

CHAPTER 2.14 PARTITIONS, MINOR REPLATS, AND LOT LINE ADJUSTMENTS

Section 2.14.10 - BACKGROUND

The division of land through a subdivision process is addressed in Chapter 2.4 - Subdivisions and Major Replats. A subdivision occurs where four or more lots are created in a calendar year, and requires review and approval by the Planning Commission. The division of land through an Expedited Land Division process is addressed in Chapter 2.5 - Planned Development. An Expedited Land Division occurs where four or more lots are created in a calendar year on a site with an approved Detailed Development Plan.

This chapter provides procedural requirements for partitions, which involve creation of three or fewer lots in a calendar year, and for minor replats and lot line adjustments. Except on appeal, each of these are reviewed through a General Development process without a public hearing. As with subdivisions, partitions are subject to design requirements contained in Article IV of this Code.

Section 2.14.20 - PURPOSES

Land division procedures are established in this chapter for the following purposes:

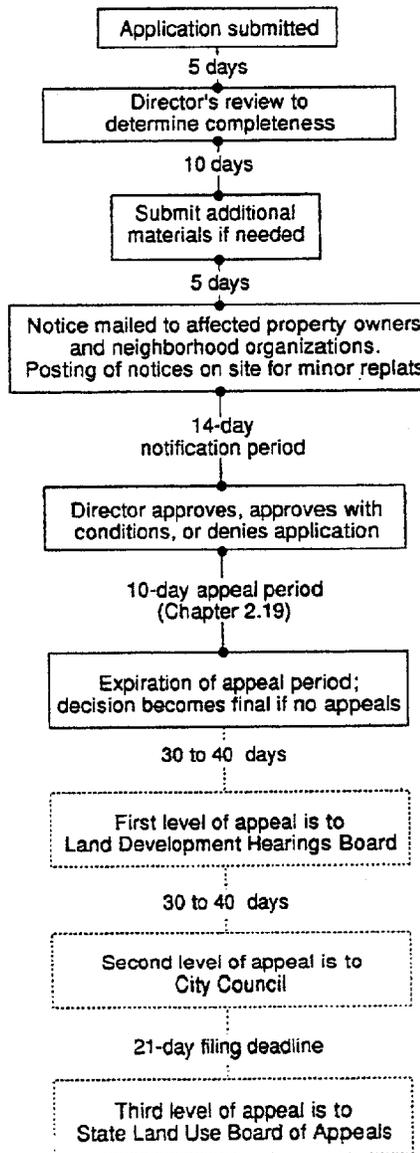
- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- d. Ensure appropriate level of urban facilities and services including provisions for water, drainage, and sewage;
- e. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and
- f. Promote energy efficiency.

Section 2.14.30 - TENTATIVE PLAT REVIEW PROCEDURES

An application filed for a partition shall be reviewed in accordance with the following procedures (see Table 2.14-1 below):

Time frame for Partitions and Minor Replats

(Showing maximum length of time;
process typically requires less time)



2.14.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Applications shall be made on forms provided by the Director and shall be accompanied by the tentative partition plat. The tentative plat shall be sufficiently accurate to ensure proper review and shall not exceed 24- by 36-in. in size. The tentative plat shall include the following information where applicable:

- a. Names of the owner, partitioner, engineer, and surveyor as appropriate;
- b. Date, scale, and north arrow;
- c. Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application;
- d. Sufficient description to define location and boundaries of the area to be partitioned;
- e. Location of existing structures;
- f. Number and type of units proposed where known and appropriate;
- g. Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas;
- h. Location of all existing and proposed public and private utilities, including water, sewer, and storm drainage;
- i. Proposed parcel layout indicating dimensions, parcel lines, and lot areas;
- j. Approximate location and width of watercourses for review in accordance with Chapter 4.5 - Flood Control and Drainageway Provisions;
- k. All areas to be dedicated to the public and their proposed uses including street rights-of-way, drainageways, easements, and reserve strips;
- l. Location and use of adjacent structures within 150 ft. of the development site;
- m. Identification of significant natural features, including heavily wooded areas and existing native, ornamental, and orchard trees having a trunk diameter of 8 in. or more at a point 4 ft. above the natural grade (dbh - diameter at breast height); and

- n. Where it is evident that the parcel can be further partitioned, the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future.

2.14.30.02 - Acceptance of Application

- a. The Director shall review the tentative plat application for compliance with the application requirements in section 2.14.30.01. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.14.30.03 - Public Notice

- a. The Director shall notify affected parties that an application for a tentative plat review has been filed.
- b. "Affected parties" shall mean any owners and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice will state that all comments concerning the proposed tentative plat review must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
 - 1. Street address or other easily understood geographical reference to the subject property;
 - 2. Applicable criteria for the decision;
 - 3. Place, date, and time comments are due;
 - 4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - 5. Name and phone number of staff contact person;
 - 6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights; and
8. A summary of the local decision-making process.

2.14.30.04 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.14.30.05 below.

2.14.30.05 - Review Criteria

Requests for approval of a tentative partition plat shall be reviewed to ensure:

- a. Consistency with the purposes of this chapter and the pertinent development standards of the Code. The application shall be deemed consistent with the purposes of this chapter if it meets the provisions of this Code;
- b. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities with respect to the provision of City services and access from a public street; and
- c. Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site (for the distance the streets front the subject site).

2.14.30.06 - Action on Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.14.30.07 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of disposition shall also be mailed to persons who provided written comment on the mailed notice. A notice of disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

2.14.30.08 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

2.14.30.09 - Effective Date

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.

2.14.30.10 - Effective Period of Tentative Partition Plat Approval

Approval of a Tentative Partition Plat shall be valid for a 1-year period from the effective approval date. Upon request, the Director may approve a single 1-year extension to the approval.

Section 2.14.40 - FINAL PLAT REVIEW PROCEDURES

2.14.40.01 - Application Requirements

- a. The final partition plat shall conform to the approved tentative partition plat, Chapter 4.4 - Land Division Standards, and any conditions of approval.
- b. An Oregon-licensed land surveyor shall prepare the partition plat in accordance with ORS Chapters 92 and 209 and in conformance with the partition plat standards established by the County Surveyor.
- c. An Oregon-licensed land surveyor shall survey and place monuments on the parcels. All monuments on the exterior boundary and all parcel corner monuments for a partition shall be placed before the partition is offered for recording.
- d. The plat shall include or be accompanied by:
 1. Notarized signature of the owner declaring the ownership and consenting to recording of the plat;
 2. Legal descriptions of areas proposed for dedication, including street rights-of-way, drainageways, easements, and reserve strips. (Legal descriptions shall meet the approval of the City Engineer);
 3. Notarized copy of any deeds, signed by the grantor, dedicating land to the City;
 4. A description of streets, driveways, utilities, and proposed improvements, as well as a time frame for completion of such;
 5. A designated space on the plat for approval signatures in accordance with section 2.14.40.03; and
 6. All easements and adjacent streets.

- e. The surveyor shall submit one copy of the plat to the Development Services Division. The surveyor shall also submit the original plat and one copy, along with the appropriate recording fee, to the County Surveyor.

2.14.40.02 - Review of Final Partition Plat Application

- a. Within 14 days after receiving the final partition plat application, the Director shall review it for compliance with the above submittal requirements. If an application is incomplete, the Director shall notify the applicant within 10 days and state what is needed for a complete application.
- b. Any required improvements not completed shall be subject to the Installation of Required Improvements provisions in section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

2.14.40.03 - Final Plat Approval

Prior to final approval, the City shall be assured that:

- a. The applicant has installed or has agreed to install required improvements in accordance with the provisions of section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats;
- b. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council;
- c. The City Engineer has reviewed a signed and notarized deed for any areas dedicated to the City prior to the partition plat's final signing; and
- d. The partition plat has been signed by the Director and City Engineer.

Approval does not relieve the applicant from other applicable provisions of this Code or from the Oregon Revised Statutes.

2.14.40.04 - Recording of Final Plat

When all required signatures have been obtained on the final partition plat, the County Surveyor shall record the plat and any required covenants with the County Recorder.

2.14.40.05 - Effective Date

Authorization of the final partition plat shall become effective when the plat is recorded by the County Surveyor.

2.14.40.06 - Notice of Recording

After the final partition plat is recorded, the County surveyor will notify the applicant of the recording.

Section 2.14.50 - MINOR REPLAT PROCEDURES

- a. An application for a minor replat shall be administered in accordance with the tentative partition plat review procedures in section 2.14.30.
- b. A final minor replat shall be prepared by an Oregon-licensed surveyor in accordance with section 2.4.40 of Chapter 2.4 - Subdivision and Major Replats, with the exception that the final replat shall be signed by the Director instead of the Planning Commission Chair.

Section 2.14.60 - LOT LINE ADJUSTMENT

- a. An application for a lot line adjustment shall be administered in accordance with the tentative partition plat review procedures in section 2.14.30, with the exception that the application shall be exempt from public notice provisions in section 2.14.30.03 and the review criteria in section 2.14.30.05.
- b. A lot line adjustment shall be approved if the following criteria have been met:
 1. The lot line adjustment shall not result in creation of an additional unit of land;
 2. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable zoning regulations;
 3. The lot line adjustment shall not increase the degree of nonconformity that may exist on the subject lots; and
 4. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.
- c. Approvals shall be subject to the following minimum conditions:
 1. Deeds based on a metes and bounds legal description for all adjusted lots from the lot line adjustment shall be recorded with the Benton County Recorder's Office;
 2. A Certified Boundary Survey map that reflects the approved lot line adjustment shall be reviewed by the City and signed by the Director and the City Engineer. The map shall then be filed with the County Recorder; and

3. Copies of the recorded deeds and filed survey map shall be provided to the City following recording.

Section 2.14.70 - MAJOR REPLATS

An application for a major replat shall be reviewed and processed in accordance with Chapter 2.4 - Subdivisions and Major Replats.

Section 2.14.80 - VACATING PLATS

An application for vacating a plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats, and with ORS Chapter 271.080.