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## LAND DIVISIONS

### 13.005 Purpose.

Pursuant to ORS Chapters 92, 197 and 215, any person desiring to partition or subdivide land within any part of Lane County outside of incorporated cities shall submit preliminary plans and final plats for such partitions or subdivisions to the Director for review. Such review of proposed partitions or subdivisions is necessary in order that Lane County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the comprehensive plan regarding patterns for the development and improvement of Lane County; provide for safety and health; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215. *(Revised by Ordinance No. 1-90; Effective 2.7.90)*

### 13.010 Definitions.

Amendment, Minor. A change to a preliminary plan or plat which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan or plat which is not a minor amendment.

Area. The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building and appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access-public, County, State or Federal street) shall not be considered contiguous.

Department. The Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Director. "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the inland or tidal waters from any source.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form improved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided as provided by law.

Legal Lot Verification. A determination that a unit of land was created in conformance with the Lane Code and other applicable law. A preliminary determination shall only become final when it is made and noticed pursuant to LC 13.020.

Lot. A unit of land that is created by a subdivision of land.

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

Parcel.

- (1) Includes a unit of land created:
  - (a) By partitioning land as defined in LC 13.010.
  - (b) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
  - (c) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

Partition. Either an act of partitioning land or an area or tract of land partitioned. Partitions shall be divided into the following two types:

- (1) Major Partitions. A partition which includes the creation of a road.
- (2) Minor Partition. A partition that does not include the creation of any road.

Partition Land. To divide land into two or three parcels of land within a calendar year but does not include:

- (1) A division of land resulting from a lien foreclosure, foreclosure or a recorded contract for the sale of real property or the creation of cemetery lots, or
- (2) 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 any applicable zoning ordinance, or
- (3) 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 and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r).

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Plat. A final diagram and other documents relating to a subdivision, replat or partition.

Plat Partition. A final diagram and other documentation relating to a major or minor partition.

Property Line Adjustment. The relocation of a common property line between two abutting properties.

Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat.

Road. The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial waste, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided, or is available, for public use.

Street. The term is synonymous with "road."

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Tract. A lot or parcel as defined in LC 13.010.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04)*

### **13.020 Legal Lot Verification.**

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC 14.100 and shall occur when:

(1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(c), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or

(2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to LC 14.050, excluding 14.050(3)(c). *(Revised by Ordinance No. 7-04; Effective 7.15.04)*

### **13.050 General Requirements and Standards of Design and Development for Preliminary Plans.**

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:

(1) Conformity with the Comprehensive Plan. All divisions shall conform with the Comprehensive Plan for Lane County and the following city comprehensive plans:

(a) The comprehensive plan for a small city, if the division site is within an urban growth boundary but outside the city limits. Such small cities are:

(i) Cottage Grove

- (ii) Creswell
- (iii) Oakridge
- (iv) Lowell
- (v) Coburg
- (vi) Junction City
- (vii) Veneta
- (viii) Florence
- (ix) Dunes City
- (x) Westfir

(b) The Eugene-Springfield Metropolitan Area Plan and any applicable Special Purpose/Functional Plan or Neighborhood Refinement/Community Plans, if the division site is within the plan boundaries.

(2) Conformity with the Zoning. All divisions shall comply with all specifications of the applicable zoning requirements in Lane Code, including uses of land, area and dimension requirements, space for off street parking landscaping and other requirements as may be set forth.

(3) Relation to Adjoining Road System. A subdivision, replat or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions, replats or partitions, or for their proper projection when adjoining property is not subdivided, replatted or partitioned, and such streets shall meet the minimum requirements for roads set forth in LC Chapter 15. Where the Approving Authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made as provided in LC 15.900.

(4) Redevelopment Plan.

(a) In subdividing or partitioning tracts of land into large lots which at some future time could be further divided, the Director may require that parcels, lots or blocks shall be of such size and shape, be so designed and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel or lot into smaller sizes which shall have the minimum lot frontage on a street.

(b) Any person dividing tracts of land into large parcels or lots which at some future time could be further divided and still meet the minimum area requirement of the zone in which the land is located, shall provide suitable road access to each created parcel or lot so that the future development of each parcel or lot shall provide access for redevelopment parcels or lots.

(c) The County may require that special development recommendations and/or restrictions on the location of buildings be made a matter of public record when it is deemed necessary to ensure that redivision may take place in conformity with the purpose of this chapter. If the restrictions are considered permanent, they may be recorded by separate document.

(d) Redevelopment plans may be required to show compliance to LC 13.050(4)(a), (b) & (c) above prior to preliminary approval.

(5) Access.

(a) Lots or parcels shall have verifiable access by way of a road, either County, local access - public or an easement. Verifiable access shall meet the following criteria:

(i) Each lot or parcel abuts on the road for a distance of at least 30 feet.

(ii) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by: 1) an express grant or reservation of an easement in a document recorded with the County

Recorder, 2) a decree or judgment issued by a court of competent jurisdiction, 3) an order of the Board establishing a statutory way of necessity or gateway road, or 4) an express easement set forth in an approved and recorded subdivision or partition.

(iii) The road provides actual physical access to the lots or parcels.

(b) County Roads, Local Access-Public Roads, and Private Access Easements used as access to lots or parcels shall be designed and developed according to the requirements of LC Chapter 15.

(c) For the portion of a panhandle tract used as access to the main portion of the tract, the County may require such road improvements and design as are necessary to provide safe and adequate access to the main portion of the tract.

(6) Control Strip. The County may require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons.

(a) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.

(b) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.

(c) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer. The proportional road construction costs must be computed by a licensed engineer and approved by the Department of Public Works. The agreement must be recorded and will not be valid after a period of 10 years.

(d) To prevent access to land unsuitable for development.

(e) To prevent or limit access to roads classified as arterials and collectors.

(7) Utility and Watercourse Easements.

(a) Utility Easements. The dedication of easements for the placement of overhead or underground utilities, including, but not limited to, electric power, communication facilities, sewer lines, water lines and gas lines shall be required where necessary. Such easements shall be clearly labeled for their intended purpose on all plats and may be located along or centered on parcel or lot lines or elsewhere as determined necessary by the County to provide needed facilities for the present or future development of the area.

(b) Watercourses. When a partition or subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water or drainage easement conforming substantially with the lines of the watercourse, and of such design and development as may be deemed necessary to accommodate reasonable anticipated future development within the drainage area.

(8) Pedestrian and Bicycle Ways. When necessary for public convenience, safety, or as may be designated on an adopted master bike plan, the County may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of LC Chapter 15, Roads. Pedestrian and bicycle ways shall be not less than six feet in width and be paved with asphaltic concrete or portland cement concrete.

(9) Dangerous Areas. Any area determined by the Director to be dangerous for road or building development by reasons of geological conditions, unstable sub-surface conditions, groundwater or seepage conditions, floodplain, inundation or erosion or any other dangerous condition shall not be divided or used for development except under special consideration and restriction. Special consideration and restriction shall consist of a detailed report by a professional engineer stating the nature and extent of the hazard and recommending means of protecting life and property from the potential

hazard and/or the County shall impose limitations designed to minimize the known danger on development commensurate with the degree of hazard. Areas of erosion or potential erosion shall be protected from loss of soil and vegetative cover by appropriate means which are compatible with the environmental character, such as restricting grading or building or constructing erosion control devices. Areas of flood plain, water areas and wetlands shall be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow and natural functions. Structures will be required to maintain a flood elevation consistent with LC 11.500 (Flood Hazard Area) and LC 16.244. Areas of unstable surface or subsurface conditions shall be protected from movement by appropriate means which are compatible with environmental character, such as restricting grading or building or constructing suitable structures. Areas which are located within a designated floodway, unless a permit pursuant to LC 11.525 and LC 16.244 has been granted, shall be restricted from any building development or the installation of any permanent structure. The County may require that special development recommendations and/or restrictions as to location of building or other development be made a matter of public record when it is deemed necessary to ensure proper disposition of the dangerous area. If the restrictions are considered permanent, they shall be shown on the plat, and if temporary in nature, shall be recorded by separate document by the partitioner or subdivider prior to the recording of the plat.

(10) Grading, Excavation and Clearing. Grading and clearing of any portion of a division by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a real threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation and clearing shall be avoided when detrimental to soil stability and erosion control. The character of soils for fills and the characteristics of parcels or lots made usable by means of fill shall be suitable for the intended purpose. Grading, clearing and excavation shall comply with the applicable property development standards and site development requirements of LC Chapters 10 and 16.

(11) Land for Public Purpose. When a public agency has demonstrated through a capital improvement program that it has definite plans to acquire a specified portion of a proposed division for a needed public use, and there is reasonable assurance demonstrating that steps will be taken within 90 days of preliminary approval to acquire the land, then the County may require that those portions of the division be reserved for public acquisition for a period not exceeding 90 days from the date of preliminary approval.

(12) Sewerage Facilities. Lots and parcels for which the applicable zoning districts permit residences or for which residences are contemplated, shall be served by either an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility. Methods of sewage disposal shall be in accordance with and subject to the applicable provisions of ORS; appropriate rules, regulations and policies promulgated under authority of ORS, and all appropriate County ordinances and policies. The establishment of rural sewerage facilities must be consistent with RCP Goal 2 Policy #24 and RCP Goal 11 policies.

(a) Public or Community Sewerage Facilities.

(i) When lots or parcels are located within a reasonable distance of an existing satisfactorily operating and available sewerage system, and it is practical and feasible to connect with and be sewered by said system, the lots or parcels shall connect to the system. Should the existing facilities be unable to service the lots or parcels, individual sewage disposal systems may be considered as an interim measure if

soil and other conditions are suitable for their use. If conditions pertaining to the ability of the public or community sewage facility allow connection at a later date, connection will be required under the following circumstances: a public health hazard exists as defined by OAR Chapter 340-71-130(3), if the reason for not connecting to the public or community system were because of insufficient capacity of the public or community sewerage facility and these conditions cease to exist or if the reason for not connecting to the public or community system is based on engineering considerations such as pumping requirements and gravity sewers become available.

(ii) When a new public or community sewerage system is proposed for the division, there shall be submitted for approval a master plan for the sewage collection and disposal system to Lane County and the State Department of Environmental Quality. The master plan shall include at least the following: a conceptual plan for sewage collection, treatment and disposal facilities, including preliminary design of sewer lines, treatment units and final disposal, a conceptual plan for providing that the system be under the control of a city or other legal entity which has been formed in compliance with ORS, Chapters 450 or 451 or a preliminary economic feasibility report.

(iii) If the lots or parcels are located within an area with an adopted detailed master sewage plan showing the location and depth of community sewers and proposed construction schedule which will eventually serve the lots or parcels, then the applicant shall provide detailed plans, schedule, a cost estimate prepared by a registered professional engineer and a bond to cover these estimated costs. The subject Plan and cost estimate shall have been approved by the Oregon Department of Environmental Quality and Lane County. Individual sewage facilities will be allowed on an interim basis until the system is connected to the community system as approved by the above plan and schedule.

(b) Individual Sewage Facilities. When lots or parcels are to be served by individual sewage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewage disposal system and at least one acceptable replacement area which meets the criteria established by OAR Chapters 340-71-005 to -45. If the individual sewage disposal system and replacement area are to be located partially or wholly off of the lot or parcel for which the system and replacement area are designed to serve, then a variance must first be applied for and may be approved if in compliance with the variance section of this chapter.

(13) Water Supply. Lots and parcels shall be served by an approved public, community or individual water system. No construction or development work on proposed lots or parcels shall be started until information pertaining to water availability and quality is submitted to and approved by the Department. Water system shall be in accordance with and subject to applicable provisions of ORS, as well as all appropriate rules, regulations and policies promulgated under authority of these statutes, Lane Code and Manual. The establishment of rural water systems shall be consistent with RCP Goal 2 policy #24 and RCP Goal 11 policies.

(a) Public or Community Water System. The County may require that a new community or public water system be developed to serve lots or parcels when no existing public or community water system is available or suitable for use by the lots or parcels, and individual water systems are not feasible due to the density of the lots or parcels and/or the possibility of problems concerning the long-term availability of adequate quantities of suitable water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below shall be required.

(b) Individual Water Systems. When lots or parcels are to be served by individual water systems, sufficient evidence shall be submitted to show that each parcel or lot will have available at time of development an adequate supply of potable water



which will meet minimum County standards for drinking water. Aquifer and quality tests as discussed in LC 13.050(13)(c) below may be required.

(c) Aquifer and Quality Tests or Geological Evaluation. Aquifer and quality tests or geological evaluation may be required by Lane County for any lot or parcel. These requirements may include, but need not be limited to, evaluation of existing well logs and preparation of a geological report on the area, an evaluation of the site by a professional geologist or engineering geologist or full scale aquifer tests as required. In determining the detail of analysis required, the following apply:

(i) Areas designated by Board order as having problems in the quantity or quality of available water as adopted, documented in Lane Manual and filed in the office of the Department shall meet the following requirements for all parcels less than 20 acres in size. The applicant must affirmatively demonstrate, in a manner acceptable to Lane County, that the proposed subdivision/partition is capable of sustaining the development anticipated with sufficient potable water. This demonstration must include, but need not be limited to, aquifer tests. More specifically, the aquifer test shall show coefficient of transmissivity, permeability, storage and the specific yield. The bacteriology/chemical tests shall show compliance with standards set by the Oregon State Health Division and Lane County. The test procedure shall utilize standard acceptable practices for aquifer tests using pumped and observation wells and records of static water level, date, clock, elapsed time (in min.), depth of water, drawdown and recovery. Analysis using the non-equilibrium method (or other methods where appropriate) must be performed by a licensed geologist or engineer. A copy of all field notes and test results shall be submitted with the report, together with summary statements which indicate whether the proposed use of the aquifer could adversely impact the neighboring wells or properties or deplete the aquifer and the general impact of the proposed use.

(d) For all areas not designated as problem areas by the procedures documented in LC 13.050(13)(a) above, a pump test report or a well log report shall be supplied, unless determined by Lane County to be not necessary. Pump test and well log reports shall be prepared according to the following criteria:

(i) Pump Test. The test shall be a minimum five-hour pumping duration and record the following information: static water level, pumping level, drawdown, recovery, residual drawdown, well yield (pumping rate) and specific capacity. Measurements shall be made before pumping begins, during the pumping phase and during the recovery phase as necessary.

(ii) Well log reports shall include tax map showing the subject property and surrounding area, all well logs of record from adjacent and surrounding properties and the location of the wells on the tax lot map.

(14) Additional Cluster Subdivision Requirements.

(a) The land in a cluster subdivision not platted as a building lot shall be secured and maintained as private open space and recreation area by covenant or association prepared by the applicant and approved by Director or County Counsel. Said approved covenant shall be recorded with and referenced on the cluster subdivision plat.

(b) The largest lot in a cluster subdivision, if platted as a mobile home or dwelling lot, shall be restricted from further development, unless future zoning and/or changes in the comprehensive plan increase the density allowed for the overall cluster subdivision. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat.

(c) The type and number of living units intended for each cluster subdivision lot shall be specified in the covenants, and each lot shall be restricted from an increase in the number of living units, unless the future zoning and/or changes in the

comprehensive plan increase the density allowed for the overall subdivision and unless new cluster subdivision plans are submitted and approved. Said restriction shall be in the form of a covenant prepared by the applicant and approved by the Director or County Counsel, and recorded with and referenced on the cluster subdivision plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 1-90, 2.7.90; 3-90, 3.14.90; 1-91, 6.14.91; 10-04, 6.4.04)*

**13.100 Application Requirements for Preliminary Partition Plans.**

(1) An application for preliminary partition approval shall be filed with the Department pursuant to LC 14.050.

(2) The application shall be accompanied by 5 copies of the preliminary partition plan one of which must be 8 1/2 inches x 11 inches.

(3) Preliminary partition plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the approving authority to have an adequate understanding of what is proposed. The following information is required on a preliminary partition plan:

(a) North point, scale and date of the preliminary plan.

(b) Appropriate identification clearly stating the drawing is a preliminary partition plan.

(c) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner, landscape architect or any other person responsible for designing the preliminary plan.

(d) The map number (township, range and section) and tax lot number of the tract being divided.

(e) The boundary lines of the tract to be divided and approximate acreage of the property.

(f) For partitions of land within an adopted urban growth boundary, contour lines sufficient to show the direction and general grade of land slope having the following intervals:

(i) One-foot contour intervals for ground slopes up to 5%.

(ii) Two-foot contour intervals for ground slopes between 5% and 10%.

(iii) Five-foot contour intervals for ground slopes exceeding 10%.

(g) The names of adjacent subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land. The records of the Department of Assessment and Taxation may be used for this purpose.

(h) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within in or adjacent to the tract, existing permanent buildings, and any addresses for the buildings, railroad rights-of-way and other important features such as, section lines, political subdivision boundary lines and school district boundaries.

(i) The location and width of nearby County Road, State Road, and Public Road intersections, and of private driveway and road approaches serving adjacent land sufficient to document compliance with Road and Driveway Approach Spacing Standards in LC 15.138.

(j) The approximate location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.

(k) Approximate location, acreage and dimensions of parcels of land to be dedicated for public use or reserved in the deeds for the common use of property

owned in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.

(l) Proposed plan, if any, for draining surface water from the development.

(m) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.

(n) Easements, together with their dimensions, purpose and restrictions on use.

(o) Proposed means and location of sewage disposal and water supply system.

(p) Proposed parcels, approximate dimensions, size and boundaries. Residential parcels shall be numbered consecutively. Parcels that are to be used for other than residential purposes, shall be identified with letter designations.

(q) Sites, if any, for residences.

(r) Parks, playgrounds, recreation areas, parkways and open space for public use, clearly identified.

(s) Predominant natural features, such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.

(4) A draft of any existing or proposed restrictions or covenants affecting the property shall accompany the application. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

### **13.105 Application Requirements for Preliminary Subdivision Plans.**

(1) An application for preliminary subdivision approval shall be filed with the Department pursuant to LC 14.050.

(2) The application shall be accompanied by 5 copies of the preliminary subdivision plan one of which shall be 8 1/2 inches x 11 inches.

(3) Preliminary subdivision plans shall show all required information and shall be clearly and legibly drawn to a scale sufficient enough to enable the approving authority to have an adequate understanding of what is proposed. The following information is required on a preliminary subdivision plan:

(a) The proposed name of the subdivision.

(b) North arrow, scale and date of the preliminary plan.

(c) Appropriate identification clearly stating the drawing is a preliminary subdivision plan.

(d) Names and addresses of the landowners, applicant and the engineer, surveyor, land planner or landscape architect responsible for designing the preliminary plan.

(e) The map number (township, range and section) and tax lot number of the tract being divided.

(f) The boundary lines of the tract to be divided and approximate acreage of the property.

(g) For subdivisions of land within an adopted urban growth boundary, or for cluster subdivision lots of five acres or less, contour lines sufficient to show the direction and general grade of land slope having the following intervals:

(i) One-foot contour intervals for ground slopes up to 5%.

(ii) Two-foot contour intervals for ground slopes between 5% and 10%.

(iii) Five-foot contour intervals for ground slopes exceeding 10%.

(h) The names of adjacent subdivisions and the names of recorded owners of adjoining parcels of unsubdivided land. The records of the Department of Assessment and Taxation may be used for this purpose.

(i) The approximate location, widths and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings and any addresses for the buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.

(j) The location and width of nearby County Road, State Road, and Public Road intersections, and of private driveway and road approaches serving adjacent land sufficient to document compliance with Road and Driveway Approach Spacing Standards in LC 15.138.

(k) The approximate location of existing sewerage systems for the tract being divided, the approximate location of water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto.

(l) Approximate location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the property being divided, together with the purpose of conditions or limitations of such reservations, if any.

(m) Proposed plan for draining surface water from the development.

(n) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.

(o) Easements, together with their dimensions, purpose and restrictions on use.

(p) Proposed means and location of sewage disposal and water supply systems.

(q) Proposed blocks, numbered in consecutive order.

(r) Proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.

(s) Sites, if any, for residences.

(t) Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.

(u) Predominant natural features such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.

(v) For a cluster subdivision, the general location and type of proposed structures, and the area, uses and location of any common open space that will be provided at each stage.

(4) For a subdivision which is not a cluster subdivision, a draft of any proposed restrictions or covenants affecting the property shall accompany the application.

(5) An application for a cluster subdivision shall be accompanied by one copy of a written statement composed of the following information.

(a) A tabulation of land area to be devoted to various uses and a calculation of the average residential density per net acre.

(b) An explanation of the character of the cluster subdivision, the organization proposed to own and maintain any common areas and facilities and the type of ownership of individual units or spaces.

(c) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements and maintenance of any common and private areas or facilities.

(d) Where the common area and/or open space in a cluster subdivision is not proposed to be graphically designated on a subdivision plat, the draft covenants and restrictions and conditions for a cluster subdivision shall include a Preliminary Development Plan of the entire property. The Development Plan shall include, at a minimum, the following information:

(i) Existing contours and proposed contours after development at intervals of:

(1) One foot for ground slopes of less than 5% or spot elevations and drainage features.

(2) Two feet for ground slopes between 5% and 10%.

(3) Five feet for ground slopes in excess of 10%.

(ii) Approximate location, arrangement and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking and loading areas.

(iii) Approximate location and dimensions of open space, common areas and dedicated properties.

(iv) Proposed drainage, water and sanitary systems and facilities, as required.

(v) Location, character and type of signs and lighting facilities.

*(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

### **13.110 Development Phasing.**

(1) A subdivision may be completed in as many as three phases. Phase I may be completed as a partition or subdivision, depending upon the number of subunits of land included in this phase. Phases II and III must be completed as subdivisions. The preliminary subdivision plan must show each phase and be accompanied by time limitations for each phase.

(2) If the preliminary plan provides for development in more than one phase, it must be accompanied by an explanation of why the phasing is necessary and how it can be completed within the proposed time limitations.

(3) Time limitations for the various phases must meet the following requirements:

(a) Phase I requirements for final approval shall be completed and filed with the County Recorder within two years of preliminary approval.

(b) Phase II requirements for final approval shall be completed and filed with the County Recorder within three years of preliminary approval.

(c) Phase III requirements for final approval shall be completed and filed with the County Recorder within four years of preliminary approval. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

### **13.120 Criteria for Approval of Preliminary Plans.**

A decision on the preliminary plan shall be subject to Director approval pursuant to LC 14.100. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

### **13.130 Duration of Preliminary Plan Approval.**

(1) Approval of a preliminary partition, subdivision or replat plan shall be valid for two years from the date of approval of the preliminary plan, provided that if approval of a preliminary subdivision plan provides phase development, the approval shall be valid for the time specified for each phase, subject to the limitations of LC 13.110.

(2) Approval of any preliminary partition, subdivision or replat plan, not requiring phasing shall be valid for two years from the date of approval to date of completion of all requirements and filing with the County Recorder.

(3) If any time limitations are exceeded, approval of the preliminary partition or subdivision plan, and any subsequent subdivision phases, shall be void, unless extended. Any subsequent proposal by the applicant for division of the property shall require new action by the Director pursuant to LC 14.100. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

### **13.200 Granting of Extensions.**

(1) Approval Authority. An extension to an approved preliminary partition or subdivision plan, or to a phased development to an approval preliminary subdivision plan, is a routine administrative action approvable by the Director.

(2) Criteria for Approval of Extensions.

(a) The applicant shall have made application for the extension within the original time set forth for completing the conditions of preliminary plan approval.

(b) The applicant shall have the burden of proof to demonstrate that he or she has made a good faith and reasonable effort and progress to meet the conditions set forth in the tentative approval in the time period specified, and that the reason for delay in meeting the condition could not have been reasonably avoided.

(c) The applicant shall have the burden of proof to demonstrate either.

(i) That the uncompleted conditions can be met within a period of time not to exceed one year beyond the original time set forth for completing the conditions of preliminary plan approval, or

(ii) That for reasons over which the applicant does not have control, certain of the conditions cannot be met within one year beyond the original expiration date set forth in the preliminary plan approval, but can be met within a reasonable time not exceeding five years beyond the original expiration date. The reasonable time shall be specified in any extension granted by the Director.

"Reasons for which the applicant does not have control" shall mean circumstances which would reasonably prevent an applicant, as opposed to a particular applicant, from meeting the uncompleted conditions within two years from the date of tentative approval.

(3) Application Requirements.

(a) An application for an extension of preliminary plan approval shall be completed on the form provided by the Department and shall contain any necessary supporting materials or documents.

(b) The application for an extension shall be accompanied by the required filing fee to help defray the costs of processing the application.

(4) Notification of Decision on Application. The Director, after review of the application for an extension, shall give written notice of his or her decision and the reasons supporting the decision to the applicant. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

### **13.300 Application Requirements for Final Partition Plats, Replats and Subdivision Plats.**

(1) The application for final approval shall be submitted to the Department pursuant to LC 13.110, 13.130 and 13.200.

(2) The application for final approval shall be completed on the form provided by the Department and shall contain any necessary supporting materials or documents.

(3) The application for final approval shall be accompanied by the required fee to help defray the costs of processing the application. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

### **13.310 Criteria for Approval of Final Partition and Subdivision Plans.**

The approval of final partition and subdivision plans shall be routine administrative actions. The Director shall grant final approval if, by the Director's determination:

- (1) The final map or plat and any supporting documents are in substantial conformity with the approved preliminary plan, and
- (2) Any conditions imposed by the approval authority have been met.
- (3) Final partition and subdivision plans shall be considered finally approved by the Director when the Director's signature and dates thereof have been written on the face of the maps and plats and when the maps or plats have been recorded.
- (4) Approval or denial of final partition or subdivision plans shall be in writing to the applicant and/or the applicant's designated representative. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

### **13.320 Final Partition Map Requirements.**

(1) Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.

(2) Preparation. All plats for partitions shall be prepared by professional land surveyors registered with the State of Oregon.

(3) Plat Format.

(a) Plats for partitions requiring surveys shall be prepared on 18 inches x 24 inches photographic reproductions of the survey map required for the partitions, and any information not included on the survey maps, but required for the partition plat, shall be computed and drawn onto the partition plat in permanent black ink.

(b) Plats of partitions not requiring surveys shall be computed and drawn in permanent black ink or silver halide photographic reproduction upon 18 inches x 24 inches transparent or translucent mediums, such as tracing linen, archival tracing paper or synthetic film.

(c) A 1-inch margin shall be left on all sides of the plat, clear of any writing or drafting.

(4) Survey Requirements. Surveys for partitions shall:

(a) Comply with ORS 209.250 and the survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 10,000 feet.

(b) Be completed with a survey plat size of 18 inches x 24 inches.

(c) Comply with the survey mapping standards set by the County Surveyor, and

(d) Shall comply with L.C. 13.320(1) and L.C. 13.320(5).

(5) Partition Plat Information. The partition plats shall contain the following information:

(a) The boundary lines with distance and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the tract.

(b) The lengths of arc, radii, internal angles, lengths and bearings of the tangents and the length and bearings of chords.

(c) The area of each parcel in either acres to the nearest 1/100th, or square feet.

(d) The dimensions shown on the map shall be of such accuracy that the error of closure on any portion shall not exceed 1 foot in 10,000 feet. Copies of closure calculation sheets may be requested.

- (e) Location of the parcel by one-fourth Section and Township, Range.
- (f) Names and addresses of the partitioner, owner, mortgagee, if any, the person preparing the plat and partition number.
- (g) North arrow, scale and date submitted.
- (h) Notation as to recording data for the water rights statement affecting the plat if recorded prior to filing.
- (i) The name of any street intersecting or within the parcels.
- (j) All easements provided for public services, utilities, access, or any type must be shown on the face of the plat along with the recorder's reception number if filed for record. If the easement is not recorded, a copy of the executed easement document capable of being reproduced must be provided to Lane County.
- (k) Basis of bearing and the course to either a section corner, one-sixteenth corner or a Donation Land Claim Corner or a monumented lot corner or boundary corner of a platted subdivision.
- (l) A written legal description of all parcels contained in the land partition. An additional 18 inches x 24 inches sheet of the same quality as required for the partition plat may be used.
- (m) A line for the approval signature of the Director, or Director's delegate, and the date and any other lines which show approvals required by the Board of Commissioners shall be placed on the map.
- (n) Any additional information made a condition of the tentative plan.
- (o) Zoning classification.
- (p) Any road naming that is made a condition of the tentative approval shall be shown on the final plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

### **13.330 Final Subdivision Plat Requirements.**

- (1) Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.
- (2) Preparation. All plats shall be prepared by a professional land surveyor registered with the State of Oregon.
- (3) Format. All plats shall be created according to the format established by the County Surveyor, the provisions of Lane Code and ORS Chapters 92 and 209. Plats shall be clearly and legibly drawn to a standard engineer's scale in a manner which may be microfilmed without loss of detail. The drafting material and lettering thereon shall have characteristics of adequate strength and permanency as well as suitability for copying as specified by the County Surveyor. The overall size of plats shall be 18 inches by 24 inches. A 1-inch margin shall be left on all sides of the plat, clear of any writing or drafting.
- (4) General Information. The plat shall contain the following information:
  - (a) The Affidavit of the Surveyor who did the plat and survey work.
  - (b) The date, north point and scale of the drawing.
  - (c) A sufficient description to define the location and boundaries of the plat area.
  - (d) The lot lines for all lots within the plat area with dimensions in feet and hundredths of feet.
  - (e) The location and dimensions of all existing and proposed public or private roads and names, as appropriate.
  - (f) The description and location of all permanent reference monuments.
  - (g) The width and location of all existing or proposed public utility easements.



(h) A graphic designation of all areas being reserved for common use and the conditions, being imposed thereon or, in the case of a cluster subdivision, covenants and restrictions, including the final development plan which governs the use of all common areas, may be substituted for said graphic designation. The conditions, covenants and restrictions, and development plan shall be approved prior to final plat filing and, if recorded prior to final plat filing, the recording number shall be referenced on the final plat.

(i) A designation of all areas covered by water and the location, width and direction of flow of all watercourses.

(j) A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.

(k) A designation of any special notice, requirement or restriction required by the County as a condition of approval.

(5) Accompanying Materials. The plat shall be accompanied by the following:

(a) An exact reproducible transparency which complies with LC 13.230(3).

(b) A subdivision guarantee, or equivalent document, issued by a title insurance company, verifying ownership of all property that is to be dedicated to the public. The document shall be current within 30 days of final plat filing.

(c) Computation sheets for all boundary lines and of all lot lines.

(d) A copy of all documents relating to establishment and maintenance of private facilities including the final development plan as approved, concurrent with the conditions, covenants and restrictions.

(e) A copy of any documents relating to special notice, requirement or restriction required by the County as a condition of approval. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90)*

#### **13.400 Amendments to Preliminary Plans and Final Plats.**

(1) Approval of Minor Amendments. A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.

(2) Approval of Major Amendments. Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to the provisions of LC 14.100 for Director decisions.

(3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

#### **13.500 Variances.**

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of LC 14.100 for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result

from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

(a) The application shall be submitted pursuant to LC 14.050 and concurrently with applications for preliminary or final approval. *(Revised by Ordinance No. 16-83)*

**13.600 Appeals.**

(1) Procedure for Appeals. The procedure for appeals of Director decisions made pursuant to LC 14.100 shall be as specified for appeals to the Hearings Official in LC 14.500.

(2) Other Appealable Decisions. The following Director actions are appealable to the Hearings Official by the applicant, and the procedure for such appeals shall be as specified in LC 14.500 for appeals to the Hearings Official.

(a) A written decision to approve or deny an extension.

(b) A written decision to deny final approval of a map or plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

**13.700 Enforcement.**

(1) In addition to, and not in lieu of any other enforcement mechanism authorized by Lane Code, when the Director or designee determines that a person has failed to comply with any provision of LC Chapter 13, the Director or designee may impose upon a responsible person an administrative civil penalty as provided by LC 5.017.

(2) In addition to penalties provided for by LC 13.700(1) above, Lane County may seek equitable relief for violations of LC Chapter 13 pursuant to LC 14.700(3).

(3) Whenever the Director determines that property has been partitioned or subdivided in a manner contrary to any of the provisions of this chapter, the Director may prepare a report describing the nature thereof, the legal description of the property and the name of the owner. Upon review of the report, and concurrence by the Office of Legal Counsel, the Director shall record the report, with a statement that no building permits will be issued for the described property, in the Lane County Records of Deeds. The Director shall promptly forward a copy of the recorded report to the owner(s) of record of the subject property. At such time as the failure to comply ceases to exist or is changed, the Director shall record an appropriate statement setting forth the current status of the property insofar as its relationship to the provisions of this chapter is concerned. Nothing in this section shall be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this chapter.

(4) The enactment or amendment of this chapter shall not invalidate any prior existing or future prosecutions for violations, or failures to comply, committed under

previous applicable Sections of LC Chapter 13 then in effect. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-93, 4.16.93; 1-00, 4.12.00)*