

## **ARTICLE 4.2 – MAJOR AND MINOR LAND PARTITIONS**

### **SECTION 4.2.001 - REVIEW PROCEDURE**

Application for review of major partitions and subdivisions shall be subject to the Planning Commission and City Council Review Procedure. Application for review of minor partitions shall be subject to the Community Development Department/Planning Division Review Procedure.

### **SECTION 4.2.002 - REVIEW CRITERIA**

The preliminary plat for a major or minor partition may be approved only if the reviewing authority shall find that it satisfies the following criteria:

- A. The proposed preliminary plat is in conformance with all applicable provisions of this Code, other City Codes and Ordinances, and Oregon Law.
- B. For a minor partition, no creation of a street or road is required.
- C. The proposed partitioning of land does not prohibit the extension of existing or planned streets or roads or bicycle and pedestrian facilities.
- D. The proposed partitioning will not conflict with legally established easements or access within or adjacent to the proposed land partition.
- E. The parcels are located and laid out in a manner that is consistent with the established development pattern of the subdivision or adjoining or nearby lots or parcel lines, with the exception of flag lots; and will not interfere with utilities, streets, bicycle and pedestrian facilities, or other existing or planned facilities.
- F. The proposed property is physically suitable for the type and proposed density of development and conforms to existing zone standards.
- G. The existing public water and wastewater systems are available and adequate to serve the proposed development, including water for fire protection and access sufficient for fire equipment.
- H. The resulting lots will conform to the minimum size standards required in that zone.
- I. Industrial parcels existing at the effective date of this Code of 20 acres or larger in size shall not be partitioned unless a specific industrial use is proposed.
- J. Separate public water and wastewater services are available and will be provided to each parcel as it develops.
- K. Major and Minor Land Partition developers shall dedicate required street right-of-way and/or easements for the purposes of providing required infrastructure or bringing an existing right-of-way closer to or into attainment with City standards. Easements shall not be used for access to partitioned parcels unless it is clear that a future public right-of-way will not be needed to serve the area (in cases such as a Flag Lot Partition).

If the property to be partitioned is located adjacent to lands currently served by City standard infrastructure improvements (along the same side of the street), the developer shall install City standard infrastructure improvements along the entire frontage of the partitioned lots before the plat is signed by the Community Development Director/Planner. As an alternative, the developer may provide the City with a performance bond to guarantee installation of the required improvements before occupancy of any dwelling on the partitioned parcels.

If the property to be partitioned is not located adjacent to lands currently served by City standard infrastructure improvements, the developer shall enter into an Agreement to guarantee installation of required public improvements including, but not limited to: street improvements, bicycle or multi-use paths, street trees, underground utilities (e.g., water, sanitary sewer, storm drainage, natural gas and electricity), curb, gutter and sidewalk and appurtenances as required by the Community Development Department/Planning Division to serve the properties being partitioned. Said Agreement shall include an irrevocable consent to participate in a Local Improvement District for financing the required improvements.

- L. The Community Development Director/Planner and/or Planning Commission shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern having the effect of creating more than three (3) parcels without subdividing.
- M. For commercial and/or industrial lots with existing areas of two and one half (2 ½) acres or more; and residential lots with existing areas of one half (½) acres or more, zoning approval shall not be granted until the City approves a Master plan for the entire site which shows how the entire property will be ultimately divided and served with streets and utilities that meet applicable City standards. All development proposed shall comply with the approved Master Plan, unless a new Master Plan is approved by the City.

The approved Master Plan shall be filed with the County Clerk and all development proposed shall comply with the approved Master Plan. The Master Plan shall be considered null and void only when a new Master Plan is approved by the City and filed with the County Clerk.

#### **SECTION 4.2.003 - PROCESSING**

In the processing of a major or minor land partition the following procedures shall be followed:

- A. Initiation - An application for a land partition shall be initiated by the owner of the property for which the partition is sought or by the representative of the owner. The authorization of said agent shall be in writing and filed with the application.
- B. Filing - An application for a land partition approval shall be filed on forms provided by the Community Development Director/Planner and shall set forth in detail all the information requested. Twenty (20) copies of the drawing(s) shall be submitted to the Community Development Department/Planning Division along with the application and appropriate filing fee.
- C. Filing Fee - Application for a land partition with the required information attached shall be accompanied by a filing fee set by Resolution of the City Council to defray the costs incidental to the proceedings.
- D. Incomplete Application - No review shall be scheduled for a land partition if it is determined by the Community Development Director/Planner that the application does not provide the required information. Upon receipt of notification from the City that an application is incomplete, the

applicant shall have up to sixty (60) days to supply the required information or the application shall be terminated by the City.

- E. Review by the Community Development Department/Planning Division - Prior to a Minor or Major Partition application being scheduled for an administrative approval or any agenda, the Community Development Director/Planner shall have thirty (30) days in order to deem the application complete.
- F. Review of the Preliminary Plat by Other Departments - Upon deeming an application complete, the Community Development Director/Planner shall furnish one (1) copy of the preliminary plat and supplemental material to members of the Development Review Committee for their review and comment. These designated agencies may review the plan and return their recommendations in writing to the Community Development Director/Planner prior to the scheduled review date.
- G. Property Inspection - All proposed partitions may be inspected by City staff prior to consideration by the review authority. If any unusual conditions such as improper site distances, excessive grades, improper drainage facilities or any other conditions that may have an adverse effect upon the surrounding property of La Grande are found to exist, conditions for approval of the plan and/or engineering plans, specifications, and additional improvements may be required subject to approval by the reviewing authority.
- H. Conditions - The preliminary plat for a major or minor partition may be approved subject to conditions as judged necessary by the review authority to ensure that the development is compatible with other development in the vicinity, and that any adverse impact attributable to the development are minimized. The City may require street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips or other public improvements, so long as findings in the development approval indicate how the dedication or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development.
- I. Survey of Parcels - The review authority, in reviewing the preliminary plat, will require a survey. Following the approval of a preliminary plat for a partition, the partitioner shall cause the lots thus created to be accurately surveyed and monumented in accordance with standards established in ORS 92, as revised.
- J. Submission of Final Plat - Within one (1) year of the date of approval of a preliminary plat, the partitioner shall prepare and submit a final plat which conforms with the approved preliminary plat and Section 4.2.004(B) of this Code. All materials necessary for final partition approval must be submitted prior to the partition expiration date. When a Conditional Use Permit or a Variance is a condition of approval, the one (1) year time limit for final map submittal will begin the date the order is signed for either the Conditional Use Permit or Variance.
- K. Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final partition, a partitioner may apply for a one (1) year extension of time on forms provided by the Community Development Department/Planning Division accompanied by the fee as set forth by Resolution of the City Council. A maximum of three (3) such extensions may be granted by the Community Development Director/Planner following the date of tentative approval and upon a written finding that the facts upon which the approval of the preliminary partition was based have not changed to an extent sufficient to warrant re-filing of the preliminary partition, and after a finding that no other development approvals would be affected. If a time extension is not requested or approved, the partitioner shall file a new application for review of the tentative partition.

- L. If any of the following conditions (1 - 7) must be met, the City Surveyor shall affix his signature to the final partition plat.
1. Before approval is certified on the final plat, the partitioner shall:
    - a. If required, install all improvements and repair existing streets, bicycle and pedestrian facilities, and other public facilities damaged in the development of the partition; or
    - b. Execute and file with the Community Development Director/Planner an agreement between himself and the City specifying that within two (2) years all required improvements and repairs shall be completed, and providing that if such work is not completed within two (2) years, the City may complete the same, and recover the full cost and expense thereof from the partitioner. Any fire access or fire flow requirements must be in place prior to construction of any structure.
  2. The required street improvements and repair of existing street and bicycle and pedestrian facilities shall be done in accordance with the requirements of the City Public Works Department/Engineering Division and the provisions of this Code.
  3. If improvements are to be installed by the applicant under terms of an agreement:
    - a. A bond or other security acceptable to the City Attorney may be required;
    - b. Construction of the roads may be permitted in phases under conditions specified;
    - c. Extension of the time limit may be granted under conditions specified; and,
    - d. Termination of the agreement may be made upon the completion of proceedings pursuant to applicable statutes for the formatting of an assessment direction providing for the construction of the improvements specified in the agreement.
  4. The partitioner shall file with the agreement (in Section 4.2.003(L)(1)(b)), to assure his full and faithful performance thereof, one of the following subject to the approval by the City:
    - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon;
    - b. Cash or certified check;
    - c. Time deposit certificate payable to the City of La Grande;
    - d. Savings account assignment to the City of La Grande;
    - e. An irrevocable letter of credit in favor of the City of La Grande from a financial institution authorized to do business in the State of Oregon in a form acceptable to the City.
  5. Such assurance of full and faithful performance shall be for a sum determined by the City Engineering Superintendent or City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
  6. In the event the partitioner shall fail to carry out all provisions of the agreement, the City shall:

- a. Call on the surety company for full and faithful performance; or
  - b. Use the deposit or letter of credit to complete the work.
7. If the amount of the bond, deposit or letter of credit exceeds the cost of completing the work, the City shall release the remainder to the rightful claimant. If the amount of the bond, deposit or letter of credit is less than the cost of completing the work, the partitioner shall be liable for the difference and upon demand, pay such liability to the City.
- M. Approval of City Surveyor - Upon receipt of the final plat, the Community Development Director/Planner shall transmit the final plat and other related supplementary data to the City Surveyor who shall review the final plat and information to determine that there has been full compliance with all applicable Statutes and provisions and that the plat is technically correct and within the allowable limits of error according to Statutes. The City Engineering Superintendent may, if he determines it is necessary to his review, make field checks to verify that the plat is sufficiently correct on the ground. When he finds the final plat to be in full conformance, he shall so certify on the face of the map by affixing his signature.
- N. Approval of the Community Development Director/Planner - Upon submission of the final plat and supplementary information to the Community Development Department/Planning Division, the Community Development Director/Planner determines that the final map is in conformance with the approved tentative plan and the requirements of this Code, he shall refer the map to the appropriate review authority for signature.
- O. Filing of Final Plat - After obtaining all required approvals and signatures, the partitioner shall file the map with the County Assessor's Office and an exact copy with the County Surveyor, if applicable. Approval of the final map shall be null and void if the map and required tracing is not filed within thirty (30) days after the date of the review authority's required approving signature, or of the approving body of an appeal action.
- P. Limitation - No request for a similar partition shall be considered by the review authority within a one (1) year period immediately following a denial of the partitioning of the same property.

#### **SECTION 4.2.004 - SUBMITTAL REQUIREMENTS**

The following standards shall apply for the submission of major and minor partition preliminary plats, final plats, and supplementary materials.

- A. Preliminary Plat and Supplementary Materials
  1. Preparation and Submission - The partitioner shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary materials as may be required, to indicate the objectives of the development. Twenty (20) copies of the Minor and Major Partition preliminary plat and one (1) tracing suitable for making copies shall be submitted to the Community Development Department/Planning Division.
  2. Information Required - The following information shall be shown on the preliminary plat:
    - a. The preliminary plat shall be drawn with an engineer's scale that will be commensurate with its purpose, but no more than one-inch equals one hundred feet (1" = 100'), and shall show the partition number assigned by the City Community Development

Department/Planning Division (obtained prior to submittal), north point and date of map preparation;

- b. All proposed lot lines and dimensions thereof, in addition to the external boundaries of the property being partitioned, the location of all permanent reference monuments, either found or set.
- c. Outline and location of existing buildings to remain on the property and address, if available.
- d. The location, width and names of all streets, both existing and proposed; the location, width and purpose of all existing and proposed easements; all existing and proposed utilities; and the method of serving each parcel, including the source of domestic water supply and the method of sewage disposal.
- e. Approximate square feet of each parcel.
- f. The existing and proposed use of the land.
- g. Jurisdictional or political boundaries.
- h. Any elevation datum used.
- i. Proposed means of vehicular access to individual parcels.
- j. Locations of any existing water wells, approximate location of any septic tanks and leach field on each parcel.
- k. All bodies of water such as rivers, streams, lakes, irrigation facilities.
- l. Natural physical features such as canyons, bluffs, rock outcroppings, steep slopes, etc.
- m. Approximate street grades and direction of surface water drainage flow on existing or proposed streets.
- n. The names, addresses and phone numbers of the owners, contract purchasers, partitioners of the subject property and the person preparing the preliminary plat.
- o. A vicinity map shall be required.
- p. Comprehensive Plan designation(s) and land use zones applicable to the subject property.
- q. Description of and location of all proposed improvements.
- r. Boundary lines of adjacent properties and the names of owners of record.
- s. The property location (subdivision, section, township and range).
- t. The surveyor's name, address, phone number and registration number.

3. The preliminary plat must indicate:
  - a. Legal access to pre-platted lots.
  - b. Easements for vehicular and utility access if determined necessary by the Community Development Director/Planner after consultation with appropriate agencies and utilities.
4. Pre-plat map must be:
  - a. Eighteen inches by twenty-four inches (18" x 24") (This may be enlarged if determined necessary by the Community Development Director/Planner or his designee).
  - b. Drawn on good quality tracing medium.
  - c. It is encouraged that this step be worked out with the Community Development Director/Planner prior to submitting, for ease of application.
5. The provisions of Section 4.3.003(M) shall also be considered for major partitions.

**B. Final Plat**

1. Partitions shall be drawn in black India ink on three to five (3 - 5) mil mylar, or photographically reproduced on good quality tracing medium, eighteen inches by twenty-four inches (18" x 24") and no part of the drawing shall be nearer to the edge of the sheet than one inch (1"). One (1) reproducible copy of the map shall also be submitted. A current preliminary title report or subdivision guarantee issued within the past thirty (30) days in the name of the owners shall be submitted with the final map to the Community Development Director/Planner. The final plat shall include spaces for dates and signatures of the appropriate approving body, and the City Surveyor. If the decision on a partition has been referred or appealed from the reviewing authority, the final plat shall then have signature spaces for the approving body in lieu of the reviewing authority and a signature space for the City Surveyor and County Clerk for filing purposes.

The following information shall be clearly and legibly shown on the approved plat:

- a. The date of survey.
- b. Scale of drawing and North point.
- c. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner in Township and Range, or to a lot corner of a platted subdivision.
- d. All bearings or measured angles and distances separately indicated from those of record.
- e. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found.
- f. The name or person for whom the survey was made.

- g. Discrepancies between survey and older surveys and evidence of existing lines of occupancy.
- h. The number of the partition assigned by the County.
- i. Street names adjacent to the partition.
- j. Signed land surveyor's stamp.
- k. Statement of appurtenant water right.