INTRODUCTION

What is a Partition?

A partition divides property into two or three parcels within a calendar year. This contrasts with a subdivision, which also divides property but creates four or more lots within a calendar year.

The partition process essentially is in two parts. The first part reviews a preliminary map and determines whether the proposed partition conforms to various dimension and access requirements contained in the City’s Development Code. The second part of the process is the creation of a plat to record in the Linn County Clerk’s Office. While a licensed surveyor is optional to complete the first step, a licensed surveyor is required by law to create the plat for recording.

Handout Information

This Handout is part of a folder containing information to guide an applicant through the City’s application process. While comprehensive, an applicant may wish to read the applicable Code Sections included in the folder as well as information provided by Community Development Department staff. This Handout includes the following information:

1) Process Steps
2) Submittal Requirements
3) Decision Criteria
4) Final Plat Requirements

Please use the following checklist to guide you through the process. The steps in bold are those that the applicant must complete. The City is responsible for the remaining Steps, although an applicant should track each Step.

☐ Step 1: Pre-Application Conference
☐ Step 2: Submit the Application
☐ Step 3: Notice of Application
☐ Step 4: Notice of Decision
☐ Step 5: Appeal of an Administrative Decision (If Applicable)
PROCESS STEPS

NOTE: Each Step references the appropriate Section from the Lebanon Development Code (LDC). Steps that are the applicant’s responsibility are in bold.

Step 1: Pre-Application Conference (LDC 16.20.040.A)

Before submitting an application, an applicant has the option of attending a pre-application conference with the City’s Development Review Team (DRT). The Team includes members from City Administration, Community Development (both planning and building), City Engineering and the Lebanon Fire District. The purpose of the conference is to acquaint the applicant with the Code requirements, application format and answer any questions regarding the process. Contact the Community Development Department to schedule a conference. The Department normally conducts DRT meetings on Tuesday afternoons, although other times may be arranged.

Step 2: Application Submittal for Administrative Review (LDC Section 16.20.040.B)

The application begins with the submittal of the application form and supporting material listed on the form. Completed applications must be submitted to the Community Development Department and include the required fee. It is important to note that it is the applicant’s responsibility to submit the required material in support of the Partition. However, the Department staff is ready to assist wherever possible.

Within 30 calendar days of receiving an application the Department determines whether the application is complete. However, in most cases, this is accomplished within two or three days of submittal. The Department notifies the applicant whether the application is considered complete or incomplete. If the application is incomplete, the Department notifies the applicant of specific deficiencies. The applicant may submit additional material to correct the deficiencies, but remains subject to another completeness check.

Step 3: Notice of Application (LDC Section 16.20.040.C)

Once the Department determines the application is complete, Department staff mails a notice of the application to property owners within 100-feet of the subject, along with affected agencies and those who request a copy of the notice. These individuals and agencies have 14-days from the date of the mailing to submit comments regarding the request. The Department may incorporate submitted comments into the decision.
Step 4: Notice of Decision (LDC 16.020.040.E)

The Planning Official reviews the request and determines whether the application meets the “decision criteria.” Decision criteria are guidelines, standards or other requirements that apply to a specific application. An application must comply – or be able to comply with conditions – with all the criteria for the Planning Official to approve the request. Once a decision is made, the Department mails written notice of the decision to the applicant, those individuals who submitted comments and those agencies requesting a copy of the decision.

Step 5: Appeal of an Administrative Decision (LDC 16.20.040.G)

Anyone who receives written notice may appeal the decision to the Planning Commission within 15-days from the date the Department mails the notice. Forms for this purpose are available at the Community Development Department offices.

SUBMITTAL REQUIREMENTS

General Requirements (LDC Section 16.22.080.A)

This Section details the requirements for background data such as public facility requirements, traffic impact studies and similar supporting needs. With very few exceptions, the level of detail described in this Section does not apply to a simple partition but is more in line with the needs of a subdivision. Department staff will review this Section with the applicant to determine what additional information – if any – is required.

Preliminary Plat Information (LDC Section 16.22.080.B)

This is the core of the application – a preliminary plan showing how the property will be divided. The information can either be placed on the map or included in a separate narrative. The minimum information required includes the following:

1. Date, north arrow and scale
2. Location of site (insert map or legal description)
3. Name, address and phone numbers of property owner, applicant and surveyor (if used).
4. Identify adjacent streets, existing easements and the location of utilities.
5. Identify if site is located within any hazard areas (such as a flood plain)
6. Identify any wetlands, riparian areas or similar natural features.

7. Identify any improvements such as structures, wells, septic systems, ditches and paving.

8. Identify the location of significant trees (trees with a caliper of 12-inches for deciduous trees and 18-inches for evergreens)

9. Identify parcels, including boundary and area dimensions, as well as any dedicated easements to serve the property.

DECISION CRITERIA

Decision Criteria (LDC 16.22.090.A & B)

Whether the Planning Official approves or denies a Partition depends on whether the application successfully addresses the decision criteria. This Section details the specific requirements identifies for partitions. Not all the requirements in these Sections apply to every request. For this reason, Department staff will assist the applicant in identifying the appropriate requirements that apply to a specific partition.

1. The proposed preliminary plat complies with the applicable Development Code Sections and adopted Master Plans.

2. The partition, and necessary improvements, must meet applicable requirements of Linn County, special districts, utilities, and other service providers.

3. If any part of the site is located within a Special Area Plan or District, Overlay Zone, or previously approved Planned Development, it shall conform to the applicable regulations and/or conditions.

4. Parcels must comply with the applicable area, setback, and dimensional requirements of the zone.

5. Each parcel must meet the minimum requirements for access. If the partition plan includes a common (shared) driveway, the applicant must record a reciprocating access easement and maintenance agreement.

6. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive is required to serve all portions of a building located more than 150 feet from a public or private road or approved access drive.
7. Adequate services must be available to serve each parcel – this includes streets, utilities, storm drainage and any required easements.

**FINAL PLAT REQUIREMENTS**

*Preliminary Plat Review Process for Partitions and Subdivisions (LDC Section 16.22.070 B & C)*

Within three years of the final decision, the applicant must submit a plat for recording. The plat is prepared by a licensed surveyor, reviewed by Department staff to ensure all requirements are met, and once approved, recorded in the Linn County Clerk’s Office. A copy of the recorded document must be returned to the Community Development Department.