

**Chapter 18.820
LAND PARTITIONS**

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18.820.010 Purpose

The purpose of this chapter is to provide rules, regulations, and standards governing approval of land partitions. (Ord. 17-22 §2)

18.820.020 General Provisions

- A. Conformance with state statute. Any application for a land partition must be in compliance with all state regulations as provided in ORS Chapter 92, Subdivision and Partitions.
- B. Prohibition on sale of lots. Sale of lots created through the land partitioning process is prohibited until the final partition plat is recorded. (Ord. 18-23 §2; Ord. 17-22 §2)

18.820.030 Approval Process

- A. Approval process. Applications for land partition are processed through a Type II procedure, as provided in Section 18.710.060, using the approval criteria in Section 18.820.040.
- B. Approval period. Expirations and extensions of approvals are provided in Subsection 18.20.040.G. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.820.040 Approval Criteria

The approval authority will approve or approve with conditions an application for a land partition when all of the following are met:

- A. The proposed partition complies with all statutory and ordinance requirements and regulations;
- B. There are adequate public facilities available to serve the proposal;
- C. All proposed improvements meet city and applicable agency standards;
- D. All proposed lots comply with the following:
 - 1. All lots created for residential uses meet the density requirements for the housing type proposed.
 - 2. The minimum lot width is met. The minimum lot width for residential and nonresidential development is provided in the applicable development standards chapter in 18.200 Residential

Development Standards or 18.300 Nonresidential Development Standards. In the case of a flag lot, the minimum lot width and depth is 40 feet and is measured as provided in Section 18.40.080.

3. The minimum lot size is met. The minimum lot size for residential and nonresidential development is provided in the applicable development standards chapter in 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards. In the case of a flag lot, the flag pole is not included in the lot area calculation as described in Section 18.40.080.
 4. The depth of all lots does not exceed 2.5 times the average width, with the following exceptions:
 - a. The lot is less than 1.5 times the minimum lot size, or
 - b. The lot is for a proposed cottage cluster or courtyard unit development.
 5. Each lot is rectilinear in shape with side lot lines at right angles to front lot lines, and rear lot lines parallel to front lot lines, except where not practicable due to location along a street radius or because of existing natural feature or lot shape. Side and rear lot lines must be straight where practicable. Side and rear lot lines that are segmented may not contain cumulative lateral changes in direction that exceed 10 percent of the distance between opposing lot corners.
 6. Each lot has a minimum of 40 feet of frontage on a public or private right-of-way, except for the following types of lots:
 - a. Flag lots and rowhouse lots have a minimum of 15 feet of frontage on a public or private right-of-way;
 - b. Lots with curved frontages along cul-de-sacs or eyebrows have a minimum of 20 feet of frontage on a public or private right-of-way as measured along the arc of the front lot line; and
 - c. Lots at the terminus of a private street have a minimum of 20 feet of frontage on a private right-of-way.
 7. All setback requirements are met. The setback requirements for residential and nonresidential development are provided in the applicable development standards chapter in 18.200 Residential Development Standards or 18.300 Nonresidential Development Standards.
 8. Lots created using the density and dimensional standards for cottage cluster, courtyard unit, quad, and rowhouse development must record a deed restriction that prohibits any type of development other than the type proposed with the partition application. This deed restriction cannot be removed except through another land division process.
- E. With regard to flag lots:
1. The applicant may determine the location of the front lot line, provided that no side setback is less than 10 feet.
 2. A sight-obscuring fence must be provided along the property line of a lot of record where the paved access is located within 10 feet of an abutting lot.

- F. Where a common drive is to be provided to serve more than one lot, a reciprocal easement that will ensure access and maintenance rights must be recorded with the approved partition plat;
- G. Any access must comply with Chapter 18.920, Access, Egress, and Circulation; and
- H. Where landfill or development is allowed within or adjacent to the special flood hazard area, the city will require the dedication of sufficient open land area for greenway adjacent to and within the special flood hazard area. This area will include portions at a suitable elevation for the construction of a path, sidewalk, or trail with the special flood hazard area in compliance with the adopted trails plan or transportation plan. (Ord. 18-28 §1; Ord. 18-23 §2; Ord. 17-22 §2)

18.820.050 Final Plat Submittal Requirements

- A. Submittal. All final plats applications for land partitions must provide three copies of the final plat prepared by a land surveyor or engineer licensed to practice in Oregon, and any necessary data or narrative. The final plat must incorporate any conditions of approval imposed as part of the preliminary plat approval.
- B. Standards. The final plat and data or narrative must be drawn to the standards provided in the Oregon Revised Statutes (ORS 92.05) and by Washington County. (Ord. 18-23 §2; Ord. 17-22 §2)

18.820.060 City Acceptance of Dedicated Land

- A. Acceptance of dedications. The City Engineer will accept the proposed right-of-way dedication prior to recording a land partition.
- B. Acceptance of public easements. The City Engineer will accept all public easements shown for dedication on partition plats. (Ord. 18-23 §2; Ord. 17-22 §2)

18.820.070 Recording Partition Plats

- A. Recording requirements. Upon approval of the proposed partition, the applicant must 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. This plat must be recorded with any deed restrictions required as a condition of approval.
- B. Time limit. The applicant must submit the copy of the recorded partition survey map to the city prior to the issuance of any development permits on the newly created lots. (Ord. 18-23 §2; Ord. 17-22 §2)

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