users for the purpose of supplying water for household uses, but is neither a municipal water supply system nor a public utility water supply system.

(9) "Comprehensive plan" means a plan adopted by the county pursuant to ORS Chapter [197](#) and in compliance with statewide planning goals, a coordinated land use map and policy statement of the county that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered by the plan and functional and natural activities and systems occurring in the area covered by the plan. The plan is an expression of public policy in the form of goals, objectives and policy statements, maps and standards and guidelines, and is the basis for this title and other rules, regulations and ordinances which are intended to implement the policies expressed through the plan.

(10) "Contiguous land" means parcels of land under the same ownership which abut each other.

(11) "County engineer" means the individual appointed or designated by the ~~board~~ ~~county court~~ to represent the engineering interests of the county.

(12) "Cross section" means a profile of the ground surface perpendicular to the center line of a street, stream, or valley bottom.

(13) "Curb lines" means the line dividing the roadway from the planting strip of a footway; meaning the inside (street side) of the curb.

(14) "Developer" means any person, corporation, partnership, or other legal entity that creates or proposes to create a land development, and includes any agent of a developer.

(15) "Disposition" includes sale, lease for more than one year, option assignment, award by lottery or as a prize or any offer or solicitation of an offer to do any of the foregoing concerning a land development or any part of a land development.

(16) "Easement" means a grant of the right to use a parcel of land for specific purposes, where ownership of the land is not transferred.

(17) "Fire break" means a break in the ground cover fuels as specified by the fire protection agency involved or commission.

(18) "Flood" means an overflow of water onto lands not normally covered by water.

(19) "Flood hazard area" means the relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse, or lake, or reservoir which has been or may be covered by a flood.

(20) "Frontage" means all property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and a right-of-way, waterway, end of a dead end, or city boundary.

(21) "Interest" includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years. "Interest" does not include any interest in a condominium as that term is defined in ORS [91.505](#) or any security interest under a land sales contract, trust deed or mortgage.

(22) "Land development" means the subdividing or partitioning of land for any purpose into parcels or the creation of units or parcels for the purpose of sale or lease for a term of one year or more, and includes the creation of a condominium, a planned development, or any division of a similar nature. The term also includes the intent for disposition of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests offered as a part of a common promotional plan of advertising and disposition where the land development is offered for disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name, the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as a part of a common promotional plan.

(23) "Lot" means a unit of land that is created by a subdivision of land.

(a) "Lot area" means the total horizontal net area within the lot lines of a lot; meaning the square footage of a lot that is free from public and private road rights-of-way or easements.

(b) "Lot, corner" means a lot abutting on two or more streets, other than alleys, where the intersection of the abutting streets does not exceed 135 degrees.

(c) "Lot depth" means the average horizontal distance between the front and rear lot lines.

(d) "Lot lines" means the property lines bounding a lot.

(e) "Lot line, front" means the lot line separating a lot from a street other than an alley, and in the case of a corner lot, the shortest lot lines along a street other than an alley.

(f) "Lot line, rear" means the lot line that is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd-shaped lot, a line 10 feet in length within the lot, parallel to, and at a maximum distance from, the front lot line.

(g) "Lot line, side" means any lot line other than a front or rear lot line bounding a lot.

(h) "Lot, through or double frontage" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

(i) "Lot width" means the average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(24) "Map" means a final diagram, drawing, or other writing concerning a partition.

(25) "Municipal water supply system" means a domestic water supply source and distribution system owned and operated by a city or a county; or owned and operated by a special district or other public corporation which has independent tax-levying powers to support the system and which supplies water to a total of 1,000 or more households.

(26) "Negotiate" means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

(27) "Offer" includes every inducement, solicitation, or encouragement of a person to acquire a lot, unit, parcel, or interest in land.

(28) "Owner" means the owner of the title to the real property or the authorized agent thereof, or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll or county clerk's record.

(29) "Parcel" means a unit of land that is created by a partitioning of land.

(30) "Partition" means an act of partitioning land or an area or tract of land partitioned as defined in subsection (31) of this section.

(31) "Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:

(a) A division of land resulting from lien foreclosure, foreclosure or recorded contract for the sale of real property, or the creation of cemetery lots;

(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning requirements including minimum lot size;

(c) The division of land resulting from the recording of a subdivision, PUD, or condominium plat;

(d) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes; provided, that such road or right-of-way complies with the applicable comprehensive plan provisions or provisions of other land use approvals. Any property divided by the sale or grant of land for such a highway, road, street or other right-of-way shall continue to be considered a single unit of land until such time as the property is further subdivided.

(32) "Partition plat" means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

(33) "Person" means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

(34) "Planned unit development" means the development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the standard regulations otherwise required by this title.

(35) "Plat" means a final subdivision plat, replat or partition plat.

(36) "Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

(37) "Public utility water system" means a domestic water supply source and distribution system supplying water for household uses, owned and operated by a person subject to regulation by the Public Utility Commissioner of Oregon and supplying water to a total of 500 or more households.

(38) "Public water system" means a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.

(39) "Replat" means a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat.

(40) "Right-of-way" means the area between the boundary lines of a street, road, or other easement.

(41) "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 to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

(a) "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties abutting another street.

(b) "Arterial" means a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas, and so designated by the county's comprehensive plan or by the commission.

(c) "Bicycle route" means a right-of-way for bicycle traffic.

(d) "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and small areas used to some extent for through traffic and to some extent for access to abutting properties, and so designated by the county's comprehensive plan or by the commission.

(e) "Cul-de-sac" means dead end street. A short street having one end open to traffic and being terminated by a vehicle turnaround.

(f) "Half street" means a portion of the width of a street usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

(g) "Marginal access street" means a minor street parallel and adjacent to a major arterial street providing access to abutting properties.

(h) "Local street" means a street intended primarily for access to abutting properties.

(i) "Stubbed street" means a street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

(42) "Roadway" means that portion of a street or road right-of-way developed for vehicular traffic.

(43) "Sale (or sell)" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

(44) "Series partition" means more than one partition of a parcel resulting in the creation of four or more parcels over a period of more than one year.

(45) "Sidewalk" means a pedestrian walkway with permanent surfacing.

(46) "Subdivide land" means to divide land into four or more lots within a calendar year.

(47) "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.

(48) "Subdivider" means any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

(49) "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained. (Ord. 326 § 2 (Exh. A), 2021; Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 1.070, 2003)

17.16.090 Approval of tentative subdivision plan.

(1) Tentative Plan Review. The planning commission shall, within 60 days from the first regular planning commission meeting following submission of a tentative subdivision plan to the planning commission, review the tentative plan and all reports and recommendations of appropriate officials and agencies. The planning commission may approve, modify, or disapprove the tentative plan for the proposed subdivision, and shall set forth findings for said decision.

(2) Tentative Plan Approval. Approval or disapproval of the tentative plan by the planning commission shall be final unless the decision is appealed to the ~~board county court~~. The ~~board county court~~ may review the planning commission's decision on its own motion. ~~County court~~ Board review shall be conducted in accordance with Chapter [17.48](#) CCC, and failure to do so within the required time limit shall be deemed to indicate acceptance of the planning commission's decision.

(3) Tentative Plan Approval Relative to Final Plat. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the county for purposes of the preparation of the plat and the county may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for proposed subdivision.

(4) Planning Commission Report. The decision of the planning commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the tentative plan, including references to any attached documents describing conditions. One copy of the planning commission report shall be sent to the subdivider, one copy sent to the ~~board~~ *county court*, and the planning commission shall retain one copy. Such action shall be completed within five working days of the date of planning commission decision. (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 3.090, 2003)

17.20.050 Information on plat.

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

(1) Name of the subdivision.

(2) Name of the owner, subdivider, and engineer or surveyor.

(3) The date, scale, north point, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing highways and railroads.

(4) Legal description of the tract boundaries.

(5) Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

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

(b) Adjoining corners of adjoining subdivisions.

(c) Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this title.

(6) Boundary Streets. The exact location and width of streets and easements intercepting the boundary of a tract.

(7) Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearing or deflecting angles, radii, acres, points of curvature, and tangent bearings. Normal high water lines for any creek, bay or other body of water. Tract boundaries and street bearing shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

(8) Streets. The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In

addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

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

(10) Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block.

(11) Block Numbers. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

(12) Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

(13) Building Setback Lines. Building setback lines, if any, that are a part of the subdivision restrictions.

(14) Limitations on rights of access to and from streets and lots and other parcels of land.

(15) The area of each lot which is larger than one acre, to the nearest hundredth of an acre; and the area of each lot which is less than one acre, to the nearest square foot.

(16) Pursuant to the applicable addressing system, the address of each lot shall be shown.

(17) Certificates. The following certificates are required and shall be combined where appropriate:

(a) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

(b) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.

(c) A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.

- (d) A certificate for execution by the chairman of the planning commission.
- (e) A certificate for execution by the county engineer or roadmaster.
- (f) A certificate for execution by the county planning director.
- (g) A certificate for execution by the county surveyor.
- (h) A certificate for execution by the county tax collector.
- (i) A certificate for execution by the county assessor.
- (j) A certificate for execution by the irrigation district, where applicable. All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board before approval of such plan, plat or replat of any subdivision by the governing body of the county. Except, that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivide shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objection to the plan, plat or replat must be filed in writing with the governing body within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such plan, plat or replat and the governing body shall endorse, act and the body may thereafter approve such plan, plat or replat without the approval of such district or company endorsed thereon.
- (k) A certificate of approval of execution by the ~~county court~~ board.
- (l) Other certificates required by state regulations, including but not limited to State of Oregon Department of Environmental Quality approval of the stormwater management plan.
- (m) A certificate for execution by the fire protection district for Crook County where applicable. The execution of this certificate by the fire district is proof that the required fire protection improvements have been completed satisfactorily.
- (18) School Bus Stops and Mailbox Location. The exact location of school bus stops and mailbox stands within the subdivision. (Ord. 149 Amd. 1 §§ 11, 12, 2006; Ord. 19 § 4.050, 2003)

17.20.060 Supplemental information with plat.

The following data shall accompany the plat:

(1) Title Report. A preliminary title or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.

(2) Survey Data Sheets. Sheets and drawings showing the following:

(a) Traverse data including the coordination of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

(b) The computation of distances, angles and courses shown on the plat.

(c) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

(3) Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.

(4) Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

(5) Dedications. A copy of any dedication requiring separate documents; specific references to parks, playgrounds, etc.

(6) Taxes. A list of all taxes and assessments on the tract which have become a lien on the tract.

(7) ~~County Court~~ *Board of Commissioners* Certificate. A certificate by the *board* ~~county court~~ that the subdivider has complied with the requirements of CCC [17.40.080](#) and [17.40.090](#) on improvements guarantees.

(8) Improvement. If grading, and/or street improvements, and/or sewer and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:

(a) Cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.

(b) Plans and profiles of proposed sanitary sewers, location of manholes indicated, and proposed drainage system.

(c) Plans and profiles of the proposed water distributions system showing pipe sizes and location of valves and fire hydrants.

(d) Specifications for the construction of all proposed utilities.

- (e) Grading plans and specifications as required for areas other than streets and ways.
- (f) Planting plans and specifications for street trees and other planting in public areas.
- (g) Plans for improvements, design factors, or other provisions for fire protection and/or fire hazard reduction.
- (9) Access Permits. Where access is to a county road or state highway, the necessary access permits shall be obtained prior to final plat approval.
- (10) Stormwater management plan together with State of Oregon Department of Environmental Quality approval thereof. (Ord. 149 Amd. 1 § 13, 2006; Ord. 19 § 4.060, 2003)

17.20.080 Commission approval of the plat.

(1) Upon receipt of the plat with the approval of the county engineer, or designated individual, legal counsel and planning director, the planning commission shall determine whether it conforms with the approved tentative plan and with these regulations. If the planning commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the planning commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. The signature of the chairman of the planning commission shall indicate approval. Commission approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat; nor does such approval constitute final approval, said authority for final approval being vested with the *board county court*.

(2) No plat of a proposed subdivision shall be approved unless:

- (a) Streets and roads for public use are to be dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easement for public utilities.
- (b) The county has approved streets and roads held for private use and indicated on the tentative plan for such subdivision.
- (c) The plat or map contains provisions for the donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or the major partition.

(d) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.

(e) No plat of a subdivision shall be approved by the county unless the county has received and accepted:

(i) A certification by a municipal water supply system, or by the owner of a community or public water supply system or by the owner of a public utility water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or

(ii) An agreement and security as authorized by CCC [17.40.080](#) and [17.40.090](#) and approved by the county's legal counsel to guarantee that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted to the proposed plat; and the amount of any such security will be determined by a registered professional engineer subject to any change in such amount as determined necessary or prudent by the county; or

(iii) In lieu of subsections (2)(e)(i) and (ii) of this section, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist.

(f) No plat of a subdivision shall be approved by the county unless the county has received and accepted:

(i) A certification by a publicly owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system is available to the lot line of each and every lot depicted in the proposed plat; or

(ii) An agreement and security authorized by CCC [17.40.080](#) and [17.40.090](#) and approved by the county's legal counsel to guarantee that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such security will be determined by a registered professional engineer, subject to any change in such amount as the county considers necessary or prudent; or

(iii) In lieu of subsections (2)(f)(i) and (ii) of this section, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat; however, each lot shall be approved for individual systems.

(g) No plat of a subdivision shall be approved by the county unless the county has received and accepted:

(i) A final plat, which is in compliance with the tentative plan approval and all conditions thereof.

(ii) A certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or the subdivider has provided the county an agreement and security authorized by CCC [17.40.080](#) and [17.40.090](#) approved in its terms and dollar value by the county's legal counsel specifying the period within which required improvements and repairs shall be complete.

(iii) The plat complies with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the county. (Ord. 296 § 3 (Exh. A), 2016; Ord. 19 § 4.080, 2003)

17.20.100 Final plat approval.

Following commission approval, the final plat shall, without delay, be submitted to the ~~board county court~~ for final approval of the plat, supplemental documents, improvement and repair completions or assurances therefor. (Ord. 19 § 4.100, 2003)

17.24.080 Special partitioning and property line adjustment regulations.

(1) The partitioning of a tract of land in which not more than one parcel is created and said parcel is being transferred to a public or semipublic agency for the purpose of a road, railroad, or canal right-of-way may be approved by the planning department and a filing fee shall be required. No survey shall be required unless otherwise ordered by the ~~board county court~~.

(2) The property line adjustment of a parcel by the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel and either parcel is not reduced below the minimum lot size established by the applicable zoning ordinance, and that there are no dwellings or other structures located within the area involved in the adjustment, may be approved by the planning department. On land zoned for exclusive farm use, forest use or mixed farm or forest use the requirements of ORS [92.192](#)(3) must also be met. A filing fee shall be required. A survey may not be required by the planning department and the county surveyor for parcels that can be legally described by aliquot part.

(3) The partitioning of a parcel by the adjustment of the lot line where the adjustment crosses the boundary of a legally platted subdivision may be allowed by the planning department; provided, that the applicant meets all requirements set forth in subsection (2) of this section and the applicant agrees to deed restrictions that will ban additional dwellings on the parcel. A filing fee shall be required. Proof of a deed restricting shall be required prior to approval. A survey may be required pursuant to ORS [92.050](#), [92.180](#) and [92.190](#). (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 5.080, 2003)

17.32.030 Procedure.

(1) Upon receipt of written application and appropriate filing fee for street dedication, the planning director shall refer the proposal to the commission and county road department for review and recommendation. Two copies of the proposed dedication, written legal description, and proposed improvement shall be forwarded to the commission at least 10 days prior to a regularly scheduled meeting.

(2) Where access is to a county road or state highway, the necessary permits shall be obtained prior to approval by the *board county court*.

(3) The commission and road department shall report their findings to the planning director and give their recommendations regarding the proposed dedication and improvements. The commission shall also recommend a classification for the proposed street.

(4) Upon receipt of written findings and recommendations from commission and road department, the proposal shall be submitted to the *board county court* for preliminary review and approval. Such submission shall be made at least 10 days prior to a regularly scheduled meeting.

(5) Upon preliminary approval by the *board county court*, the engineering and improvements design of the roadway confirming to the requirements of this title and other applicable regulations shall be submitted to the county road department for review and approval. Said engineering improvements design shall be prepared and signed by a licensed engineer or surveyor.

(6) Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvements guarantee. Said documents shall be submitted to the county counsel for review and approval, together with a current title report on the subject property.

(7) Following receipt of the approvals set forth in subsections (5) and (6) of this section, the deed and improvements guarantee shall be submitted to the *board county court* for final approval. (Ord. 149 Amd. 1 § 14, 2006; Ord. 19 § 7.030, 2003)

17.36.010 Compliance required.

A land division, by subdivision, creation of a street or other right-of-way, or planned unit development, shall be in compliance with the design standards set forth by this title.

(1) Purpose. The purpose of these standards is to ensure that roads be constructed according to minimum standards. The construction of roads to these standards is one requirement for possible acceptance by the county as a "county road" but does not assure acceptance by the *board county court*.

(2) Definitions.

(a) "Public road" means a road that has been dedicated for public use or has been adjudicated by the circuit court as a public road.

(b) "County road" means a road that has been accepted as a "county road" by formal action of the ~~board county court~~. After acceptance, the road will be maintained by the county.

(c) "Driveway" is an access road serving only two permanent residences. No construction standard is required; provided, however, approval is required as provided in CCC [17.36.020](#)(1)(d).

(3) Compliance Required. Except with respect to a driveway, all roads constructed as public or private roads shall be in compliance with the design standards set forth by this title. (Ord. 194 §§ 1, 2, 2008; Ord. 19 § 8.010, 2003)

17.48.040 Civil relief.

When any real property is or is proposed to be used, transferred, sold or disposed of in violation of this title, the ~~board county court~~ or any person whose interest in real property is or may be affected by the violation may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer negotiation or agreement. When temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under ORS [22.010](#), the person shall furnish undertakings as provided in ORS [32.010](#) to [32.060](#). (Ord. 19 § 12.040, 2003)

17.48.060 Constitutionality.

If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The ~~county court~~ *Board of Commissioners* of the county of Crook hereby declares that it would have passed the ordinance codified in this title and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of other sections, subsections, clauses or phrases be declared invalid or unconstitutional. (Ord. 19 § 12.060, 2003)

17.52.010 Applications.

Within 30 days of receiving an application for a partitioning, the planning staff shall: determine the completeness of the application; research the parcel involved; and determine whether the parcel is series partitioned land or whether the partition will create a series partition.

(1) If the staff determines that a partition will be a series partition, the staff shall: make a determination that the application is not complete and require the applicant to submit an application for a series partitioning.

(2) All applications for series partitioning shall require a public hearing in front of the planning commission or other ~~board county court~~ designated hearings officers and series partition review under Chapter [18.160](#) CCC. (Ord. 231 § 1 (Exh. A), 2010; Ord. 19 § 13.010, 2003)

17.60.040 Subdivision or partition plat check fees.

Pursuant to ORS [92.100](#)(2) and (3), and subject to CCC [17.60.050](#), the county surveyor shall collect fees to be set annually by the ~~board county court~~ by resolution for performing the following services:

(1) For checking and approving a subdivision plat;

(2) For checking and approving a partition plat. (Ord. 40 § 1, 1990)

17.64.010 Title and purpose.

(1) This chapter shall be known as the “public land corner preservation ordinance” and may be so pleaded.

(2) The Crook County *Board of Commissioners* ~~court~~ finds that:

(a) The accurate description of real property in public records is essential to the property rights held by all citizens;

(b) The establishment, re-establishment and maintenance of corners of government surveys are vital to promote accuracy in descriptions of real property and in public records of real property ownership;

(c) Due to a lack of funds, counties have been unable to implement programs to fulfill this need;

(d) The Sixty-Third Legislative Assembly recognized this need by adopting 1985 Or. Laws Ch. 582 authorizing counties to adopt a recording fee to be used to fund such programs;

(e) The Sixty-Fourth Oregon Legislative Assembly enacted HB 2431 (1987 Or. Laws Ch. 469) so as to standardize the collection of fees for public land corner preservation;

(f) Some instruments less directly affect the transfer of title or interest in real property, or are supplemental to the instruments that more directly affect title or interest in real property, or are not used at all in Crook County, and that the same instrument affecting a

real estate transaction may be, and often is, identified by several different names depending on the originating jurisdiction, historical era and local custom. Thus the *board court* finds it necessary to enlarge an otherwise smaller list by including all the various names for the same instrument in order to avoid confusion as to whether an instrument is subject to state law and this chapter; and

(g) This chapter is necessary so as to make the list of documents subject to the fee consistent with state law, to establish a fund and to establish a fee structure.

(3) The Crook County *Board of Commissioners court* therefore declares that adoption of an ordinance imposing fees and establishing a fund for public land corner preservation is in the best interest of the safety and welfare of the citizens and property owners of Crook County. (Ord. 37 § 1, 1988)

17.64.040 Appeal.

The *board county court* may review any document presented for recording to determine whether it properly comes within the terms of this chapter. The decision of the *board county court* may be appealed in writing to the *board court*. Such appeal must be filed within 14 days and state with particularity the grounds for applicant's position that the fee should not be charged. The decision of the *board county court* is final and may be appealed only by writ of review. (Ord. 37 § 4, 1988)