

Chapter 18.420
LAND PARTITIONS

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18.420.010 Purpose

The purpose of this chapter is to provide rules, regulations and standards governing approval of partitions.

18.420.020 Administration

- A. Applicant. The applicant of a partition proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.
- B. Conformance with state statute. Any application for a land partition shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivision and Partitions.
- C. Prohibition on sale of lots. No lot or parcel to be created through the partitioning process shall be sold until approval and filing of the final partition plat.
- D. Future re-division. When partitioning tracts into large parcels, the director shall require that the parcels be of such size and shape to facilitate future re-partitioning of such parcels in accordance with the requirements of the zoning district and this title.

18.420.030 Approval Process

- A. Decision-making process. The director shall approve, approve with conditions or deny an application partition, which shall be reviewed by means of a Type II procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.420.050.
- B. Time limit on approval. The partition approval by the director shall be effective for a period of 1-1/2 years from the date of approval.
- C. Lapsing of approval. The partition or approval by the director shall lapse if:
 - 1. The partition has not been recorded or has been improperly recorded with Washington County without the satisfactory completion of all conditions attached to the approval;
 - 2. The final recording is a departure from the approved plan.

D. Extension.

1. The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
 - a. No changes are made on the original plan as approved by the director;
 - b. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period; and
 - c. There have been no changes in the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
2. Approval periods for land partitions lapsing between July 1, 2008 and December 31, 2011 shall be automatically extended through December 31, 2012. No further extensions will be granted. (Ord. 10-07 §1)

18.420.040 Application Submission Requirements

- A. General submission requirements. All applications shall be made on forms provided by the director and shall include information required for a Type II application, as governed by Chapter 18.390.
- B. Specific submission requirements. All applications shall include the preliminary lot line map and necessary information in graphic and/or written form. The director shall provide the applicant with detailed information about these submission requirements.

18.420.050 Approval Criteria

- A. A request to partition land shall meet all of the following criteria:
 1. The proposed partition complies with all statutory and ordinance requirements and regulations;
 2. There are adequate public facilities are available to serve the proposal;
 3. All proposed improvements meet City and applicable agency standards; and
 4. All proposed lots conform to the specific requirements below:
 - a. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.
 - b. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may not be included in the lot area calculation.
 - c. Each lot created through the partition process shall front a public right-of-way by at least 15 feet or have a legally recorded minimum 15-foot wide access easement.
 - d. Setbacks shall be as required by the applicable zoning district.

- e. When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than 10 feet. Structures shall generally be located so as to maximize separation from existing structures.
 - f. A screen shall be provided along the property line of a lot of record where the paved drive in an accessway is located within ten feet of an abutting lot in accordance with Sections 18.745.050. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.
 - g. The fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire-fighting capabilities.
 - h. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.
- 5. Any accessway shall comply with the standards set forth in Chapter 18.705, Access, Egress, and Circulation.
 - 6. Where landfill and/or development is allowed within or adjacent to the one-hundred-year floodplain, the City shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
 - 7. An application for a variance to the standards prescribed in this chapter shall be made in accordance with Chapter 18.370, Variances and Adjustments. The applications for the partition and variance(s)/adjustment(s) will be processed concurrently.

18.420.060 Final Plat Submission Requirements

- A. Submittal. All final plats for partitions shall be accompanied by three copies of the partition plat prepared by a land surveyor or engineer licensed to practice in Oregon, and necessary data or narrative. The final plat shall incorporate any conditions of approval imposed by the director as part of the preliminary plat approval.
- B. Standards. The partition plat and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.05) and by Washington County, as described in detail by information provided by the director at the time of application.

18.420.070 City Acceptance of Dedicated Land

- A. Acceptance of dedications by City Engineer. The City Engineer shall accept the proposed right-of-way dedication prior to recording a land partition.
- B. Acceptance of public easements by City Engineer. The City Engineer shall accept all public easements shown for dedication on partition plats.

18.420.080 Recording Partition Plats

- A. Recording requirements. Upon the director's approval of the proposed minor partition, the applicant shall record the final partition plat with Washington County and submit a copy of the recorded survey map to the City, to be incorporated into the record.

- B. Time limit. The applicant shall submit the copy of the recorded minor partition survey map to the City within 15 days of recording, and shall be completed prior to the issuance of any building permits on the re-configured lots.■