

1106 PARTITIONS

1106.01 APPLICABILITY

Section 1106 applies to partitions, except as follows:

- A. Land divisions in the Exclusive Farm Use, Timber, and Ag/Forest zoning districts shall comply with the requirements for land divisions specified in Sections 401, 406, and 407, respectively, and are not subject to the partitioning process described in Section 1106. However, final plats are required pursuant to Subsection 1106.06 and Oregon Revised Statutes (ORS) Chapter 92, except as noted therein or in Subsection 1106.01(B).
- B. Parcels larger than 10 acres (based on the best available records) within a partition plat need not be surveyed; however, all partitions containing parcels smaller than 80 acres (based on the best available records) shall have a final plat that conforms to ORS Chapter 92 and Subsection 1106.06. The plat shall be prepared by an Oregon registered professional land surveyor.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1106.02 GENERAL PROVISIONS

- A. Partitions shall comply with this Ordinance and Oregon Revised Statutes Chapter 92.
- B. Partitions are subject to Section 1000.
- C. Development on a parcel in a recorded partition plat is subject to the requirements of the zoning district in which the parcel is located at the time of development.
- D. For partitions creating three parcels, none of the parcels within an approved partition may be redivided within the same calendar year the final partition plat is recorded, except through the subdivision process identified in Section 1105. Additionally, a partition must be recorded prior to submittal of an application for redivision of any parcel.
- E. A preapplication conference is required, pursuant to Subsection 1301.04, prior to the filing of an application for a partition.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1106.03 SUBMITTAL REQUIREMENTS FOR PRELIMINARY PLAT REVIEW

- A. Applications for partitions shall be submitted to the Planning Director on forms provided by the Planning Director.

- B. Applications shall include a preliminary plat drawn to scale of not less than one inch equals 20 feet nor more than one inch equals 200 feet. The following information shall be provided on the preliminary plat or by separate cover:
1. Complete names, addresses and phone numbers of the owners of the property to be divided;
 2. Property description of the proposed partition by Tax Lot Numbers, Quarter Section, Section, Range and Township and if available, addresses;
 3. Dimensions and size in square feet or acres of all proposed parcels;
 4. Individual parcel designation, e.g. Parcel 1, Parcel 2;
 5. Contiguous property under the same ownership as the subject property, including property descriptions;
 6. North arrow;
 7. All adjacent roads (noting whether public or private), including name and road width;
 8. Location of well(s) or name of water district;
 9. Type of sewage disposal and name of sewer district if applicable;
 10. Zoning;
 11. All existing structures on the property and their setbacks from existing and proposed property lines. Note whether property lines referred to are existing or proposed;
 12. Location of any septic tank(s) and drainfield(s);
 13. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable; (3/24/05)
 14. Locations of all seasonal and perennial drainage channels, including their name if known, width, depth and direction of flow;
 15. Other pending applications, including building permits, on the subject property;
 16. All easements, including widths, labeled as existing or proposed; and
 17. Contour lines at two-foot intervals if 10 percent slope or less, five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.

- C. Any application involving property designated Open Space by the Comprehensive Plan shall also satisfy the submittal requirements of Subsections 1102.05(A)(7) and (8) and Section 1103. The analysis required under these provisions may be incorporated in the partition application review process.
- D. An application shall be accompanied by preliminary statements of feasibility required pursuant to Sections 1006 and 1007.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1106.04 PRELIMINARY PLAT REVIEW

- A. Upon receipt of an application which satisfies all submittal requirements of Subsection 1106.03, the Planning Director shall provide notice of the application to the following:
 - 1. The recognized and active community planning organization(s), if the subject property lies wholly or partially within the boundaries of such organization(s);
 - 2. Any city or other entity whose dual-interest or urban growth management agreement involves the subject property and requires such notice;
 - 3. Sewer district serving, or which could serve, the property;
 - 4. Water district serving the property;
 - 5. Surface water management regulatory authority;
 - 6. Fire district serving the property;
 - 7. County Assessor;
 - 8. Divisions of the Department of Transportation and Development; and
 - 9. Others deemed by the Planning Director to have an interest in the application.
- B. Those parties provided notice pursuant to Subsection 1106.04(A) shall be given a minimum of 15 calendar days from the date of mailing to reply unless otherwise prescribed in a dual-interest or urban growth management agreement.
- C. Partitions shall be processed as Planning Director decisions pursuant to Subsection 1305.02.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1106.05 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a preliminary plat is valid for four years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.
- B. If a final plat is not recorded within the initial approval period established by Subsection 1106.05(A), a two-year time extension may be approved by the Planning Director, pursuant to Subsection 1305.02, and subject to Subsection 1305.05.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1106.06 FINAL PLAT REVIEW

- A. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat, and if all conditions of approval have been completed, or guaranteed pursuant to Section 1104, the Planning Director shall signify approval by signing the plat and shall transmit the approved plat to the County Surveyor for inspection.
- B. No building or manufactured home placement permit shall be issued, or parcel sold, transferred, or assigned until the final plat has been approved by the County Surveyor and recorded with the County Clerk.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11]

1106.07 REPLATS OF PARTITIONS

- A. If a partition, or any portion thereof, is replatted, the number of parcels in the replatted area shall not exceed the number previously approved for the area, unless all of the following provisions are satisfied:
 - 1. The gross site area of the affected partition is increased, or is of sufficient size to allow additional parcels, or the zoning on the property has been changed since the previous approval, permitting a greater density on all, or part, of the original partition.
 - 2. The allowed density is recalculated under Section 1012 on the basis of the gross site area of the original partition and any additions to the gross site area, and, if applicable, on the basis of the new zoning.
 - 3. All existing parcels within the partition which are not affected by the replat, including additional parcels which may be created by partition under existing zoning, shall be subtracted from the base density of the

original partition area in determining allowed density for the replatted portion.

4. All open space requirements of the original partition, if applicable, shall be satisfied by the replatted partition, or portion thereof.
5. The replat application shall be signed by all owners of the property within the portion of the partition being replatted.
6. The replatted partition, or portion thereof, including any additional site area, shall be reviewed and approved under the same standards and procedures as a new partition.
7. Notice of the Planning Director decision or public hearing on the proposed replat shall be sent to all owners of lots within the original partition.

[Added by Ord. ZDO-224, 5/31/11]

1106.08 VACATION

All, or a portion of, a recorded partition plat may be vacated pursuant to Subsection 1105.10.

[Renumbered and amended by Ord. ZDO-224, 5/31/11]