

ATTACHMENT D –STAFF REPORT

File Number: PLAPAR-16-11-0008

Applicant: Ritchie Wallace

Owners: Ritchie Wallace, Kenneth & Mary Ann Tillman, and Miller Ranch Company

Requests: Subdivision Replat to consolidate 35 subdivision lots into 9 subdivision lots in the Plat of Boyd; also adjusts property line between Plat of Boyd properties and land to the west.

Decision: Approval, with conditions

Decision Date: December 1, 2016

Appeal Deadline: December 13, 2016

Location: The subject properties are primarily located east of U.S. Highway 197 and south and west of Boyd Loop Road in Boyd, approximately 2.5 miles northeast of Dufur, Oregon; more specifically described as:

<u>Existing Tax Lot</u>	<u>Acct#</u>	<u>Acres</u>
1S 14E 17B 100	9978	0.92
1S 14E 17B 600	9982	1.13
1S 14E 17B 700	9983	1.46
1S 14E 17B 800	9984	1.44
1S 14E 17B 900	9985	0.32
1S 14E 17B 1600	9988	0.29
1S 14E 17 300	9961	169.58
*1S 14E 18 100	9994	611.46
*1S 14E 7 100	9976	206.40
1S 14E 19B 100	9995	142.50
*1S 13E 13 100	9864	419.92

**Portion of tax lot*

Zoning: A-1(160), Exclusive Farm Use Zone

1S 14E 18 100, 1S 14E 17 100, 1S 14E 17 300 and 1S 14E 17B 1500 are also located in the EPD-1, Flood Hazard Overlay Zone.

Past Actions: 1S 14E 17B 800: MIN-05-123 (Agricultural Building)
 1S 14E 7 100: Minor Partition 87-111
 1S 14E 18 100: Minor Partition 87-111
 1S 13E 13 100: Minor Partition 87-111
 1S 14E 19B 100: Minor Partition 87-111
 1S 14E 17 300: Minor Partition 87-111

There are no permits on any of the other affected tax lots.

Procedure Type: Administrative Action

Prepared By: Dawn Baird, Associate Planner

I. APPLICABLE STANDARDS

Wasco County Land Use & Development Ordinance (LUDO)

A. Chapter 3 – Basic Provisions

Section 3.210, A-1(160), Exclusive Farm Use Zone

Section 3.216, Property Development Standards

B. Chapter 13 – Nonconforming Uses, Buildings and Lots

C. Chapter 12 – Application for a Farm or Forest-Related Dwelling (Primary Structure) on a nonconforming lot of record in the A-1 Exclusive Farm Use or Forest-Farm Zones

12.020

D. Chapter 21 – Land Divisions

Section 21.030, Contents of the Site Plan

Section 21.115, Property Line Adjustments/Replats

Section 21.120, Property Line Adjustment/Replat Approval Standards

Section 21.125, Final Property Line Adjustment/Replat Map Requirements

Section 21.100, Land Partitioning Approval

II. BACKGROUND

A. Site Description: Two properties within the Plat of Boyd contain a residence with irrigated lawn and a few trees. The remaining subdivision lots are vacant and contain natural grass. Slopes in Boyd are southwest-facing and average 0-5%. Parcels outside of Boyd are located south of Highway 197 and contain north- or northwest-facing slopes between 5-30% with the steepest slopes on the southern property. These properties are primarily planted in dryland wheat and irrigated orchards with natural range grasses in the non-cultivated areas.

B. Surrounding Land Use: All surrounding properties are in the A-1(160), Exclusive Farm Use Zone. Surrounding uses include dryland wheat and irrigated orchards. There is no history of forest operations in the area. The area surrounding the subject parcels consist of hilltops with steep slopes in all directions leading to seasonal drainageways. Predominant slopes in the area include: north, 10-30% south- and southeast-facing; east, 5-30% southeast-facing; south, 5-30% in all directions; and west, 10-40% in all directions. Land outside of planted cropland contains natural range grasses. Fifteenmile Creek flows southwest to northeast through properties southeast of the subject parcels. County records indicate that the Barlow Road, the historic road south of The Dalles leading to Oregon City, is located on properties to the west.

III. FINDINGS:

A. Chapter 1 – Introductory Provisions

Section 1.090, Definitions, “(Legal) Parcel.”

The Wasco County LUDO, Chapter 1, Section 1.090, provides the following definition of (Legal) Parcel:

(Legal) Parcel - A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or*
- b. A parcel in an existing, duly recorded major or minor land partition; or*
- c. By deed or land sales contract prior to September 4, 1974.*

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

- a. Is a unit of land created solely to establish a separate tax account;*
- b. Lies in different counties;*
- c. Lies in different sections or government lots;*
- d. Lies in different land use or zoning designations; or*
- e. Is dissected by a public or private road.*

FINDING: All properties involved in this request were created by subdivision, partition, or by deed or land sales contract prior to the existence of partitioning regulations in Wasco County.

1. The following tax lots are located within The Plat of Boyd, a subdivision plat recorded with the Wasco County Clerk on August 16, 1895.

1S 14E 17 B 100: This tax lot contains Lots 1-8, Block 1, Town of Boyd

1S 14E 17 B 600: This tax lot contains Lots 1-8, Block 2, Town of Boyd

1S 14E 17 B 700: This tax lot contains Lots 1-8, Block 3, Town of Boyd

1S 14E 17 B 800: This tax lot contains Lots 1-8, Block 4, Town of Boyd

1S 14E 17 B 900: This tax lot contains Lots 1 and 2, Block 14, Town of Boyd

2. The following parcels were created by Minor Partition:

1S 14E 7 100: Minor Partition 87-112, recorded with the Wasco County Clerk on December 31, 1987

1S 14E 18 100: Minor Partition 87-111, recorded with the Wasco County Clerk on December 31, 1987

1S 13E 13 100: Minor Partition 87-111, Minor Partition 87-112, both recorded with the Wasco County Clerk on December 31, 1987

1S 14E 19B 100: Minor Partition 87-111, recorded with the Wasco County Clerk on December 31, 1987

1S 14E 17 300: Minor Partition 87-111, recorded with the Wasco County Clerk on December 31, 1987

3. 1S 14E 17B 1600: This tax lot was created Bargain & Sale Deed, Book 145, Page 369, recorded with the Wasco County Clerk on February 28, 1962.

All properties involved with this request are consistent with the definition of “(Legal) Parcel” in the Wasco County LUDO because they were created by a duly recorded partition or subdivision, or by deed prior to September 4, 1974.

B. Chapter 3 – Basic Provisions

Section 3.210, A-1(160), Exclusive Farm Use Zone

Section 3.216 - Property Development Standards

Property development standards are designed to preserve and protect the character and integrity of agricultural lands, and minimize potential conflicts between agricultural operations and adjoining property owners. A variance subject to WCLUDO Chapter 6 or Chapter 7 may be utilized to alleviate an exceptional or extraordinary circumstance that would otherwise preclude the parcel from being utilized. A variance to these standards is not to be used to achieve a preferential siting that could otherwise be achieved by adherence to these prescribed standards.

A. Setbacks

1. Property Line

a. All dwellings (farm and non-farm) and accessory structures not in conjunction with farm use, shall comply with the following property line setback requirements:

(1) If adjacent land is being used for perennial or annual crops, the setback shall be a minimum of 200 feet from the property line.

(2) If adjacent land is being used for grazing, is zoned Exclusive Farm Use and has never been cultivated or is zoned F-1 or F-2, the setback shall be a minimum of 100 feet from the property line.

FINDING: The request is to consolidate approximately 35 subdivision lots in the Plat of Boyd into approximately 9 subdivision lots. In addition, a property line adjustment is proposed to existing Block 14, Lots 1-3. Buildings on these lots straddle the western property line and are partially on 1S 14E 17 300.

All of the buildings within the Plat of Boyd pre-date the existing setback requirements. The proposed adjustment will increase the setback of existing structures from the adjacent property. The proposed replat and adjustment will not decrease any setback from property lines but will increase setbacks to more closely align with current setback requirements.

As proposed, the request complies with Criterion 1.

C. Chapter 13 – Nonconforming Uses, Buildings and Lots

Section 13.040 - Construction on and Conveyance of Nonconforming Legal Parcels

Nothing in this Ordinance shall be deemed to prohibit construction or reconstruction of conforming uses or structures on nonconforming legal parcels or limit the sale, transfer or conveyance of said legal parcels, so long as the construction, reconstruction, sale, transfer or conveyance is consistent with all applicable provisions of this ordinance.

FINDING: Based on current regulations it appears that the construction upon redeveloped parcels may not be able to comply with applicable ordinances. A **condition** of approval is included in the Notice of Decision requiring the applicant to place a note on the final plat acknowledging that the preliminary plat approval does not constitute approval of any subsequent variances, conditional uses, nor future development. With the proposed condition of approval, the request complies with Section 13.040.

D. Chapter 12 – Application for a Farm or Forest Related Dwelling (Primary Structure) on a Non-conforming Lot of Record in the A-1 Exclusive Farm Use or Forest-Farm Zones

Section 12.020 - Building Permits

A. In accordance with Section 3.210(B) and Section 3.220(B) of this Ordinance, one single family dwelling is permitted in the "A 1" Exclusive Farm Use and "FF" Forest Farm zones. In those instances in which a lot of record contains less than minimum acreage required of that zone and the dwelling requested will be in conjunction with farm or forest activities, the following apply:

- 1. A building permit on a non-conforming lot of record, which is less than the minimum lot area, shall be issued provided that the applicant makes assurances that the dwelling will be in conjunction with farm or forest activities. Approval of*

a single family dwelling in conjunction with a farm use shall conform to the following criteria:

- a. The farm will be appropriate for the continuation of existing commercial agricultural enterprise in the area;*
 - b. The farm will contribute in a substantial way to the existing agricultural economy;*
 - c. The farm will help maintain agricultural processors and establish farm markets;*
 - d. The proposed use is compatible with the farm use in the area and does not interfere either in itself or in the location of improvements, with "current accepted practices" as that term is defined in ORS [215.203\(2\)\(c\)](#) which characterizes such use;*
 - e. The proposed use is consistent with the agricultural land use policy for the State of Oregon expressed in ORS [215.243](#);*
 - f. The proposed use would not materially alter the stability of the overall land use pattern of the area, nor would substantially add to the demand for increased use of roads, ground water during growing seasons, or public facilities and services; and*
 - g. The parcel is typical of the existing commercial agricultural operations in the surrounding area and is of sufficient size to support production of food or fiber using accepted farm practices as that term is defined in ORS [215.203\(2\)\(c\)](#) and taking into account:
 - (1) soil types and patterns in the area and typical yields;*
 - (2) type of crops grown in the area and typical yields;*
 - (3) potential markets;*
 - (4) other relevant information included in the agricultural element of the Wasco County Comprehensive Plan; and*
 - (5) average size of parcels conducting agricultural farming practices in the area.**
 - h. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for a dwelling in Exclusive Farm Use zones. (See Section 34, Chapter 614, Oregon Laws 2015.)*
- 2. In an instance in which an applicant for a building permit for a nonconforming lot of record does not intend to construct or place a dwelling that is in conjunction with farming or forest activities, the applicant must apply for a Conditional Use Permit for a non-farm or non-forest dwelling in a resource land.*

FINDING: Staff notes that Section 3.210(B) is an outdated reference. By reviewing past archived Land Use & Development Ordinances, staff was able to determine that the referenced section refers to: “3. One single family dwelling customarily provided in conjunction with farm use; and 4. A single family dwelling for an agricultural operator’s help (accessory farm dwelling),” or “Farm Dwelling” as referred to at the presented time.

In an instance in which the owner of a nonconforming lot of record does not intend to construct or place a dwelling that is in conjunction with farming use or cannot meet current Farm Dwelling requirement, the owner(s) must apply for a Conditional Use Permit for a non-farm dwelling. A **condition** of approval stating this is included in the Notice of Decision. This **condition** of approval will make the owner aware that residential development may not be permitted on any of the reconfigured lots/parcels in the future. With the proposed **condition** of approval the request complies with Section 12.020.

B. Chapter 21 – Land Divisions

Section 21.030 – Basic Provisions and Design Standards

FINDING: Section 21.030 establishes specific requirements and design standards to consider existing neighborhood conditions and the potential for future land divisions in the area, as well as compliance with land division standards in the State of Oregon. The applicant submitted a preliminary subdivision replat map on November 9, 2016, that contained all of the required information, therefore the request complies with Section 21.030.

Section 21.115 - Property Line Adjustments/Replats

The decision on a request for a Property Line Adjustment or Partition Replat shall be initiated as provided in Section 2.060 A of this Ordinance.

A. Preliminary property line adjustment/replat map shall meet the same standards required for preliminary partition approval, described in Section 21.100 A.

FINDING: The request is for a replat to the Plat of Boyd and Minor Partitions 87-111 and 87-112. Section 21.100.A. requires submitted of a preliminary plat with specific information. The applicant has submitted the required map. Section 21.100.A. is addressed later in this report where the request is found consistent with the application and mapping requirements. Based on the request's compliance with Section 21.100.A. the request complies with Criterion A.

B. The applicant(s) shall submit a signed statement explaining the purpose of the proposed property line adjustment.

FINDING: The application states that the purpose of the partition replat is to resolve a boundary issue by moving the property lines to a long standing fence line. This will allow non-conforming lots in the Plat of Boyd to become larger. Upon completion of the property line adjustment the lots will result in greater conformity to the minimum lot size.

The subdivision lots in the Plat of Boyd are currently 50' x 100' in size. A single lot is unable to support residential development, including a subsurface septic disposal, system. Though not meeting current minimum lot size, consolidation of lots and roadways will result in greater conformity of the lot size and will increase their usability. Based on this information, the request complies with Criterion B.

- C. *The applicant(s) shall submit a copy of the property deed. No property line adjustment may be approved unless all properties involved were lawfully created.*

FINDING: As discussed in detail in Section III.A. each parcel was legally created therefore the request complies with Criterion C.

Section 21.120 - Property Line Adjustment/Replat Approval Standards

The request for a property line adjustment or replat shall be approved by the Director if the following criteria are met;

- A. *The proposed property line adjustment/replat will not result in the creation of any new tax lot.*

FINDING: Upon completion of the replat, 35 subdivision lots will be consolidated into 9 lots. The remaining legal parcel consists of 1S 14E 7 100, 1S 14E 17 300, 1S 14E 19B 100, and 1S 13E 13 100. Upon completion of the replat, the legal parcel will continue to consist of these four tax lots. No new tax lot will be created therefore the request complies with Criterion A.

- B. *The proposal will not render any property unusable, nor shall the usefulness, utility or viability of the property be reduced from the designated purpose statement of the zoning district in which the property is located.*

FINDING: The consolidation of the subdivision lots will not reduce the usability of the property in the future. Current regulations will not allow residential development on any subdivision lots. The current subdivision lots cannot support any development due to their size and inadequate room for a subsurface septic disposal system. No analysis has been made to the future septic suitability of the replatted lots. Consolidation of subdivision lots will not reduce the property's usability, nor will the usefulness, utility or viability of the property be reduced by consolidation.

The adjusted property line between the farm parcel (Miller Ranch Company) and subdivision lots owned by Tillman will formalize the property line at a long-time established fence. For years the fence line was considered to be the property line. The proposed adjustment will establish the boundary as it was believed to be for decades. The request will not change the farm use on the Miller property. The change will not render either property unusable, nor shall the usefulness, utility or viability of any property be reduced.

Based on the above information, the request complies with Criterion B.

- C. *Property which presently conforms to the lot size requirements of the zoning district in which it is located shall not become nonconforming as a result of the property line adjustment/replat.*

FINDING: Existing subdivision lots contain approximately 0.11 acre and do not conform to the 160 acre lot size requirement in the A-1(160) Zone. Criterion C. is not applicable to the subdivision lots.

The legal parcel created by Minor Partition 87-111 is approximately 989+/- acres in size. Upon completion of the replat it will be reduced by 5,953 square feet (0.137 acre). Upon completion of the replat the parcel will be continue to be 989+/- acres in size.

Based on the above, the request complies with Criterion C.

D. Property line adjustments/replats shall result in greater conformity where it can be achieved. Property line adjustments/replats to nonconforming property shall not result in greater nonconformity, provided however, the Director may approve a reduction in area which will result in greater nonconformity if the Director finds the proposal will benefit the public interest.

FINDING: There are 35 existing subdivision lots that are 50'W x 100'L (5,000 square feet) in size and contain 0.11 acre. Upon completion of the replat, the nine consolidated lots will contain between 0.307 and 1.135 acres and will more closely conform to the 160 acre minimum lot size of the Exclusive Farm Use Zone.

E. Adjusted property lines may cross zoning district boundaries unless the adjustment will increase the number of parcels or lots which could potentially be created, based on the density requirements of the applicable zoning district.

FINDING: All properties included in the replat are zoned A-1(160), Exclusive Farm Use therefore the request complies with Criterion E.

F. The proposal will not cause any existing development to be placed in violation of the property development standards of the zone, or force a violation of this ordinance.

FINDING: The majority of setbacks for development on the subdivision lots will remain unchanged however property identified as 1S 14E 17B 900 (Tillman) will have its setbacks increase by 5.5' as a result of the replat which results in greater conformity to the setback requirements in the A-1(160) Zone. The request complies with Criterion F.

G. Proposed property line adjustments/replats which have the net result of physically relocating a parcel to a new location beyond an existing common boundary line or which requires the creation of a private or public road will not be acted on, and must be reviewed under Section 21.100 of the Wasco County Land Use and Development Ordinance.

FINDING: The replat will not physically locate any parcel to a new location. The subdivision lots will be consolidated and this does not result in physical relocation. In addition, the adjustment between 1S 14E 17B 900 (Tillman) and 1S 14E 17 300 (Miller Ranch Co.) adjusts a common property line and does not physically relocate any parcel. The request complies with Criterion G.

Section 21.125 - Final Property Line Adjustment/Replat Map Requirements

All final property line adjustment/replat map(s) shall meet the same standards required for final partition approval described in Section 21.100 C, Final Land Partition Map Requirements.

FINDING: Section 21.100.C. is addressed later in this report where, with conditions, the request is found to be consistent, therefore the request complies with Section 21.125.

Section 21.100, Land Partitioning Approval

A. Approval of Preliminary Partition Plans:

1. *An application for preliminary partition plan approval shall be initiated as provided in Section 2.060.A. of this Ordinance.*

FINDING: An application for a replat was submitted to the Planning Department by the applicant on November 9, 2016. The applicable Ordinance provisions and required findings are outlined in this staff report.

2. *A preliminary partition application, plan and supporting documentation shall include the following:*
 - a. *A vicinity map of such scale to clearly locate the proposed partitioning in relation to adjacent subdivisions, partitions, roadways and other land parcels;*
 - b. *North point, scale and date;*
 - c. *A plan of the proposed partitioning, showing boundaries of the total contiguous ownership, boundaries of each proposed tract, the number assigned to each tract, acreage of each tract and location and name of existing and proposed roads;*
 - d. *Private streets and all restrictions or reservations relating to private streets;*
 - e. *Name and address of the landowners, the applicant and the surveyor, if any, employed to make necessary surveys and prepare the description of each tract involved;*
 - f. *Proposed means and location of water supply and sewage disposal for each tract;*
 - g. *Zoning classification of the land and Comprehensive Plan map designation;*
 - h. *Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to flooding, sliding or other natural hazards;*
 - i. *Any existing permanent structures;*
 - j. *Draft of proposed restrictions and covenants affecting the partitioned land;*
 - k. *Legal description of the property being partitioned;*
 - l. *If not sewerred and located in an "F-1", "F-2", or "A-1" zone, a statement signed by an authorized representative of the Department of Environmental Quality, State of Oregon, or County Sanitarian regarding the suitability of each parcel to be partitioned for subsurface sewage disposal; or a signed statement shown on*

the face of the final partition plan that no investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and that no warranty is made that any parcel will be usable for subsurface sewage disposal;

- m. If not sewerred and located in an F-F or any other non-resource zone, a statement signed by an authorized representative of the Department of Environmental Quality approving each parcel to be partitioned for subsurface sewage disposal; or a statement signed by the County Sanitarian or an officer of a public sewer district or corporation warranting the availability of sewer hook-ups for each parcel to be partitioned.*

FINDING: The applicant submitted a preliminary map containing required items listed in a.-m. on November 9, 2016.

3. Standards for approval of a preliminary partition plan.

- a. A decision on a preliminary partition plan application shall be made by the Approving Authority as provided in Chapter 2 of this Ordinance.*
- b. The preliminary partition plan shall be approved if the Approving Authority finds that the information required by this subsection has been provided and if the design and development standards of Section 21.030 of this chapter have been met.*

FINDING: The Wasco County Planning Director is the Approving Authority for a replat according to LUDO Chapter 2. With conditions throughout this report, the replat meets all of the design and development standards in Section 21.030. The request complies with Criterion 3.

- 4. The Approving Authority may require dedication or reservation of land and utility or drainage easements; and may impose conditions promoting redevelopment of the parcels if, in view of the zoning and comprehensive plan map designation, the acreage of a parcel or parcels in contiguous ownership make additional partitioning of the subject property feasible.*

FINDING: Public sewer and water services are not available to this area of Wasco County. There is a drainage ditch located on proposed Lot #1. At the northern property line the ditch is located 35-40' from the western property line. This ditch angles to the southwest for approximately 100' to a location approximately 20' east of the western property line, then travels south parallel to the lot line. There is adequate room on proposed Lot #1 to replace the old dwelling without encroaching on the drainage ditch, therefore no easement is required. The request complies with Criterion 4.

- 5. Duration of approval for preliminary partition plan: Approval of a preliminary partition plan shall be valid for twenty-four (24) months from the date of tentative approval. During such time, all conditions of approval shall be met and required*

documentation shall be filed with the Director as an application for final approval, and shall otherwise comply with the provisions of subsections (2) and (3) of this section.

FINDING: A **condition** of approval is included in the Notice of Decision stating that this approval is valid for 24 months from the preliminary partition approval. With the proposed **condition** of approval, the request complies with Criterion 5.

B. Approval of Final Partition Plat:

- 1. Within twenty-four (24) months from the date of preliminary partition approval, the applicant shall initiate a request for final partition plat approval by filing with the Director a final plat prepared in accordance to those standards specified in Section 21.100 of this Chapter.*

FINDING: A **condition** is included in the Notice of Decision requiring the applicant to submit a final plat map, consistent with Section 21.100.C. (Attachment E), within 24 months of the expiration of the appeal period. With the proposed **condition** of approval, the request complies with Criterion 1.

- 2. The approval of a final partition map by the Director is a ministerial action. The Director shall grant final approval if he determines that:
 - a. the final plat and any supporting documents are in substantial conformance with the approved preliminary partition plan;*
 - b. any conditions imposed by the Approving Authority have been met;**

Substantial conformance means that any differences between the preliminary and final plans are "minor amendments", as defined in Section 21.110(1) of this Ordinance.

FINDING: A **condition** of approval is included in the Notice of Decision requiring the final plat map to be in substantial conformance with the approved preliminary partition plat. The Director will not issue a final approval until all conditions of approval have been met. With the proposed **condition** of approval, the request complies with Criterion 2.

*(***)*

- 5. After approval of the final partition plat, the Director and the County Surveyor shall endorse their approval on the original plat. The original plat shall be recorded with the County Clerk and a copy with the County Surveyor's Office.*

FINDING: Upon approval of the final plat, all of the appropriate department heads will sign the plat and it will be recorded with the County Clerk, and a copy provided to the County Surveyor's Office. The request complies with Criterion 5.

6. Pursuant to ORS 92.055(1) a parcel larger than ten (10) acres is not required to be surveyed and monumented but shall comply with the following:
 - a. The approximate acreage of each unsurveyed parcel shall be shown.
 - b. Any unsurveyed parcel shall have the word “unsurveyed” placed in bold letters adjacent to the parcel number on the plat as provided in (5) above.
 - c. Unsurveyed parcels need not comply with ORS 92.050(5), (7) and (8).

FINDING: All of the subdivision lots are less than 10 acres in size and must be surveyed. The large parcel owned by Miller Ranch Co. is larger than 10 acres and does not have to be surveyed. A **condition** of approval is included in the Notice of Decision advising the owner that all replatted subdivision lots shall be surveyed. With this **condition** of approval, the request complies with Criterion 6.

7. Pursuant to O.R.S. 92.095, prior to recordation of the final partition map, the current years’ taxes must be paid in full. (The tax year runs from July 1st through June 30th).

FINDING: The current years’ taxes are not required to be paid in full when property lines are adjusted, only when land divisions occur. However, taxes must not be delinquent. According to the Assessor’s Office (November 15, 2016, Jason Wallace), the properties involved in this request are all current in their taxes.

a. *Final Land Partition Plat Requirements*

FINDING: Section 21.100.C. lists all of the requirements of a final partition/property line adjustment map, including all items listed in ORS 209.250 and ORS 92.050. A **condition** is included in the Notice of Decision requiring the final partition plat to include all of the items required by Section 21.100.C. (see Attachment E), and the following additional items:

- a. Planning Department File Number (PLAPAR16-11-0008) below the Planning Director signature block near the bottom right (if multiple pages, this should be on page 1).
- b. Account numbers: 9978, 9982, 9983, 9984, 9985, 9988, 9961, 9994, 9976, 9995, 9864
- c. Current date
- d. Comprehensive Plan and Zoning designation:
 - o Comprehensive Plan designation: Exclusive Farm Use
 - o Zoning: A-1(160) Zone in Wasco County
- e. One metes and bounds description identifying the perimeter of all subject lots/parcels shall be included on the final plat.
- f. The following statement: None of the lots or parcels have been evaluated for subsurface septic disposal systems by the North Central Public Health District,

nor compliance with zoning regulations that may influence buildability. Approval of the replat does not constitute approval, consent, or suggestion that the subdivision lots are developable nor compliance with current regulations for development in the Exclusive Farm Use Zone.

- g. A table consistent with the following: (Place this table outside of any illustrated parcel boundary.)

REPLAT	MAP/TAX LOT	ACCT #	ORIGINAL ACRES	REPLAT ACRES
Lot #1	1S 14E 17B 100	9978	N/A*	1.135 AC.
Lot #2	1S 14E 17B 600	9982	N/A*	0.568 AC.
Lot #3	1S 14E 17B 600	9982	N/A*	0.568 AC.
Lot #4	1S 14E 17B 700	9983	N/A*	0.647 AC.
Lot #5	1S 14E 17B 700	9983	N/A*	0.545 AC.
Lot #6	1S 14E 17B 800	9984	N/A*	0.698 AC.
Lot #7	1S 14E 17B 800	9984	N/A*	0.663 AC.
Lot #8	1S 14E 17B 900	9985	N/A*	0.352 AC.
Lot #9	1S 14E 17B 900	9985	N/A*	0.349 AC.
Lot #10	1S 14E 17B 1600	9988	0.301 AC.	0.307 AC.
Lot #11	1S 14E 7 100; 1S 14E 17 300; 1S 14E 18 100; 1S 14E 19B 100; 1S 13E 13 100	9976 9961 9994 9995 9864	989 +/- AC.**	989 +/- AC.

*Not applicable to Lots #1-9. These lots are combinations of multiple lots and vacated streets in the Plat of Boyd.

**The net effect to the Miller Ranch Co. ownership is a decrease in size by 5,953 square feet.

To ensure deed records are accurate, a **condition** is recommended requiring the property owners to prepare and file new deeds for the newly configured parcels as soon as the final plat map is filed.

ATTACHMENT E – Chapter 21, Land Divisions

Section 21.100.C., Final Land Partition Plat Requirements

C. Final Land Partition Plat Requirements:

1. Conformance to Preliminary plan. The plat shall substantially conform to the preliminary plan as approved.
2. Preparation of the Plat.
 - a. A plat shall be prepared on 4 mill (minimum) double matte polyester film, approved by the County Surveyor, on a standard 18" x 24" sheet, with archival permanent black ink, in a format available at the Wasco County Surveyors Office.
 - b. All signatures on the original must be in archival quality black ink.
 - c. The lettering shall be a size or type to be clearly legible when copies are made.
 - d. A face sheet and index must be included for a plat with 3 or more sheets.
3. Compliance with ORS 209.250. A plat shall comply with all requirements of ORS 209.250 including:
 - a. Narrative
 - b. Location of the survey by one-fourth section, Township and Range.
 - c. Date of the survey.
 - d. Scale and North Arrow. The plat shall be drawn to a standard engineering scale sufficient to depict the change, approved by the County Surveyor.
 - e. The distance and course of all lines traces or established, giving the basis of bearing.
 - f. Measured bearings and distances used as a basis for establishing or reestablishing lines or monuments separately indicated from those of record.
 - g. Monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
 - h. The surveyor's seal and original signature.
 - i. The surveyor's business name and address.

4. Compliance with 92.050. A person shall not submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
- a. The survey for the plat shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater.
 - b. The plat shall be made by professional land surveyor.
 - c. The plat shall be of sufficient scale and lettering size, approved by the County Surveyor, so that:
 - (1) The survey and mathematical information and all other details are clearly and legibly shown on the plat.
 - (2) Each lot or parcel is numbered consecutively.
 - (3) The lengths and courses of the boundaries of each lot or parcel are shown on the plat.
 - (4) Each street is named and shown on the plat.
 - d. The locations and descriptions of all monuments found or set must be carefully recorded upon the plat and the proper courses and distances of all boundary lines, conforming to the Surveyor's Certificate, must be shown.
 - e. The location, dimensions and purpose of all recorded and proposed public and private easements must be shown on the plat along with the County Clerk's recording reference if the easement has been recorded with the County Clerk. Private easements become effective upon the recording of the plat.
 - f. The area of each lot or parcel must be shown on the plat, to the nearest one-hundredth of an acre.
 - g. In addition to showing bearings in degrees, minutes and seconds, and distances in feet and hundredths of a foot, the following curve information must be shown on the plat:
 - (1) Arc length
 - (2) Chord length
 - (3) Chord bearing
 - (4) Radius
 - (5) Central Angle
 - h. The final plat may not be required to show any information or requirement that is or may be subject to administrative change or variance by the county, or any other

information unless authorized by the County Surveyor. Examples of authorized information include:

- (1) Parcels located in an “A-1”, “F-1” or “F-2” zone shall contain the following statement” “No investigation has been made of the suitability of any given parcel by an authorized representative of the Department of Environmental Quality, and no warranty is made that any given parcel will be used for subsurface sewage disposal. If subsurface sewage disposal evaluations have been completed, a copy shall be filed with the Wasco County Planning Department.
- (2) Parcels located in any other zone shall contain the following statement: “The parcels have been approved for subsurface sewage disposal by an authorized representative of the Oregon Department of Environmental Quality.”
- (3) Planning Department File Number
- (4) Tax lot Information
- (5) Zoning classification and Comprehensive Plan Designation
- (6) Table indicating the acreages of all existing and newly created parcels.
- (7) Assessor Account Number for each existing property.

5. Monuments.

- a. The Initial Point of a plat must be on the exterior boundary of the plat and must be marked with a monument meeting the specifications of ORS 92.060(1). The location of the monument shall be with reference by survey to a known corner, per ORS 92.060 and shown on the plat.
- b. The exterior boundary and all parcel corners must be monumented per ORS 92.060.
- c. For partitions involving land in a flood plain, the provisions of Section 21.210(5) shall apply.

6. Surveyor’s Certificate. The plat must include a Surveyor’s Certificate, together with the seal and signature of the surveyor of record, to the effect that the surveyor has correctly surveyed and marked with proper monument the lands represented, including the initial point of the plat and its location, and accurately describing by metes and bounds, or other description as approved by the County Surveyor, the tract of land upon which the parcels are laid out.

7. Declaration.

- a. The plat shall include a declaration, taken before a notary public, stating that the

declarant has caused the plat to be prepared in accordance with the provisions of ORS 92.

- b. Any dedication of land to public purposes or any public or private easements create, or any other restrictions made, shall be included in the Declaration.
- c. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the Declaration for the purpose of consenting to the property being partitioned.
- d. If the plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the Declaration
- e. Notwithstanding the provisions of subsection a. to d., the fee owner, vendor or the mortgage trust deed holder may record an affidavit consenting to the declaration, pursuant to ORS 92.075(4).

8. General Information. No plat shall be approved unless:

- a. Streets or Road for public use are dedicated without reservation or restriction other than reversionary rights upon vacation.
- b. All easements provided for public services, utilities, or access are shown on the face of the plat along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorders number shall appear on the face of the plat.
- c. Names and addresses of the partitioner, owner, mortgagee, if any, and the person preparing the plat are shown.
- d. The names of any streets intersecting or within the parcels are shown.
- e. All easements provided for public services, utilities, or access must be shown on the face of the map along with the legal description and any limitations of the easements. If it is a pre-existing easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the map.
- f. Zoning classification and Comprehensive Plan Designation
- g. Space for date and signatures of the following officials is made:

(1) Planning Director or designee

(2) County Surveyor

(3) County Assessor

(4) County Tax Collector

h. Any additional information made a condition of approval of the tentative plan is shown.

9. County Surveyor Fees: The partitioner shall pay a fee to the County Surveyor as provided in O.R.S. 92.100(2) which is included in the cost at the time of the plat application.