

Lane County Planning Commission Briefing Memo



June 27, 2016 (Date of Memorandum)
July 5, 2016 (Date of Work Session & Public Hearing)

TO: Lane County Planning Commission
DEPARTMENT: Public Works / Land Management Division
PRESENTED BY: Lindsey Eichner, Associate Planner & Keir Miller, Senior Planner
RE: Lane Code Chapter 13 Update and Modernization, Land Divisions (509-PA16-05453)

I. PROPOSED MOTION(S):

- 1) Move to forward a recommendation to the Board of Commissioners to adopt the proposed amendments to Lane Code as presented; or
- 2) Move to forward a recommendation that the Board adopt the proposed amendments to Lane Code with specific revisions (state revisions); or
- 3) Move to direct staff to revise the proposed amendments and to return to the Planning Commission for recommendation to the Board of Commissioners;

II. ISSUE:

As part of the Land Management Division (LMD) multi-year work program to update the land use elements of Lane Code, the Code Modernization Project (CMP) includes legislative text amendments to Lane Code Chapter 13, the Land Division ordinance.

III. DISCUSSION:

A. Background

Lane Code Chapter 13 governs every land division, property line adjustment, and legal lot verification within Lane County's jurisdiction. Lane Code Chapter 13 was originally adopted in 1973, and significantly modified in 1975. It has been updated over the years to conform to comprehensive plan adoptions, changes in State laws, and policy direction from the Board of Commissioners. In 2004, language was added to require notice of legal lot verifications. In 2009, a Task Force developed code language to regulate property line adjustments.

This project was added to the 2014-2015 Long Range Workplan and staff began scoping this project in spring 2015. In the fall of 2015, staff began coordination with key stakeholders and land use professionals to solicit feedback and identify existing code issues. Throughout the winter and spring of 2016, staff worked closely with internal and external clients to develop draft code language. In May, 2016, staff provided the consulting community three weeks to review and comment on the proposed draft. In addition, staff held a number of one-on-one meetings to discuss the proposed language. As a result, the draft code was revised and updated.

At a May 10, 2016 the Planning Commission work session, the PC received an introductory presentation on the Code Modernization Project.

On June 7, 2016, staff held a work session before the Planning Commission to review and receive recommendations on key Chapter 13 policy considerations.

On June 21, 2016, staff held a work session before the Board of Commissioners and received specific policy direction on the proposed draft language.

This code update is necessary to provide more clarity and certainty for the public regarding the land division process. Additionally, the new code will provide clarity for staff in navigating ever complex land use applications. This draft will continue to evolve throughout the public involvement process.

B. Overview of Proposed Code Revisions

Lane Code Chapter 13 codifies the County's land division procedures, implements the subdivision and partitioning standards of ORS Chapters 92, 197, and 215, and also contains provisions for property line adjustments and the verifications of lawfully established units of land.

In 2009, limited revisions to the chapter were undertaken to reflect the recommendations of a County appointed land use task force. This task force included a broad spectrum of interests including local surveyors, land use attorneys, planning consultants and environmental. There is general consensus among staff and many former members of this task force that for a variety of reasons, the code updates undertaken in 2009 have proven difficult to understand and implement. In addition, there are a number of long standing issues with Chapter 13 that were not adequately addressed during the 2009 update. A more detailed discussion of the existing issues with the Code was provided during May 10 and June 7 LCPC work sessions. This information is available on the Code Modernization Project website at:

<http://www.lanecounty.org/Departments/PW/LMD/LandUse/Pages/CodeModernizationProject.aspx>

To generate the proposed revisions to Chapter 13 staff relied upon a variety of sources including:

- An examination of ordinances in use around the State including: Tillamook, Jackson, Benton, Clackamas, Marion, Polk, Clatsop, and Deschutes County's codes as well the State's small city model code and the City of Springfield's property line adjustment criteria
- A review of current literature on land use code design, ORS 197, ORS 215, ORS 92, OAR 660, Lane County Rural Comprehensive Plan, Lane Manual, Water Resources Working Paper
- A review of existing LMD interpretations and other documents identifying existing issues with the code.
- Interviews with key internal and external stakeholders including; the County Surveyor, the County Engineer, transportation and land use planning staff, the State Watermaster, County Sanitarians, Lane County Public Drinking Water Program staff, local land use consultants, Landwatch Lane County and private surveyors and engineers.

The proposed amendments to Chapter 13 are included as Attachment 1 to this memo. Due to the extensive nature of the proposed revisions it is not practical to display the changes in a legislative (track change) format. Rather, staff will recommend that the current version of Chapter 13 be repealed in its entirety and replaced with a revised version. Attachment 2 is a spreadsheet that identifies the newly proposed language and the corresponding existing language (where applicable). Staff highlighted some of changes in the spreadsheet. Generally, the proposed amendments will:

- Correct problems with the definitions section by inserting needed definitions, modifying existing definitions and removing unnecessary definitions
- Insert a new provisions related to partition and subdivision procedures
- Include a new section addressing the problematic issue of multi-jurisdictional overlap
- Update and the dangerous and sensitive areas criteria for preliminary plans
- Separate the criteria for preliminary partition plans and preliminary subdivisions plans, resulting in fewer review criteria for preliminary partition plans.
- Clarifying water requirements for preliminary plans, while building in flexibility.
- Add a new section for minor revisions to preliminary plans (formerly called minor and major amendments)
- Include revised Re-platting and Property Line Adjustment sections
- Create an administrative Legal Lot Verification process (with clear and objective criteria)

C. Policy Issues

The proposed updates to Lane Code are being presented primarily to modernize the code by enhancing readability, providing more clarity and certainty, and updating unclear language. However, the updates are not strictly limited to housekeeping and formatting changes. The update will present of number of policy considerations for the Planning Commission and Board of County Commissioners.

On June 21, 2016, the Board of County Commissioners provided staff direction on the major policy issues that have arisen through the update process. The following is a summary of the direction the Board gave staff:

- Reduce the review criteria for preliminary partitions while complying with state law, so that partition applications have less rigorous requirements than to subdivisions applications. The Board also articulated their support that a document be recorded with future partitions indicating that the certain improvements such as adequate water and sanitation were not established during the land division process.
- Directed staff to develop a clear and objective definition for “minor shift” pertaining to replats.

- Supported a “minor shift” of a property line within a plat to be completed as a property line adjustment rather than a replat.
- Supported proposed language that allows documentation of access during a property line adjustment review.
- Supported the proposed practice of requiring a Property Line Adjustment map to be filed at the surveyor’s office for all Property Line Adjustments (PLA) that are not required to be surveyed. Note: that these are not survey maps, but maps depicting the PLA consistent with the description in the PLA deed.

Staff revised the draft language to reflect this policy direction. Additional details still need discussion:

1. Preliminary partition plan review criteria:

Staff removed criteria, lowered the review standards, and deferred certain standards to be reviewed at time of building permit, while still complying with ORS 215, ORS 92, OAR 660, the Rural Comprehensive Plan (RCP), Lane Manual (LM), and the Water Resources Working paper. Some of the changes between the current Lane Code standards and the draft language in Attachment 1 are discussed below:

- While legal access must still be addressed, physical access to each parcel is not required to be constructed prior to final plat in the draft language.
- Dangerous and Sensitive areas will not be required to be mapped on a copy of the final plat map, but a document providing notice that there may be the presence of a specific or multiple dangerous or sensitive areas on the subject property will be required to be filed at time of final plat.
- Applicant has the option to file a notice document if they do not want to apply for a site evaluation at time of final plat. The requirement will be deferred to time of building permit submittal.
- Applicant has the option to file a notice document if they do not want to provide proof of an adequate supply of potable water for each parcel at time of final plat; unless they are located in a water quantity limited area per Lane Manual 13.010(2). Pursuant to RCP Goal 5 Water Resources Policy 4 and the Water Resources Working Paper ESEE analysis conflict resolution for groundwater, cumulative impacts on existing users of the water limited aquifer must be considered at time of land divisions. There is also an option to submit a report prepared by a licensed professional certifying adequate water supply, if the applicant cannot comply with the other standards.
- New standards were added for partitions and subdivisions in the Exclusive Farm Use (EFU) zone, to be consistent with ORS 92.044. This section of ORS 92 has been applicable specifically to the EFU zone since 1983. It requires a higher standard of review than partitions in other zoning districts.
- Review criteria requirements for redevelopment plans, control strips, and dedications were removed for preliminary partition plans.

2. Revised criteria for replats – staff are evaluating the level of adjustment that constitutes a minor shift versus a reconfiguration

- Current practice allows movements of lines in the plat to be reviewed by the Planning department as a property line adjustment, but then the applicant is required to file a replat map with the County Surveyor. This is expensive for property owners who only need to slightly adjust their property line.
 - Based on work sessions with the Planning Commission and the Board as well as support from the County Surveyor, staff is proposing standards to enable minimal property line movements to alleviate discrepancies between neighbors. This process is allowed by ORS 92.190(3), which states:

“The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines as described in ORS 92.010(12)...”
 - Note: A property line adjustment does not move the platted line, but does move the ownership line of a property.
3. Should certain types of legal lot verifications be processed through a Type 1 process when clear and objective evidence is available to support the verification?
- The draft language contains specific criteria defining what constitutes a legal lot in specific areas of Lane County,
 - The draft code language proposes one Type I process for a set of clear and objective criteria. There are three very clear dates that different land division regulations were adopted. Each ordinance adopted contained specific geographic descriptions:
 - May 2, 1962 & July 3, 1970 – ordinance calls out specific townships, ranges, and sections.
 - March 26, 1975 – ordinance states the regulations are applicable to the entire county.
 - These three different areas are depicted on Map 1 in the draft language for easy reference.
 - All other legal lot verifications will continue to be processed as a Type II application due to the potential to exercise discretion while reviewing the application.
 - Language was added in to require notice for all preliminary legal lot verifications issued prior to January 8, 2010, in order to be recognized as final legal lots.
4. Should the Code provide the flexibility to make exceptions to enable deviations from the minimum acreage requirements for land divisions under very limited and exigent circumstances? Such as:
- Exceptions to minimum parcel size requirement if a property owner has been taxed for a certain amount of acreage for many years and then the parcel is

determined to be 0.05 acre short of the required acreage to divide when the surveyor actually does the surveyor.

- A description calls out a ¼ section, but due to topography and past survey monuments the ¼ section is not actually square and is slightly less than the required acreage to divide.

D. Applicable Criteria

The proposed amendments are subject to the applicable criteria identified in Lane Code 12.005, 12.050, and 16.252(2).

LC 12.005 Purpose.

(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

The proposed amendments do not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County. The proposed amendments update implementing regulations and follow the laws determined by State of Oregon to best promote the will of the people. Adoption of the proposed amendments will bring the implementing regulations into compliance with State law, promote consistency at the local level with the applicable state laws, and will not affect compliance of the Rural Comprehensive Plan and implementing regulations with the Statewide Planning Goals or other applicable State law.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

The proposed amendments will be adopted by ordinance when enacted by the Board.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:

(a) an error in the plan; or

(b) changed circumstances affecting or pertaining to the plan; or

(c) a change in public policy; or

(d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.

The proposed amendments implement changes to state law and Board policy Direction, as such, meet this provision under (b), (c), and (d) above upon adoption by the Board.

LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements.

(2) Criteria. [Amendments] shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.

The proposed amendments implement changes to state law, provide additional clarification, and help implement the Lane County Rural Comprehensive Plan. The proposed

amendments will provide consistency with state law. The proposed amendments are not contrary to the public interest in that they implement the laws determined by the State of Oregon to best promote the will of the people.

IV. ACTION:

A. Options

1. Forward a recommendation to the Board of Commissioners to adopt the proposed amendments to Lane Code as presented; or
2. Forward a recommendation that the Board adopt the proposed amendments to Lane Code with revisions (state revisions); or
3. Direct staff to revise the proposed amendments and to return to the Planning Commission for recommendation to the Board of Commissioners;

B. Recommendation

Staff recommends Option 1.

C. Follow Up

Should the Planning Commission choose Options one or two staff will schedule a public hearing with the Board of Commissioners. Should the Planning Commission so direct, staff may revise the proposed amendments as directed and return for a second public hearing on a date certain set by the Planning Commission.

V. ATTACHMENT

1. Lane Code Chapter 13 Proposed Concept Draft
2. Lane Code Chapter 13 Proposed Revisions Tracking Table

Lane Code Chapter 13 (Draft Table of Contents)

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13.010. Purpose

- (1)** The purpose of this Chapter is to establish standards for property line adjustments and for the division of land by way of partition or subdivision for areas of Lane County outside of the Urban Growth Boundaries of Eugene and Springfield and outside of the incorporated limits of all other cities pursuant to ORS Chapters 92, 197, and 215.
- (2)** These regulations are necessary to:
 - (a)** Provide uniform procedures and standards for the division of land;
 - (b)** Coordinate proposed developments with development plans for highways, utilities, and other public facilities;
 - (c)** Provide for the protection, conservation and proper use of land, water, and other natural resources;
 - (d)** Implement the policies and intent of the County Comprehensive Plan;
 - (e)** Ensure adequate lot sizes for homesites and other development;

- (f) Encourage safe and convenient access for vehicles, pedestrians, and bicyclists;
- (g) Ensure adequate sanitation and water supply services;
- (h) Protect the public from pollution, flood, slides, fire, and other hazards to life and property;
- (i) Provide for the accurate and timely recording at Lane County Deeds and Records all newly created property boundaries, street, roads, right-of-ways and easements; and
- (j) Protect the public health, safety, and general welfare as defined in ORS Chapters 197 and 215.

13.020. General Provisions:

- (1) All subdivision and partition proposals must conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions, and Partitions, and must conform to the adopted policies of the Lane County Surveyor's Office.
- (2) No deed for a lot or parcel created through a Subdivision or Partition can be filed at Lane County Deeds and Records without the prior Subdivision or Partition approval, by the Department.
- (3) No Subdivision or Partition plat can be filed at Lane County Deeds and Records without the signature of the Lane County Planning Director and all of signatures required by law.
- (4) All Subdivision proposals must demonstrate that lots or parcels have adequate utilities, such as an adequate potable water supply, ability to install a septic system, and access to electrical systems.
- (5) All lots created or reconfigured must have adequate vehicle access and parking, as may be required, pursuant to zoning and [LC 15.137 et seq.](#)

13.030. Definitions. The definitions in LC [13.030](#) apply to all actions and interpretations under the Lane County Application Review Procedures code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent will control.

- (1) **Abut:** To share a common boundary with another unit of land.
- (2) **Access:** Subject to adopted policies and standards, the means by which a lot, parcel, area or tract directly obtains safe, adequate ~~and usable,~~ and legal ingress and egress.
- (3) **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.
- (4) **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 and air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.
- (5) **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 #23 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.
- (6) **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) will not be considered contiguous.~~ Connected in such a manner as to form a single block of land.
- (7) **Community Water System.** A Community Water System is a public water system that has 15 or more connections used by year-round residents, or that regularly serves 25 or more year-round residents.
- (8) **Dangerous Areas.** Dangerous areas include but are not limited to floodplain and floodway (LC 10.271, 16.244), coastal overlay combining zones (LC 10.240-270, 16.237-243), unstable surface or subsurface conditions, areas identified as dangerous land slide areas, land subject to erosion or potential erosion, groundwater seepage conditions, inundation, and other geological conditions (LC 10.025-30, 16.005).
- (9) **Department.** The Lane County Department of Public Works.
- (10) **Director.** ~~"Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."~~ The Director of the Land Management Division on the Lane County Public Works Department, or the Director's delegated representative within the Department.

Comment [LC1]: Similar language as LC Chp 15, edits are shown in strike out and underlines.

Comment [LC2]: Why 8 feet? 1970's zoning requirement. No great reason to keep it anymore, no other Oregon County uses it.

Comment [LC3]: OAR 660-033-0020 definition.

Comment [LC4]: Legal Counsel says we can refer documents not adopted by the Board, if the Director is trying to identify a dangerous area.

Comment [LC5]: Same definition as LC Chp 16 in order to be consistent.

(11) **Improved Spring.** A spring that has been improved with a spring box, screened overflow which discharges to daylight, an outlet pipe provided with a shutoff valve, a bottom drain, an access to manhole with a tightly fitting cover, and a curb around the manhole.

(12) **Lawfully Established Unit of Land.**

Comment [LC6]: Consistent with ORS 92.010 definition, with the addition of (b)(iii) & (d).

(a) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

Comment [LC7]: Includes Validation of a unit of land; ORS 92.176

(b) Another unit of land:

(i) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(ii) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(iii) That received final legal lot verification approval from the County and was noticed pursuant LC 13.120.

Comment [LC8]: Need to remove this, because we are not going to notice all legal lot verifications. See proposed LC 13.120.

(c) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(d) A lot or parcel lawfully created in compliance with ORS 92 remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

(13) **Legal Lot.** A lawfully created lot or parcel or other lawfully created unit of land verified by Lane County through a legal lot verification or validation of a unit of land process. A lot or parcel lawfully created in compliance with ORS 92 remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.

(14) **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 issued prior to January 8, 2010 shall only become final when it is made and noticed pursuant to LC 13.020120.

Comment [LC9]: This is for all the preliminary LLV's still out there.

(15) **Lot.** A unit of land that is created by a subdivision of land.

Comment [LC10]: ORS 92.010

(16) **Minor Shift.** A minor shift of a property line that does not result in any of the following:

(a) A modification of acreage of the smaller lot or parcel by more than 10%; and

(b) The rearrangement of property lines resulting in more than what is necessary to alleviate a non-conforming setback or to correct a discrepancy.

Comment [LE11]: Board supports defining this with clear and object criteria, they also supported it being a minimal movement or to correct a discrepancy.

(17) **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.

(18) **Parcel.**

Comment [LC12]: ORS 92 defines a parcel as : A single unit of land that is created by a partition of land. This definition is from ORS 215.010, and is used to be consistent throughout all of the land use code chapters.

(a) Includes a unit of land created:

- (i) By partitioning land as defined in LC 13.010; or
- (ii) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
- (iii) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

(b) It does not include a unit of land created solely to establish a separate tax account.

(19) **Partition.** Either an act of partitioning land or an area or tract of land partitioned.

Comment [LC13]: ORS 92.010

(20) **Partition Plat.** Includes a final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a partition.

Comment [LC14]: ORS 92.010

(21) **Partitioning Land.** Dividing land to create not more than three parcels of land within a calendar year but does not include:

Comment [LC15]: ORS 92.010 definition, with a couple strike-outs.

(a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) Adjusting a property line as property line adjustment is defined in LC 13.010;

(c) Dividing land as a result of the recording of a subdivision or condominium plat;

(d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes, if the road or right-

of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) ~~and 215.283(2)(g) to (s)~~. However, any property sold or granted for state highway, county road, city street or other right of way purposes continue to be considered a single unit of land until the property is further subdivided or partitioned; or

Comment [LC16]: I'm reading this as these are basically Property Line Adjustments not land divisions, based on the uses allowed per ORS 215.213(2)(p) to (r).

Comment [LC17]: Not applicable in Lane County.

(e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. ~~The property line adjustment must be approved or disapproved by the Planning Director. If the property line adjustment is approved, it must be recorded in the deed records of the county where the property is located.~~

Comment [LC18]: These are criteria and should not be part of the definition.

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

Comment [LC19]: ORS 92.010

(23) **Preliminary Plan.** A preliminary map or diagram related to a subdivision, partition, or replat.

Comment [LC20]: Should this also apply to PLA's?

(24) **Property Line.** "Property line" means the division line between two units of land.

Comment [LC21]: ORS 92.010

(25) **Property Line Adjustment.** Relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

Comment [LC22]: ORS 92.010

(26) **Public Water System.** A public water system is a water system that serves four or more connections or 10 or more people for 60 or more days out of the calendar year.

(27) **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.~~ The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision or partition.

Comment [LC23]: ORS 92.010

(28) **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.~~ The term road, street, or highway will be considered synonymous and will include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land.

Comment [LC24]: Changing to be consistent with LC Chp 15, but chose not to bring over the entire definition, as it is very long and not relevant to Chp 13 without referencing Chp 15.

Do we need a definition of "Right-of-Way" in Chp 13? No.

(29) **Sensitive Areas.** Sensitive areas include but are not limited to wetlands, riparian setback areas (LC 16.253), and wildlife habitat areas (LM 11.400).

(30) **Series Partition.** Series Partition means a series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.

Comment [LE25]: ORS 92.305(10)

(31) **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.

(a) Sewage Facility, Community. A sewage facility, whether publicly or privately owned, which serves more than one parcel or lot.

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

(c) Sewage Facility, Public. A sewage 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.

(32) **Street.** The term is synonymous with "road."

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

Comment [LC26]: ORS 92.010

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

Comment [LC27]: ORS 92.010

(35) **Subdivision Plat.** A final map or other writings containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Comment [LC28]: ORS 92.010

(36) **Tract.** A lot or parcel as defined in LC 13.030.

Comment [LC29]: Should we also add the resource zone definition? Or is it not applicable here?

LC 16.090 Definition also includes: "Tract" means one or more contiguous lots or parcels in the same ownership. A tract is not considered to consist of less than the required acreage before it is crossed by a public road or waterway.

13.040. Partition and Subdivision Procedure

(1) **Subdivision and Partition Approval is a Two-Step Process.** Applications for subdivision or partition approval will be processed first by means of a preliminary plan application and secondly a final plat application:

- (a) **Step One: Preliminary Plan.** The preliminary plan must be approved before the final plat can be submitted for review. Preliminary plans will be processed using a Type II procedure pursuant to LC 14.040. All preliminary plans are subject to the submittal requirements of LC 13.050 and approval criteria in LC 13.060.
- (i) Preliminary Partition Plans are subject to LC 13.050(1).
 - (ii) Preliminary Subdivision Plans and Preliminary Series Partition Plans are subject to LC 13.050(2).
 - (iii) Preliminary Cluster Subdivision Plans are subject to LC 13.050(2) and (3).
- (b) **Step Two: Final Plat.** Compliance with all conditions of approval of the preliminary plan must be demonstrated prior to final plat approval. Review of conditions of approval will be processed using a Type I procedure pursuant to LC 14.030 and subject to the submittal requirements of LC 13.070 and criteria of LC 13.080.
- (i) **Technical Review of the Final Plat.**
 - (aa) Upon receipt of the final plat and related documents as described in this Chapter, the Director must review the final plat map and documents to determine that the plat conforms with the approved preliminary plan, including any special conditions of approval, and that the final plat complies with provisions of this Chapter and any applicable laws.
 - (bb) The County Surveyor must review the plat for compliance with ORS 92 requirements for accuracy, completeness and all prescribed Surveyor's office policies, The County Surveyor will collect separate fees as are provided by Lane Manual. The County Surveyor may perform a field inspection to verify that the plat reflects on the ground conditions, and may enter the property for this purpose. If it is determined that there is not full conformity, the County Surveyor must advise the developer of the changes or additions that must be made, and afford the developer an opportunity to make such changes or additions.
 - (cc) When the Director and County Surveyor determine that full conformity has been achieved, both must sign the plat map. The County Surveyor's office will then file the approved plat map

and any other necessary documents at Lane County Deeds and Records. The Director will notify the applicant in writing within three days of the filing of the plat and associated documents.

(2) **Approval Period.** Preliminary plan approval will be effective for a period of two years from the date of final approval. The Director may approve a phased subdivision with an overall time frame of more than two years between preliminary and final plat approvals pursuant to LC 14.020(15)(d).

Comment [LC30]: Would this also be limited to the 7 year approval timeframe? No, but it may preclude them from requesting a timeline extension.

(3) **Extensions.** The Director may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period provided:

Comment [LC31]: One suggestion was to automatically extend this to three years.

(a) All requests for extensions comply with LC 14.020(15)(e).

(b) A preliminary plan timeline extension cannot be approved for a period greater than 7 years from date of original final approval.

(c) A Denial of a request for an extension will not preclude an application for preliminary partition plan or preliminary subdivision plan approval set forth in LC Chapter 13.

(4) **Jurisdictional Overlap.**

(a) **Preliminary Plan Applications Involving Jurisdictional Overlap.**

Whenever a lot or parcel to be divided lies within multiple jurisdictional boundaries the following provisions apply:

(i) An urban growth boundary (UGB) or city limits boundary does not necessarily constitute a property line.

(ii) If an existing lot or parcel overlaps the city limits or UGB of a city, the county will not allow further division that creates a new lot or parcel overlapping the city limits, urban growth boundary, or county line, unless:

(aa) An adopted UGB management agreement with the city provides otherwise; or

(iii) A land division along a city limit, UGB boundary, or County boundary can be approved if the portion in Lane County's jurisdiction meets county standards as one or more separate lots or parcels, provided

both the city or adjoining county and Lane County approve the land division.

- (iv) Where the proposed lots or parcels exist wholly within Lane County, but access to such parcels necessitates crossing the county or city limits boundary, the minimum requirements for access, as established in Lane Code Chapter 15, must be met over the entire length of the access. Where an adjoining jurisdiction would apply stricter requirements than the applicable requirements set forth in Lane Code Chapter 15, those more restrictive requirements apply.
- (v) If any existing lot or parcel lies in more than one (1) county, Lane County will not allow further division to create a new lot or parcel that overlaps the county line.

13.050. Preliminary Plan Submittal Requirements

(1) General Preliminary Plan Submittal Requirements:

- (a) An application for preliminary plan approval must be filed with the Department as a Type II permit, pursuant to LC 14.040. The application must be submitted on a form provided by staff, addressing all approval criteria.
- (b) The following information is required to be included on the preliminary plan or by separate attachment:
 - (i) General Information:
 - (aa) The Assessor's map number and tax lot number of the subject property.
 - (bb) Date the preliminary plan was prepared with a scale and north arrow.
 - (cc) "Preliminary Partition Plan" or "Preliminary Subdivision Plan" within the title.
 - (dd) Zoning of parcel to be divided, including any overlay zones.
 - (ee) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the

applicant, engineer, surveyor, agent, and the date of the survey.

- (ff) Map of the subject property or properties being divided, in current configuration.
- (ii) **Existing Conditions.** Except where the Director deems certain information is not relevant, applications for preliminary plan approval must contain all of the following information on existing conditions:
- (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of existing access point, and driveways within 100 Feet if the existing access point;
 - (bb) City limits and Urban Growth Boundary lines;
 - (cc) Location, width and purpose of all existing easements of record on and abutting the site;
 - (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting;
 - (ee) Location and identity of all utilities on and abutting the site.
 - (ff) Location of all existing subsurface sewage systems, including drain fields and associated easements on the site.
 - (gg) Location of any existing well or other domestic water source on the site, including water lines.
 - (hh) All known dangerous areas, sensitive areas and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tidal flats, floodplain;
- (iii) **Proposed Development.** Except where the Director deems certain information is not relevant, applications for preliminary plan approval must contain all of the following information:
- (aa) For parcels and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in

square feet), and identification numbers for all proposed lots and tracts;

- (bb)** For proposed parcels, streets, driveways, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts must be identified;
- (cc)** Easements: location, width and purpose of all proposed easements;
- (dd)** Proposed deed restrictions, if any, in outline form.
- (ee)** The approximate location and identity of other utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage systems, proposed electrical lines, underground or above ground, as applicable;
- (ff)** Evidence of compliance with the Lane County Rural Comprehensive Plan and applicable base zoning;

 - (A)** For all land divisions in the Exclusive Farm Use Zone, submit a statement or proof describing how the proposed land division and any existing or future development anticipated within its boundaries will not preclude access to “incident solar radiation” or “wind” as those terms are defined under ORS 92.044(8) on the subject property and surrounding area.
- (gg)** For a Subdivision or Series Partition also address the following:

 - (A)** Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
 - (B)** For properties subject to coastal overlay zones, provide a copy of an approved preliminary investigation or hazards checklist based on the preliminary plan map and an approved site investigation report, if required by the preliminary investigation or hazards checklist;

(C) For properties regulated by any other overlay zone than listed in (B) above, provide documentation that the land division is compliant with the overlay zone.

(D) Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.

(iv) Any of the following information may be required by the Director to supplement a proposed preliminary plan:

(aa) For parcels within adopted urban growth boundaries, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the preliminary plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10 percent. Ground elevations will comply with the following intervals dependent on slope:

(A) One-foot contour intervals for ground slopes up at 5%;

(B) Two-foot contour intervals for ground slopes between 5% and 10%;

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

(bb) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

(cc) Where the plan includes natural features subject to the conditions or requirements contained in Lane Code, materials must be provided to demonstrate that those conditions and/or requirements can be met.

(dd) Profiles of proposed drainage ways, wetlands, or Class 1 streams.

(ee) If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.

(ff) For a Subdivision or Series Partition, on slopes exceeding an average grade of 10%, as shown on a submitted topographic

Comment [LC32]: Q: When do we deem the additional information necessary? A: At completeness or before. If something gets raised during the referral comment period, then the applicant has the right to place the application on hold and provide additional information to contest or satisfy the referral comment.

Comment [LC33]: From current LC 13.100(3)(f), only for land within UGB's

survey, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;

- (gg) For a Subdivision or Series Partition, if the preliminary plan occupies only part of a tract owned or controlled by a developer, a sketch of preliminary street layout in the undivided portion.
- (hh) For a Subdivision or Series Partition, the Director may require additional information such as hydraulic analyses, hydrologic analyses, or geotechnical reports that demonstrate development can safely occur on the proposed lots or parcels.
- (ii) For a Subdivision or Series Partition, approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Partition, showing the proposed finished grades and the nature and extent of construction.

- (c) Five (5) paper copies of a preliminary plan map for the proposed partition or subdivision, two copies of all supporting documents, and one electronic copy. The preliminary plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the preliminary plan on an 11-inch by 17-inch sheet or smaller.

(2) Cluster Subdivision Specific Submittal Requirements:

- (a) Applications for Cluster Subdivisions must include two (2) copies of a written statement addressing the following information:
 - (i) A statement describing how the cluster subdivision meets the land division requirements of the base zone(s) in which it is proposed.
 - (ii) A tabulation of land area to be devoted to various uses and calculation of the average residential density per net acres.
 - (iii) 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.
 - (iv) Drafts of proposed covenants, deed restrictions and other documents relating to the dedication, improvements, and maintenance of any common and private areas or facilities.

Comment [LC34]: Similar to the current LC language. No policy changes.

- (v) Where the common area and/or open space in a cluster subdivision is not proposed to be graphically designed on a subdivision plat, the draft CC&R's must include a preliminary development plan of the entire property. The Development Plan must include, at a minimum, the following information:
 - (aa) Existing contours and proposed contours after development at intervals of:
 - (A) One foot for ground slopes of less than 5% or spot elevations and drainage features.
 - (B) Two feet for ground slopes between 5% and 10%.
 - (C) Five feet for ground slopes in excess of 10%.
 - (bb) Location, arrangement, and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, bikeways, off-street parking, and loading areas.
 - (cc) Location and dimensions of open space, common areas, and public dedicated properties.
 - (dd) Proposed drainage, water and sanitary systems and facilities, as required.
 - (ee) Location, character, and type of signs and lighting facilities.

13.060. Preliminary Plan Review Criteria

(1) Review Criteria for Preliminary Partition Plans:

- (a) **Conformity with the Comprehensive Plan.** All divisions must conform to the applicable Comprehensive Plan(s) for the subject property.
- (b) **Conformity with the Zoning.** All divisions must conform to all of the applicable zoning requirements in Lane Code.
- (c) **Access.**

- (i) A partition or replat must provide for the continuation of major and secondary roads existing in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such streets must meet the minimum requirements for roads set forth in Lane Code Chapter 15, unless an exception is approved per LC 15.900.
- (ii) Parcels must have verifiable access by way of a road, either County, local access, or an easement:
 - (aa) Each parcel created must abut a public road or private easement for at least 30 feet for access; or
 - (bb) If access is taken through another jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards; and
 - (cc) The public road or private easement complies with LC 15.135.
- (d) **Dangerous and Sensitive Areas.**
 - (i) Parcels are configured in a way that dangerous and sensitive physical characteristics will not preclude or pose a hazard to future development of each parcel.
 - (ii) The Director must consider the recommendation of the County Engineer, municipal officials within urban growth boundaries, and other professional technical sources in the determination of dangerous and sensitive land conditions and mitigating measures.
 - (iii) Areas of floodplain, water areas, and wetlands will be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow, and natural functions.
 - (iv) The Director may require a statement identifying the presence of significant dangerous and/or sensitive areas on the subject property to be recorded in a Notice document provided by staff at Lane County Deeds and Records when the final plat is recorded.
 - (aa) If physical conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must make a Type I application, pursuant to LC 14.030, and provide the Director

evidence before the Director is able to approve the modification or removal of the Notice document.

- (e) **Grading, Excavation and Clearing.** Grading and clearing 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 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 must be avoided when detrimental to soil stability and erosion control.
- (f) **Utility Easements.** Easements for utilities will be dedicated whenever necessary. Such easements must be clearly labeled for their intended purpose.
- (g) **Drainage Easement.** If a land division is traversed by an existing or planned watercourse, drainage way, channel, or stream, a drainage easement conforming substantially to the lines of such watercourse must be provided. The easement must be adequate width for the purpose of carrying water and providing no less than 20-foot wide access to the watercourse for vector control or maintenance vehicles. Water conveyance channels greater than 10 feet wide must provide access on both sides of the channel.
- (h) **Sewage Facilities.** All parcels are required to comply with one of the following options:
 - (i) If the subject property contains an existing septic system, the applicant is required to complete an Existing Septic System Certification form, provided by the Director, and submit to the Director at time of final plat.
 - (ii) Public or Community Sewage Systems:
 - (aa) If connection to an existing public or community sewage system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
 - (bb) When a new public or community sewage system is proposed for the division, a master plan for the sewage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.

(iii) Individual Sewage Facilities:

(aa) If the proposed parcels will not be connected to a public or community sewage system, the applicant may demonstrate that each parcel provides sufficient area and suitable soil to accommodate a sewage system at time of final plat.

(A) If this requirement cannot be satisfied, but there is an area on a contiguous lot or parcel that can accommodate an individual sewage facility, the applicant can propose to record an easement for an off-site system. If the off-site system is proposed on a lot or parcel in a different ownership, written documentation must be provided acknowledging the agreement.

(bb) If proof of access to a sewage disposal system is not verified for each parcel during the land division process, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

(A) “An approved subsurface sewage disposal site evaluation has not been determined as part of Partition Plat ^filing number^ and will be required at the time of development on ^parcel^.”

(B) If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must make a Type I application, pursuant to LC 14.030, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approve the modification or removal of the Notice document.

Comment [LC35]: Language for how to remove the Notice document in the future.

(i) **Water Supply.** Each proposed parcel must be served by an adequate supply of potable water prior to submittal of a building permit. If the subject property is located within an area designated by the Board as having problems in the quantity of available water, as designated in Lane Manual 13.010(2), the proposal must comply with (ii) below. If the subject property is not subject to Lane Manual 13.010(2), the division must address (iii) thru (vi).

(i) Acceptable water sources:

- (aa) A new or existing well or improved spring;
 - (bb) A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 days out of the year;
 - (cc) An existing public water system;
 - (dd) A new public water system approved by Lane County Environmental Health.
- (ii) Areas designated by the Board as having problems in the quantity of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant parcels less than 20 acres prior to final plat:
- (aa) If the subject property is designated as quantity limited, the applicant must submit proof demonstrating it can sustain the proposed development with sufficient potable water. The Director can require an aquifer study prepared by a registered geologist or licensed engineer.
- (iii) Public or Community Water System:
- (aa) If connection to an existing public or community water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development prior to final plat.
- (iv) When parcels are to be served by individual or shared water systems, sufficient evidence must be submitted to show that each parcel will have available, prior to submittal of a building permit, an adequate supply of water. Adequate supply of water for parcels created by a land division must comply with the following standards:
- (aa) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test; or
 - (bb) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for an above-ground storage tank according to Lane Manual 9.160(1)(b); or

Comment [LC36]: After Review of RCP Goal 5 Water Resources policies and the Water Resources Working Paper, these areas need to be reviewed during the land division process.

need to edit citation in LM 13.010

Comment [LC37]: This is a direct quote from Lane Manual (LM).

(cc) Submit a report prepared by a licensed engineer or hydrologist certifying that the individual or shared water source can adequately supply the potential development of the land division.

Comment [LE38]: Received comments about revising this section to look holistically at the water system rather than just a gpm ratio per parcel. Potentially look at the total gallons per day needed for an average single family dwelling.

(v) Prior to submittal of the first building permit for a parcel, the owner must submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:

Comment [LC39]: Lane manual 9.163

(aa) Total Coliform and Fecal Coliform/E. Coli

(bb) Nitrates/nitrites

(cc) If the subject property is located in a quality limited area, as listed in Lane Manual 13.010(1), also provide bacteriology/chemical tests that show compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the mapped contaminant.

(vi) If an adequate supply of potable water is not verified during the partition process, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

(aa) "Water availability was not verified as part of Partition Plat ^filing number^ and proof of an adequate supply of potable water must be verified at time of development on ^parcel^(s)."

(bb) If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must make a Type I application, pursuant to LC 14.030, and provide the Director evidence of adequate potable water in conformance with (i) thru (v) above in this subsection before the Director is able to remove the Notice document.

Comment [LC40]: Language for how to remove the Notice Document in the future.

(j) **Additional Criteria for Partitions in the Exclusive Farm Use Zone.**

Comment [LE41]: ORS 92.044; this has been a requirement in the statute since 1983 but Lane Code has never addressed this section.

(i) While taking into consideration the location and surrounding area of the proposed partition, each parcel must have adequate access to

light, air, and wind; including protection and assurance of access to incident solar radiation for potential future use and access to wind for potential electrical generation or mechanical application as defined in ORS 92.044(8).

Comment [LE42]: "Incident solar radiation" means solar energy falling upon a given surface area.

"Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour.

Add to 13.030? About 10% of partitions approved in the last 10 years are non-M49 EFU zone partitions.

(ii) Adequate water supply, pursuant to LC 13.060(n).

(iii) Adequate sewage availability, pursuant to LC 13.060(m).

(k) **Conditions of Approval.** The Director has the right to attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

(2) **Review Criteria for Preliminary Subdivision Plans and Preliminary Series Partition Plans.**

Comment [LE43]: ORS 92.305 to 92.495

(a) **Conformity with the Comprehensive Plan.** All divisions must conform to the applicable Comprehensive Plan(s) for the subject property.

(b) **Conformity with the Zoning.** All divisions must conform to all of the applicable zoning requirements in Lane Code.

(c) **Access.**

(i) A subdivision, partition, or replat must provide for the continuation of major and secondary roads existing in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such streets must meet the minimum requirements for roads set forth in Lane Code Chapter 15, unless an exception is approved per LC 15.900.

(ii) Lots or parcels must have verifiable access by way of a road, either County, local access, or an easement:

(aa) Each lot or parcel created must abut a public road or private easement for at least 30 feet for access; or

(bb) If access is taken through another jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards; and

- (cc) The public road or private easement complies with LC 15.135.
 - (iii) The road provides actual physical access to each of the lots or parcels.
 - (iv) County Roads, Local Access-Public Roads, and Private Access Easements used to access the lots or parcels must be designed and developed in accordance to Lane Code Chapter 15 requirements.
 - (v) For the portion of a panhandle tract used to 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.
- (d) **Redevelopment Plan.** When an entire tract under the applicant's control or ownership is not subdivided or partitioned to the fullest extent allowed by current zoning, the applicant must submit plans for division and/development of the remainder of the tract, including major road connections and intended land uses.
- (e) **Control Strip.** The County can 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:
 - (i) To protect the future extension of the road pattern, in length or width;
 - (ii) To prevent access to land unsuitable for development;
 - (iii) To prevent or limit access to roads classified as arterials and collectors.
- (f) **Dangerous and Sensitive Areas.**
 - (i) Lots and parcels are configured in a way that dangerous and sensitive physical characteristics will not preclude or pose a hazard to future development of each lot or parcel.
 - (ii) The Director must consider the recommendation of the County Engineer, municipal officials within urban growth boundaries, and other professional technical sources in the determination of dangerous and sensitive land conditions and mitigating measures.

- (iii) Areas of floodplain, water areas, and wetlands will be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow, and natural functions.
- (iv) If the Director determines it necessary due to the presence or significance of dangerous and/or sensitive areas on the subject property, the Director can require the applicant to show future development sites for each lot or parcel.
- (v) The Director can impose conditions or modifications necessary to mitigate potential hazards or otherwise provide for compliance with adopted Comprehensive Plan policies and Lane Code provisions. The Director may require a Notice or Restriction document provided by staff be recorded at Lane County Deeds and Records when the final plat is recorded.

Comment [LC44]: After discussion with the County Surveyor, we are reducing what is required to be noted on the final plat map, and will require a separate notice or restriction document to be filed at time of final plat. The recording number will be noted on the final plat same as an easement.

(g) **Grading, Excavation and Clearing.** Grading and clearing 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 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 must be avoided when detrimental to soil stability and erosion control.

(h) **Compliance with State and Federal Permits.** Evidence that any required State and Federal permit, as applicable, have been obtained or can reasonably be obtained prior to development;

Comment [LC45]: Define development here, does it mean prior to final plat, grading, submittal of a building permit? *It depends when a permit is needed. If a driveway is proposed to cross a wetland, the owner needs the permit prior to the construction of the driveway (prior to final plat). If there are some wetlands that do not affect the partition, then they can deal with them at time at building permit.

(i) **Utility Easements.** Easements for utilities will be dedicated whenever necessary. Such easements must be clearly labeled for their intended purpose.

(j) **Drainage Easement.** If a land division is traversed by an existing or planned watercourse, drainage way, channel, or stream, a drainage easement conforming substantially to the lines of such watercourse must be provided. The easement must be adequate width for the purpose of carrying water and providing no less than 20-foot wide access to the watercourse for vector control or maintenance vehicles. Water conveyance channels greater than 10 feet wide must provide access on both sides of the channel.

(k) **Land for Public Purposes and Dedications.**

- (i) If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed subdivision for public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Director may require that those portions of the Subdivision be reserved, for a period not to exceed one year, for public acquisition at a cost not to exceed the value of the land.
 - (ii) When necessary ~~for~~ to enhance public convenience, safety, or as may be designated on an adopted master bike plan or Transportation System Plan, the Director 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.
 - (iii) The Director may require as a condition of approval the dedication to the public rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.
- (l) **Lots and Parcels.** Except for lots or parcels to be dedicated for parks, recreation, open space, or resource land, the lot or parcel arrangement must be such that there will be no foreseeable difficulties, for reasons of topography, setbacks, floodplain, expansive soils, soil bearing capacity, erosion potential, or other conditions, in securing building permit to build on all lots or parcels in compliance with this Chapter in providing driveway access to buildings on such lots from an approved road. No division will be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety.
- (m) **Sewage Facilities.** All lots or parcels are required to be served by a sewage disposal system which complies with the requirements of the Oregon Department of Environmental Quality requirements.
- (i) If the subject property contains an existing septic system, the applicant is required to complete an Existing Septic System Certification form, provided by the Director.
 - (ii) Public or Community Sewage Systems:

Comment [LC46]: Current LC language with a couple suggested edits.

Formatted: Not Expanded by / Condensed by

- (aa) If connection to an existing public or community sewage system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
 - (bb) When a new public or community sewage system is proposed for the division, a master plan for the sewage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.
- (iii) Individual Sewage Facilities:
- (aa) If the proposed lots or parcels will not be connected to a public or community sewage system, the applicant must demonstrate that each lot or parcel provides sufficient area and suitable soil to accommodate a sewage system.
 - (A) If this requirement cannot be satisfied, but there is an area on a contiguous lot or parcel that can accommodate an individual sewage facility, the applicant can propose to record an easement for an off-site system. If the off-site system is proposed on a lot or parcel in a different ownership, written documentation must be provided acknowledging the agreement.
 - (bb) An applicant for a preliminary partition or subdivision must obtain a site suitability evaluation from the County Sanitarian prior to approval of the final plat for each proposed lot or parcel, except for lots or parcels compliant with(k)(iv).
- (n) **Water Supply.** Each proposed lot or parcel must be served by an adequate water supply of potable water.
- (i) Acceptable water sources:
 - (aa) A new or existing well or improved spring;
 - (bb) A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 days out of the year;
 - (cc) An existing public water system;

- (dd) A new public water system approved by Lane County Environmental Health.
- (ii) Public or Community Water System:
 - (aa) If connection to an existing public or community water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.
 - (bb) The County can require that new community water system be developed to serve lots or parcels when none exist and individual water systems are not feasible due to the density of the lots or parcels or the possibility of problems concerning the long-term availability of adequate quantities of suitable water.
 - (iii) When lots or parcels are to be served by individual or shared water systems, sufficient evidence must be submitted to show that each lot or parcel will have available, at time of final plat, an adequate supply of potable water. Adequate supply of potable water for a land division must comply with the following standards:
 - (dd) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test; or
 - (ee) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for an above-ground storage tank according to Lane Manual 9.160(1)(b); or
 - (ff) Submit a report prepared by a licensed engineer or hydrologist certifying that the individual or shared water source can adequately supply the potential development of the land division.
 - (iv) Chemical analysis is required for each third well. Prior to approval of the final plat, submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:
 - (dd) Total Coliform and Fecal Coliform/E. Coli

Comment [LC47]: This is a direct quote from Lane Manual (LM).

Comment [LC48]: Received comments about revising this section to look holistically at the water system rather than just a gpm ratio per parcel.

Comment [LC49]: Lane manual 9.163

(ee) Nitrates/nitrites

(v) Areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant lots or parcels less than 20 acres:

Comment [LC50]: *need to edit citation in LM 13.010*

(aa) If the subject property is designated as quantity limited, the applicant must submit proof demonstrating it can sustain the proposed development with sufficient potable water. The Director can require an aquifer study prepared by a registered geologist or licensed engineer.

(bb) If the property is designated a quality limited, the applicant must submit bacteriology/chemical tests that show compliance with standards set by the Oregon State Health Division and Lane County for the specific mapped contaminant. The owner can dispute the designation by submitting a geological report performed by a registered geologist.

(o) **Additional Criteria for Subdivisions in the Exclusive Farm Use Zone.**

Comment [LE51]: ORS 92.044

(i) While taking into consideration the location and surrounding area of the proposed subdivision, each parcel must have adequate access to light, air, and wind; including protection and assurance of access to incident solar radiation for potential future use and access to wind for potential electrical generation or mechanical application as defined in ORS 92.044(8).

Comment [LE52]: "Incident solar radiation" means solar energy falling upon a given surface area.

"Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour.

Add these definitions to 13.030 or just reference ORS 92.044(8)?

(p) **Conditions of Approval.** The Director has the right to attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

(3) **Additional Cluster Subdivision Requirements.** These requirements are for Preliminary Cluster Subdivision Plans and are in addition to LC 13.050(2).

Comment [LC53]: Pretty much the same as current LC Chp 13 language.

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

- (b) The largest lot in a cluster subdivision, if platted as a MH or dwelling lot, must 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 must 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 must be specified in the covenants, and each lot must 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 must 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.
- (d) Compliance with RCP Goal 2 Policy 23 and OAR 660-004-0040(7)(e).

13.070. Final Plat Submittal Requirements

(1) **Submittal Requirements.** The applicant must submit a complete final plat application packet within two (2) years of the approval of the preliminary plan unless an extension is granted as provided by **Lane Code 13.040(3)**.

Comment [LC54]: Suggestion to add a timeframe for processing these applications to 30 days.

(a) The application for final plat approval must be submitted in conformance with **LC 14.030(3) Application Requirements**.

Comment [LC55]: Type 1 permit requirements are very similar, if not the same, as we require now for administrative permits.

(b) Supporting documentation showing compliance with all of the conditions of approval of the preliminary partition or subdivision approval.

(c) The format of the plat must conform with ORS 92.

(d) All plats submitted for approval must show the following, where applicable; all distances will be shown to the nearest 0.01 foot, and no ditto marks will be used:

(i) The exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way located within the plat perimeter, including, where applicable, their center lines, bearings, central angles, radii, arc lengths, points of curvature, and tangent bearings.

- (ii) Easements will be denoted by fine dotted lines, and clearly identified as to their purpose. Their recorded reference must be indicated. If the easement is being dedicated by the final plat, it must be properly referenced in the owner's certificates of dedication.
- (iii) Provisions for access to and maintenance of off-right-of-way drainage, if any.
- (iv) Block, lot, or parcel boundary lines, their bearings and lengths.
- (v) Block numbers, beginning with the number "1," and continuing consecutively without omission throughout the Subdivision. Block numbers in an addition to a Subdivision of the same name must be a continuation of the numbering in the original Subdivision.
- (vi) Lot or parcel numbers; beginning with the number "1," and numbered consecutively within each block. If all lots in the Subdivision are to be consecutively numbered without repetition, then no block numbers will be required.
- (vii) The area, to the nearest hundredth of an acre, of each lot which is larger than one acre.
- (viii) Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.

(e) Additional Information for Final Subdivision Plats. In addition to that otherwise specified by law, the following information must be shown on the final plat for subdivisions:

- (i) The date, scale, north arrow, legend, highways, and railroads abutting to the plat perimeter;
- (ii) Description of the plat perimeter;
- (iii) The names and signatures of all interest holders in the land being platted, and the surveyor; and
- (iv) Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record as follows:

- (aa) Monuments or other evidence found on the ground and used to control the boundaries of the Subdivision;
 - (bb) Monuments of adjoining Subdivisions; or
 - (v) A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary for the preparation and recordation of the final plat, and their interest in the premises.
- (f) The following certificates, which may be combined where appropriate, must accompany the final plat for subdivisions.
 - (i) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recordation of the plat.
 - (ii) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat intended for public use except those parcels which are intended for the exclusive use of the lot owners in the Subdivision, their licensees, vendors, and tenants.
 - (iii) A certificate bearing the seal and signature of the engineer or surveyor responsible for the survey and the final map.
 - (iv) A certificate from the Water Department/Utility District indicating that the partition or subdivision is within the district for purposes of receiving services.
- (g) Any County Department involved in the review of the final plat for a subdivision may require any of the following materials to assist in the review of the final plat:
 - (i) Sheets and drawings showing the following:
 - (aa) Coordinates of the corners in the Subdivision boundary and coordinates of all lot corners.
 - (bb) The computation of all distances, angles, and courses shown on the final map.

- (cc) Ties to existing monuments, adjacent Subdivisions, street corners, and State Highway stationing.
- (ii) A copy of any deed restrictions applicable to the Subdivision which are to be filed with the final plat.
- (iii) A copy of any dedications requiring separate documents.

13.080. Final Plat Criteria

- (1) Approval Process and Criteria. By means of a Type I Review, the Director will review and approve or deny the final plat application based on findings of compliance or noncompliance with the following criteria:
 - (a) The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plan and, if applicable, any modifications as approved pursuant to LC 13.090, and all conditions of approval have been satisfied;
 - (b) All public improvements required by the preliminary plan have been installed and approved by the County or applicable service provider if different than the County (e.g., road authority), or otherwise bonded in conformance with LC Chapter 15;
 - (c) The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
 - (d) All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
 - (e) The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets and roads, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;
 - (f) As applicable, the applicant has furnished acceptable copies of easements, notices, disclaimers, restrictions, maintenance agreements (e.g., for access, common areas, parking, etc.); Covenants, Conditions and Restrictions (CC&R's); and other documents pertaining to common improvements recorded and referenced on the plat;

(g) The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Lane County Surveyor for purposes of identifying its location.

(2) Unless a contrary intent is clearly stated, all underlying legal lots are intended to be vacated or eliminated.

Comment [LC56]: Suggestion to add this. The intent is to require the applicant to eliminate any later challenge to whether the underlying legal lots are still in existence.

(3) Final plats will be considered approved by the Director when the Director's signature and dates thereof have been written on the face of the plat and when the plat has been recorded.

(4) Approval or denial of a final plat must be in writing to the applicant and/or applicant's designated representative.

13.090. Minor Revisions to Preliminary Approval Plans

Comment [LC57]: This section is similar to major and minor amendments in our current code, only we made this section only applicable to preliminary plans and not recorded plats.

(1) Revision to a preliminarily approved land division may be considered minor when they involve a limited number of changes to the original application and they do not alter any originally established approval criteria or development standards. If the preliminary plan is expired, this section cannot be utilized by the property owner. Minor revisions to a preliminary approval for a land division may be made through a Type I process in compliance with the following criteria:

Comment [LC58]: This means that findings do not need to be changed.

(a) Does not ~~change~~ increase the number of lots or parcels created by the subdivision or partition; and

Comment [LC59]: Change from current LC 'amendment, minor' language.

(b) Includes only minor shifting of the proposed lot or parcel lines and proposed public or private streets; and

Comment [LC60]: See definition of 'minor shift' in 13.030.

(c) May include shifting of pedestrian ways, utility easements, parks or other public open spaces, septic system drainfield locations and well locations; and

(d) Does not reduce or enlarge the exterior boundaries on the approved subdivided or partitioned area.

(2) All other revisions must be processed as a new Type II application for a request for modification of conditions and will be subject to the standards deemed necessary that are in effect at the time the new application is submitted.

13.100. Replatting and Vacation of Lot or Parcel Lines

- (1) Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed, or vacated plat pursuant to subsection (5) or (6).
- (2) The same procedure and standards that apply to the creation of a plat (preliminary plan followed by final plat) will be used to replat a recorded plat. If the replat consists of only a minor shift in lot or parcel lines, land use approval can be obtained through a Property Line Adjustment application.
- (3) Limitations on replatting include, but are not limited to, the following:
 - (a) a replat only applies to a recorded plat;
 - (b) a replat cannot vacate any public street or road; and
 - (c) a replat of a portion of a recorded plat will not act to vacate any recorded covenants or restrictions.
- (4) A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable County standards.
- (5) **Vacation of lot lines: Type II review process.** One or more interior lot lines in a recorded plat may be vacated either by private petition or by public resolution as prescribed in ORS 368. A lot line vacation under this provision is a quasi-judicial action subject to an established fee, petition/application, notice, and review by the Director.
- (6) **Vacation of lot lines: Owner Consent.** Notwithstanding the above provision, and as authorized in ORS 368, one or more interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent must be obtained from 100 percent of property owners abutting the public property proposed to be vacated.
 - (a) An administrative action fee will be required at time of submittal. Property owner consent must be obtained by the applicant and submitted to the Planning Director on forms provided by the County. Those owners whose consent signature is required will be identified by the Planning Director. Property owner consent signatures will be verified by sending a copy of the

Comment [LE61]: Subdivision or partition sections?? Does it depend on what it is a replat of?

Comment [LC62]: See LC 13.110(5).

Comment [LC63]: Do we need to call out County Roads separately?

Comment [LC64]: This references the County Roads Chapter of ORS.

signed consent form to each identified property owner.

- (b) The line vacation must be approved if the following criteria are met:
 - (aa) Upon verification of the required consent signatures, and
 - (bb) After the Director or the Public Works Director file a written report finding that the action:
 - (A) Complies with applicable land use regulations;
 - (B) Facilitates development of the private property subject to the vacation; and,
 - (C) Any vacation of public property is in the public interest.
- (c) If the required owner consent signatures cannot be obtained, then in order to continue with the proposed lot or parcel line vacation, the applicant(s) must submit the additional fee required for a Type II lot or parcel line vacation and proceed under the provisions of 13.100(5).

Comment [LC65]: This language is from Tillamook County Code

13.110. Property Line Adjustment

- (1) **General.**
 - (a) As used in this section (LC 13.110) the term parcel means a lawfully established lot or parcel.
 - (b) No person will relocate all or a portion of a property line without review and approval of a property line adjustment application or as otherwise provided by LC Chapter 13.
 - (c) Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the Lane County Assessment and Taxation Department for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established lots or parcels can be adjusted through the provisions of this chapter.
 - (d) Adjustment of a property line to correct the encroachment of an otherwise lawfully established structure over a property line will not be subject to the minimum parcel size standards, provided the adjustment transfers no more

acreage than that necessary to correct the encroachment and establish the required setback to the adjusted property line.

- (e) An adjustment is not required to comply with zoning regulations if a Court of Competent Jurisdiction issues an order mandating ownership be transferred, but must comply with the procedures in this section.
- (f) The elimination of a property line outside of a recorded plat is exempt from review by the Director. The elimination of a property line must not create a non-conforming use.
- (g) A property line adjustment of a common property line between two abutting F-1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review by the Director.

Comment [LE66]: New provision, policy change.

Comment [LC67]: Very similar to current language.

(2) Submittal Standards.

- (a) In addition to the submittal requirements identified in Lane Code 14.030(3), an application for a property line adjustment must include a preliminary map for the proposed property line adjustment. The map must be drawn to an engineer's scale, drawn on 8 ½" x 11" or 11" x 17" size paper and include the following:
 - (i) Existing and proposed parcel line dimensions and size in square feet or acres of the two parcels that are subject of the application;
 - (ii) Identification of the area(s) proposed to be adjusted from one parcel to the other;
 - (iii) North arrow;
 - (iv) Adjacent roads (noting whether public or private), including names and road right-of-way or easement widths;
 - (v) Location and dimensions of existing and proposed driveways, as well as adjacent driveways within 100 feet;
 - (vi) Location of wells or name of water district and location of water meter(s);
 - (vii) Location of on-site wastewater treatment systems or name of sanitary sewer district.

Comment [LC68]: This section of the proposed new LC Chp 14 calls out submittal standards for administrative/ministerial applications, which mainly codifies what we require currently.

Comment [LE69]: We do not have approval criteria regarding access, but it should be demonstrated on the proposed plan maps.

- (viii) Easements, including widths and types, labeled as existing or proposed, specifically noting whom they serve.
 - (ix) Existing structures and the distance from each structure to the existing and proposed parcel lines.
 - (aa) Setbacks for all structures within 40 feet of the property line being moved must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist, the surveyor can submit a stamped letter so stating.
 - (b) Evidence that the subject properties are lawfully established units of land. If the property was not included in a previous partition, previous subdivision, or prior legal lot verification, then the legal lot verification will be required.
 - (c) A preliminary title report, to determine ownership and any recorded deed restrictions.
- (3) **General Criteria.** A Property Line Adjustment requires a Type I review, pursuant to LC 14.030. Application for serial property line adjustments can be made under one Type II application, pursuant to LC 14.040. A property line adjustment is subject to the following standards and criteria:
- (a) The Property Line Adjustment will not:
 - (i) Create an additional lot or parcel.
 - (ii) Violate any conditions of previous land use approvals or recorded deed restrictions.
 - (iii) Increase the degree of non-conformity for any structure or septic system that is non-conforming at the time of application.
 - (b) Both parcels are lawfully established units of land, pursuant to the definition in LC 13.030.
 - (c) A property line adjustment must comply with ORS Chapter 92.
 - (d) If a lot or parcel in an F-1, F-2, or EFU Zone must also comply with subsection (4) of this section.

Comment [LC70]: This covers conditions of approval for a new/accessory use to stay on the same lot or parcel as the main use regardless of zone.

(e) A property line adjustment is subject to the minimum lot size standards of the applicable zoning district, except as follows:

(i) If a lot or parcel is currently smaller than the minimum lot size, its size may be reduced.

(f) A property line adjustment involving a parcel authorized by a Measure 49 waiver, cannot increase parcels larger than:

Comment [LC71]: ORS 92.192(4)(d)

(i) Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or

Comment [LE72]: This language is straight from a M49 Final Homesite Authorization from DLCDC.

(ii) Five acres if not on high value farm or forest land; unless

(iii) The property increasing in size is the remainder parcel and is already larger than the 2 or 5 acre maximum parcel size.

(g) Split-zoned properties:

(i) A property line adjustment that would result in property(ies) being split between resource and a non-resource zone may be allowed if the resource-zoned property that is adjusted to include non-resource-zoned land cannot be eligible for non-resource use on the resource-zoned portion of the property without land use approval. Deed restrictions, pursuant to subsection (iv) of this section, will ensure compliance.

Comment [LE73]: Current practice and state law that a non-resource use cannot be on resource zoned land without land use approval. The deed restriction would say something to that effect, that a non-resource use can only be allowed if the owner obtains land use approval.

(ii) The deed restriction form will be provided by staff for the signature by the property owner, who will be responsible for fees for document preparation and recording.

Example: If you have a split zoned parcel RR5 & EFU, you cannot have any residential use (dwelling, shop/garage, septic system, etc.) in the EFU zoned portion without land use approval.

(h) If parcels subject to the property line adjustment application span multiple jurisdictions, all jurisdictions must review and approve the property line adjustment. The applicant must address approval criteria related to property line adjustments for each jurisdiction.

(4) **F-1, F-2, and EFU Zone Criteria.** In addition to the standards and criteria in subsection (3) of this section, a property line adjustment in the F-1, F-2, and EFU Zones are subject to the following standards and criteria:

(a) A property line adjustment cannot be used to reconfigure a parcel:

(i) The effect of which is to qualify a vacant parcel for the siting of a dwelling based on acreage provisions.

Comment [LC74]: ORS 92.192(4)(a) & (b)

(ii) To separate a temporary hardship dwelling, relative farm help dwelling, home occupation or processing facility from the parcel on which the primary residential or other primary use exists.

Comment [LC75]: OAR 660-033-100(8)

(iii) To allow an area of land used to qualify one tract for a dwelling based on acreage standards to be used to qualify another tract for a dwelling if land use approval would be based on acreage.

Comment [LC76]: ORS 92.192(4)(c)

(5) Property Line Adjustments in Final Plats.

(a) Property line adjustments in plats must comply with the replatting requirements of LC 13.100. The proposal can be processed as a property line adjustment if the proposal is only a minor shift in property lines.

Comment [LC77]: Allowed per ORS 92.190(3)
See definition section

(b) If a proposal qualifies as a property line adjustment, it must comply with LC 13.110 (1) through (4) and (6).

(6) Final Approval.

(a) Within two years of the preliminary approval, the applicant must comply with the requirements of this section to complete the property line adjustment. The Director may, upon written request prior to the expiration date, grant written extensions of the approval period pursuant to LC 14.020(15)(e).

Comment [LC78]: This is the same as current LC, one 1-year extension, then 1-year extensions as long as the criteria hasn't changed.

(b) To obtain final approval, the applicant must comply with the following:

(i) All property line adjustments must comply with ORS 92 and executed by property line adjustment deed.

(ii) For property line adjustments resulting with one or more parcels smaller than 10 acres, submit a survey conforming to the standards of the County Surveyor to the County Surveyor's office in accordance with ORS 92; or

(iii) When a survey is not required by ORS 92, the surveyor must file a map depicting the property line adjustment consistent with the recorded deed to the County Surveyor's office.

Comment [LC79]: This would be a new policy, Jay Blomme, County Surveyor, as well as the Board of Commissioners supports this new requirement.

(iv) Submit a copy of all necessary recorded documents to the Director prior to

the expiration of the application.

13.120. Legal Lot Verification

(1) **Criteria for the Lawful Creation of Lots or Parcels.** Units of land that comply with one or more of the following provisions will be considered lawfully created:

- (a) Lots or Parcels created by filing a final plat for subdivision or partition for which land division approval was granted by Lane County and whose configuration has not changed are considered lawfully created;
- (b) Parcels created by the filing or recording of an approved minor partition map between 1949-1990 with the County and whose configuration has not changed are considered lawfully created;
- (c) Parcels created in compliance with all applicable planning, zoning, and partitioning ordinances and regulations;
- (d) Parcels created by deed, lease or land sales contract if there were no applicable planning, zoning or partitioning ordinances or regulations;
- (e) Parcels created by deed, lease or land sales contact in compliance with applicable zoning requirements prior to applicable partitioning or subdivision ordinances;
- (f) Parcels created as a result of a dedication of a public road prior to 1990;
- (g) Parcels created by a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (h) Parcels created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, or tidewaters;
- (i) Parcels created by the sale or grant of federal lands by the federal government;
- (j) Parcels created as the remainder of a parcel divided under a method listed above;

Comment [LC80]: Does this include the early 1900's subdivision plats too? A: Yes, they have always required some sort of signature from a Lane County Employee (Usually the County Judge back then).

Comment [LC81]: From 1962-1972 these were only filed at the Surveyor's Office.

Comment [LC82]: Comments received: concerns about remainder parcels being called a legal lot. This is specifically calling out remainders of lawful land divisions, not all remainders. Current LC policy to recognize these remainders as legal lots.

(k) Parcels created by a circuit court decision between October 3, 1973 and October 4, 1977;

(l) A parcel created by a surveyed tract prior to April 8, 1949.

Comment [LC83]: This calls out the unrecorded subdivisions.

(m) Other proof that a parcel was lawfully created.

(2) Legal Lot Verification Process:

(a) A Legal Lot Verification does not need to be formally reviewed if the lot or parcel is consistent with (a) or (b) in section (1) above, and in the same configuration.

(b) A Legal Lot Verification can be reviewed as a Type I permit, subject to LC 14.030, only if the lot or parcel complies with the following clear and objective criteria:

(i) The subject property was created prior to the applicable date in the portion of Lane County where it is located as referenced below and illustrated on LC 13.120 Map 1:

(ab) Metro area, May 2, 1962; or

(bb) Cottage Grove area, July 3, 1970; or

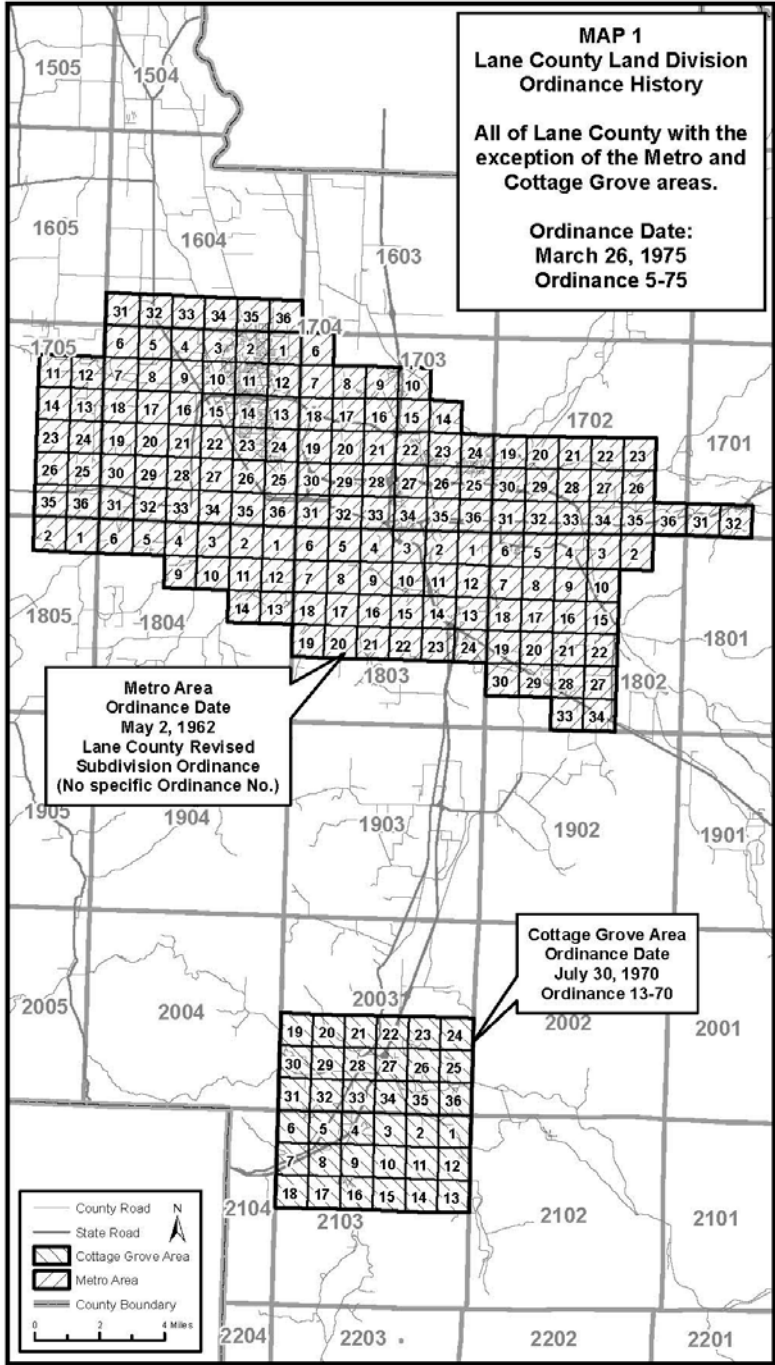
(cb) Remainder of Lane County area, March 26, 1975; and

(ii) Subject property has not changed configuration since the applicable date referenced on Map 1.

(c) All other legal lot verifications must be reviewed as a Type II permit pursuant to LC 14.040.

(3) An application for a legal lot verification must be submitted to the Department on a form provided by staff, addressing compliance with the approval criteria and other information deemed relevant by the Director. It must also be accompanied by the property description card and photocopies of every deed listed on the card.

(4) A preliminary legal lot verification issued prior to January 8, 2010, is recognized as a final legal lot only after a notice of decision mailed out with an opportunity for appeal pursuant to LC 14.040.



13.130. Validation of a Unit of Land

Comment [LC84]: No changes proposed at this time, but see comment below.

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.040 if the unit of land:

- (a) Is not a lawfully established unit of land; and
- (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.130(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the following criteria:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling.

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

- (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
- (b) The permit does not change or intensify the use of the dwelling or other building.

Comment [LC85]: Added in ORS 215.755(1)(a) to (e) criteria into code.

Current policy also recognizes dwellings that no longer meet this criteria, but where the owner/applicant can prove that the dwelling did comply with the criteria within 1 year of the date the application is received. (non-conforming use, 1 year replacement window) Do we want to somehow codify this?

- (4) An application to validate a unit of land under LC 13.130 is an application for a permit, as defined in ORS 215.402. An application under LC 13.130 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.
- (5) A unit of land only becomes a lawfully established parcel when the county validates the unit of land under LC 13.130 if the owner of the unit of land records a partition plat within 90 days of validation.
- (6) An application to validate a unit of land may not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- (7) Development or improvement of a parcel created under LC 13.130(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

13.140. Variance

- (1) Variances must be processed as a Type II permit pursuant to LC 14.040.
- (2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the Director 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 to 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.

Comment [LC86]: Suggesting to keep the same in order to be consistent with Chp 16. If we end up changing that language in the future, keep in mind we should also update this language.

- (3) Applications for variances must be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications ~~may~~will be reviewed concurrently.

13.150. Appeal

Comment [LC87]: No Change from LC

- (1) Procedure for Appeals. The procedure for appeals of Type II decisions made pursuant to LC 14.040 will be as specified for appeals to the Hearings Official in LC 14.040(9).

Type I decisions are not land use decision as defined by ORS 197.015 and therefore are not subject to appeal.

13.160. Enforcement

Comment [LC88]: No major change from LC

- (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 13.160(1) above, Lane County may ~~seek equitable relief~~ revoke or suspend approval for violations of LC Chapter 13 pursuant to LC ~~Chapter 14.700(3)~~.

Comment [LC89]: The current version of LC 14.700(3) and there is not language talking about equitable relief for violations. Updated to be consistent with LC 14.700(3) language.

- (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 will record the report, with a statement that no building permits will be issued for the described property, in Lane County Deeds and Records. The Director must 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 must 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 can 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 cannot 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.

	A	B	C	D
1		Proposed	Current	Notes
2		13.010 Purpose		
3		(1) The purpose of this Chapter is to establish standards for property line adjustments and for the division of land by way of partition or subdivision for areas of Lane County outside of the Urban Growth Boundaries of Eugene and Springfield and outside of the incorporated limits of all other cities pursuant to ORS Chapters 92, 197, and 215.	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.	The new purpose section is more holistic on what this chapter is for. A handful of other counties who have recently updated their land division codes use a similar format as this section.
4		2. These regulations are necessary to:	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.	
5		(a) Provide uniform procedures and standards for the division of land;		
6		(b) Coordinate proposed developments with development plans for highways, utilities, and other public facilities;		
7		(c) Provide for the protection, conservation and proper use of land, water, and other natural resources;		
8		(d) Implement the policies and intent of the County Comprehensive Plan;		
9		(e) Ensure adequate lot sizes for homesites and other development;		
10		(f) Encourage safe and convenient access for vehicles, pedestrians, and bicyclists;		
11		(g) Ensure adequate sanitation and water supply services ;		
12		(h) Protect the public from pollution, flood, slides, fire, and other hazards to life and property;		
13		(i) Provide for the accurate and timely recording in the office of the Lane County Clerk all newly created property boundaries, street, roads, right-of-ways and easements; and		
14		(j) Protect the public health, safety, and general welfare as defined in ORS Chapters 197 and 215.		
15				
16		13.020 General Provisions		
17		1. All subdivisions and partition proposals must conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and partitions and adopted policies of the Lane County Surveyors Office.	(none)	This section sets some general provisions for the whole chapter.
18		2. No deed for a lot or parcel created through a Subdivision or Partition can be filed at Lane County Deeds and Records without the prior Subdivision or Partition approval, by the Department.		
19		3. No Subdivision or Partition plat can be filed in the office of the Lane County Clerk without the signature of the Lane County Planning Director and all of signatures required by law.		
20		4. All Subdivision proposals must demonstrate that lots or parcels have adequate utilities, such as an adequate potable water supply, ability to install a septic system, and access to electrical systems.		
21		5. All lots created or reconfigured must have adequate vehicle access and parking, as may be required, pursuant to zoning and LC 15.137 et seq.		

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22				
23		13.030 Definitions		
24		13.030. Definitions. The definitions in LC 13.030 apply to all actions and interpretations under the Lane County Application Review Procedures code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent will control.		
25		(1) Abut: To share a common boundary with another unit of land.		New
26		(2) Access: Subject to adopted policies and standards, the means by which a lot, parcel, area or tract directly obtains safe, adequate usable, and legal ingress and egress.		New, very similar to Chp 15.
27			Amendment, Minor	Delete
28			Amendment, Major	Delete
29		(3) 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.	Area	
30		(4) 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 and air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.	Building Site	no change
31		(5) 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 #23 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.	Cluster Subdivision	no change
32		(6) 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) will not be considered contiguous. Connected in such a manner as to form a single block of land.	Contiguous	Changed definition to be consistent with OAR 660-033-0020. No great reason of why the 8' linear dimension should be kept in the code.
33		(7) Community Water System. A Community Water System is a public water system that has 15 or more connections used by year-round residents, or that regularly serves 25 or more year-round residents.		New
34		(8) Dangerous Areas. Dangerous areas include but are not limited to floodplain and floodway (LC 10.271, 16.244), coastal overlay combining zones (LC 10.240-270, 16.237-243), unstable surface or subsurface conditions, areas identified as dangerous land slide areas, land subject to erosion or potential erosion, groundwater seepage conditions, inundation, and other geological conditions (LC 10.025-30, 16.005).		New
35		(9) Department. The Lane County Department of Public Works.	Department	no change
36			Depth	Delete, a common term.
37		(10) Director. The Director of the Land Management Division of the Lane County Public Works Department, or the Director's delegated representative within the Department.	Director. "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."	Update to be consistent with LC Chp 16
38			Flood or Flooding	Delete, staff should refer to zoning code when referencing floodplain.

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39			Floodplain	Delete, staff should refer to zoning code when referencing floodplain.
40			Floodway, Regulatory	Delete, staff should refer to zoning code when referencing floodplain.
41			Improvement Agreement	Delete, term not used in new code
42		(11) Improved Spring. A spring that has been improved with a spring box, screened overflow which discharges to daylight, an outlet pipe provided with a shutoff valve, a bottom drain, an access to manhole with a tightly fitting cover, and a curb around the manhole		New Definition, provided by Lane County Drinking Water Program.
43		(12) Lawfully Established Unit of Land.	Lawfully Established Unit of Land	minor change
44		(a) A lot or parcel created pursuant to ORS 92.010 to 92.190; or	no change	no change
45		(b) Another unit of land:	"	no change
46		(i) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or	"	no change
47		(ii) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or	"	no change
48		(iii) That received legal lot verification from the County and was noticed pursuant LC 13.120.	(iii) That received legal lot verification from the County and was noticed pursuant LC 13.020.	Proposed change due to change in Legal Lot Verification process.
49		(c) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.	"	no change
50		(d) A lot or parcel lawfully created in compliance with ORS 92 remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.	"	no change
51		(13) Legal Lot. A lawfully created lot or parcel or other lawfully created unit of land verified by Lane County through a legal lot verification process. A lot or parcel lawfully created in compliance with ORS 92 remains a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided as provided by law.	Legal Lot	Adds clarifying language
52		(14) 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 <u>issued prior to January 8, 2010</u> shall only become final when it is made and noticed pursuant to LC 13.0120.	Legal Lot Verification	Edits language due to change in the process
53		(15) Lot. A unit of land that is created by a subdivision of land.	Lot	no change
54		(16) Minor Shift. A minor shift of a property line that does not result in any of the follow: (a) A modification of acreage of the smaller lot or parcel by more than 10%; and; (b) The rearrangement of property lines resulting in more than what is necessary to alleviate a non-conforming setback or to correct a discrepancy.		New Definition - this is an important new definition because it helps determine if a replat application is required or if a property line adjustment can be allowed.
55		(17) 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.	Panhandle	no change

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56	<p>(18) Parcel. (a) Includes a unit of land created: (i) By partitioning land as defined in LC 13.010; or (ii) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or (iii) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations. (b) It does not include a unit of land created solely to establish a separate tax account.</p>	Parcel	no change	
57	(19) Partition. Either an act of partitioning land or an area or tract of land partitioned.	Partition	no change	
58	(20) Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.	Partition Plat	no change	
59	(21) Partitioning Land. Dividing land to create not more than three parcels of land within a calendar year but does not include:	Partitioning Land	no change	
60	(a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;	"	"	
61	(b) Adjusting a property line as property line adjustment is defined in LC 13.010;	"	"	
62	(c) Dividing land as a result of the recording of a subdivision or condominium plat;	"	"	
63	(d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes, if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes continue to be considered a single unit of land until the property is further subdivided or partitioned; or	"	This section of ORS does not apply to Lane County, because we are a marginal lands county.	
64	(e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment must be approved or disapproved by the Planning Director. If the property line adjustment is approved, it must be recorded in the deed records of the county where the property is located.	"	Updated to remove criteria from the definition.	
65		Performance Agreement	Delete, term not used in new code	
66	(22) Plat. A final diagram and other documents relating to a subdivision, replat or partition.	Plat	no change	
67	(23) Preliminary Plan. A preliminary map or diagram related to a subdivision, partition, replat, or property line adjustment.		New	
68	(24) Property Line. "Property line" means the division line between two units of land.	Property Line	no change	
69	(25) Property Line Adjustment. Relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.	Property Line Adjustment	no change	

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70	(26) Public Water System. A public water system is a water system that serves four or more connections or 10 or more people for 60 or more days out of the calendar year		New Definition, provided by Lane County Drinking Water Program.
71	(27) Replat. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.	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.	Update to be consistent with ORS 92 definition.
72	(28) Road. The term road, street, or highway will be considered synonymous and will include the entire area and all lawful improvements between the right-of-way lines of any public or private way that is created to provide ingress or egress to land.	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.	Updated to be consistent with LC Chp 15
73	(29) Sensitive Areas. Sensitive areas include but are not limited to wetlands, riparian setback areas (LC 16.253), and wildlife habitat areas (LM 11.400).		New
74	(30) Series Partition. Series Partition means a series of partitions of land located within this state resulting in the creation of four or more parcels over a period of more than one calendar year.		New, from ORS 92.305(10)
75	(31) 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.	Sewage Facility	no change
76	(a) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.	"	"
77	(b) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.	"	"
78	(c) 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.	"	"
79	(32) Street. The term is synonymous with "road."	Street	no change
80	(33) Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.	Subdivide Land	no change, ORS 92.010
81	(34) Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.	Subdivision	no change, ORS 92.010
82	(35) Subdivision Plat. A final map or other writings containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.		New, per ORS 92.010
83	(35) Tract. A lot or parcel as defined in LC 13.030.	Tract	Update citation.
84		Width	Delete, a common term.
85			
86	13.040 Partition and Subdivision Procedure		
87	(1) Subdivision and Partition Approval is a Two-Step Process. Applications for subdivision or partition approval will be processed by means of a preliminary plan evaluation and a final plat evaluation, pursuant to the following two steps:		This is a new section that clearly lays out the two-part process for preliminary and final partitions and subdivisions. This section also incorporates duration of approval, development phasing, and granting of extensions. (code sections in current LC)
88	(a) Step One: Preliminary Plan. The preliminary plan must be approved before the final plat can be submitted for approval consideration. Preliminary plans will be processed using a Type II procedure pursuant to LC 14.040. All preliminary plans are subject to the submittal requirements of LC 13.050 and approval criteria in LC 13.060.		

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89	<p>(i) Preliminary Partition Plans are subject to LC 13.050(1).</p> <p>(ii) Preliminary Subdivision Plans and Preliminary Series Partition Plans are subject to LC 13.050(2).</p> <p>(iii) Preliminary Cluster Subdivision Plans are subject to LC 13.050(2) and (3).</p>		
90	<p>(b) Step Two: Final Plat. Compliance with all conditions of approval of the preliminary plan must be demonstrated prior to final plat approval. Review of conditions of approval will be processed using a Type I procedure pursuant to LC 14.030 and subject to the submittal requirements of LC 13.070 and criteria of LC 13.080.</p>		
91	<p>(i) Technical Review of the Final Plat.</p>		
92	<p>(aa) Upon receipt of the final plat and related documents as described in this Chapter, the Director must review the final map and documents to determine that the plat conforms with the approved preliminary plan, including any special conditions of approval, and that there has been compliance with provisions of the law and of this Chapter.</p>		
93	<p>(bb) The County Surveyor must examine the plat for compliance with ORS 92 requirements for accuracy and completeness and all prescribed Surveyor's office policies and will collect such fees as are provided by Lane Manual. The County Surveyor may make checks in the field to verify that the map is sufficiently correct on the ground, and may enter the property for this purpose. If it is determined that there is not full conformity, the County Surveyor must advise the developer of the changes or additions that must be made, and afford the developer an opportunity to make such changes or additions.</p>		
94	<p>(cc) When the Director and County Surveyor determine that full conformity has been made, both must sign the plat map. The County Surveyor's office will then file the approved plat map and any other necessary documents at the County Clerk's office.</p>		
95	<p>(ii) Approval Period. Preliminary plan approval will be effective for a period of two years from the date of final approval. The Director may approve a phased subdivision with an overall time frame of more than two years between preliminary and final plat approvals pursuant to LC 14.020(15).</p>	<p>13.130 Duration of Preliminary Plan Approval.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>Both are good for 2 years with an option for a timeline extension. One suggestion was to make it automatically good for 3 years. It should be pointed out that people rarely request a phased approval or for more than 2 years, when Chp 4 easily allows for this.</p>
96		<p>13.110 Development Phasing.</p> <p>(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.</p>	<p>Did not include this into new code, gave option for phasing within the Approval Period language</p>
97		<p>(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.</p>	

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98		<p>(3) Time limitations for the various phases must meet the following requirements:</p> <p>(a) Phase I requirements for final approval shall be completed and filed with the County Recorder within two years of preliminary approval.</p> <p>(b) Phase II requirements for final approval shall be completed and filed with the County Recorder within three years of preliminary approval.</p> <p>(c) Phase III requirements for final approval shall be completed and filed with the County Recorder within four years of preliminary approval.</p>	
99	<p>(3) Extensions. The Director may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period provided:</p>	<p>13.200 Granting of Extensions.</p> <p>(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.</p>	
100	<p>(a) All requests for extensions comply with LC 14.020(15)(e).</p>	<p>(2) Criteria for Approval of Extensions.</p> <p>(a) The applicant shall have made application for the extension within the original time set forth for completing the conditions of preliminary plan approval.</p>	<p>The proposed language refers to Chp 14 extension criteria, so they are consistent across the board with other land use approvals.</p>
101	<p>(b) A preliminary plan timeline extension cannot be approved for a period greater than 7 years from date of original final approval.</p>	<p>(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.</p>	<p>No change in current policy. It is appropriate to cap off a land division approval. Many factors can change in 7 years.</p>
102	<p>(c) A Denial of a request for an extension will not preclude an application for preliminary partition plan or preliminary subdivision plan approval set forth in LC Chapter 13.</p>	<p>(c) The applicant shall have the burden of proof to demonstrate either.</p> <p>(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</p> <p>(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.</p> <p>"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.</p>	
103	<p>(4) Jurisdictional Overlap</p>		<p>New Section, not addressed in current LC</p>
104	<p>(a) Preliminary Plan Applications Involving Jurisdictional Overlap. Whenever a lot or parcel to be divided lies within multiple jurisdictional boundaries the following provisions apply:</p>		
105	<p>(i) An urban growth boundary (UGB) or city limits boundary does not necessarily constitute a property line.</p>		
106	<p>(ii) If an existing lot or parcel overlaps the city limits and/or UGB, the county will not allow further division that creates a new lot or parcel overlapping the city limits and/or urban growth boundary, unless:</p>		
107	<p>(aa) An adopted UGB management agreement with the city provides otherwise; or</p>		
108	<p>(iii) A land division along a city limit, UGB boundary, or County boundary can be approved if the portion in Lane County's jurisdiction meets county standards as one or more separate lots or parcels, provided both the city or adjoining county and Lane County approve the land division.</p>		

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109		(iv) Where the proposed lots or parcels exist wholly within Lane County, but access to such parcels necessitates crossing the county or city limits boundary, the minimum requirements for access, as established in Lane Code Chapter 15, must be met over the entire length of the access. Where an adjoining jurisdiction would apply stricter requirements than the applicable requirements set forth in Lane Code Chapter 15, those more restrictive requirements apply.		
110		(v) If any existing lot or parcel lies in more than one (1) county, Lane County will not allow further division to create a new lot or parcel that overlaps the county line.		
111				
112		13.050 Preliminary Plan Submittal Requirements		
113		(1) General Submittal Requirements: (a) An application for preliminary plan approval must be filed with the Department as a Type II permit, pursuant to LC 14.040. The application must be submitted on a form provided by staff, addressing all approval criteria.	(1) An application for preliminary partition approval shall be filed with the Department pursuant to LC 14.050.	This section in the new code breaks out into "general", "existing conditions", "proposed development", and subdivision specific criteria. Preliminary Partition and Preliminary Subdivision requirements are combined in this one section.
114		(b) The following information is required to be included on the preliminary plan or by separate attachment:	(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:	
115		(i) General Information: (aa) The Assessor's map number and tax lot number of the subject property. (bb) Date the preliminary plan was prepared with a scale and north arrow. (cc) "Preliminary Partition Plan" or "Preliminary Subdivision Plan" within the title. (dd) Zoning of parcel to be divided, including any overlay zones. (ee) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey. Map of the subject property or properties being divided, in current configuration. (ff) Map of subject property or properties being divided, in current configuration.	(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.	
116		(ii) Existing Conditions. Except where the Director deems certain information is not relevant, applications for preliminary plan approval must contain all of the following information on existing conditions:		

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117	(aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of existing access point, and driveways within 100 Feet if the existing access point; (bb) City limits and Urban Growth Boundary lines; (cc) Location, width and purpose of all existing easements of record on and abutting the site; (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting; (ee) Location and identity of all utilities on and abutting the site. (ff) Location of all existing subsurface sewerage systems, including drain fields and associated easements on the site. (gg) Location of any existing well or other domestic water source on the site, including water lines. (hh) All known dangerous areas, sensitive areas and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes and tidal flats, floodplain, etc;	(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 unsplit 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.	
118	(iii) Proposed Development. Except where the Director deems certain information is not relevant, applications for preliminary plan approval must contain all of the following information:	(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.	
119	(aa) Parcels and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;	(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.	
120	(bb) Proposed parcels, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts must be identified;	(l) Proposed plan, if any, for draining surface water from the development	
121	(cc) Easements: location, width and purpose of all proposed easements;	(m) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.	
122	(dd) Proposed deed restrictions, if any, in outline form .	(n) Easements, together with their dimensions, purpose and restrictions on use	
123	(ee) The approximate location and identity of other utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewerage systems, proposed electrical lines, underground or above ground, as applicable;	(o) Proposed means and location of sewage disposal and water supply system.	
124	(ff) Evidence of compliance with the Lane County Rural Comprehensive Plan and applicable base zoning; (A) For all land divisions in the Exclusive Farm Use Zone, submit a statement or proof describing how the proposed land division and any existing or future development anticipated within its boundaries will not preclude access to "incident solar radiation" or "wind" as those terms are defined under ORS 92.044(8) on the subject property and surrounding area.	(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.	New Criteria added to Lane as required by ORS 92.044
125	(ii) Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.	(q) Sites, if any, for residences.	

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126	(gg) For a Subdivision or Series Partition also address the following:	(r) Parks, playgrounds, recreation areas, parkways and open space for public use, clearly identified.	Additional submittal criteria for subdivisions and series partitions.
127	(A) Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;		Additional submittal criteria for subdivisions and series partitions.
128	(B) For properties subject to coastal overlay zones, provide a copy of an approved preliminary investigation or hazards checklist based on the preliminary plan map and an approved site investigation report, if required by the preliminary investigation or hazards checklist;		Additional submittal criteria for subdivisions and series partitions.
129	(C) For properties regulated by any other overlay zone than listed in (B) above, provide documentation that the land division is compliant with the overlay zone.		Additional submittal criteria for subdivisions and series partitions.
130	(D) Certificates or letters from utility companies or districts stating that they are capable of providing service to the proposed development.		Additional submittal criteria for subdivisions and series partitions.
131			
132	(iv) Any of the following information may be required by the Department to supplement a proposed preliminary plan:	(s) Predominant natural features, such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.	This newer section give the Director the authority to require this information if they feel necessary, but it's not required for all applications.
133	(aa) For parcels within adopted urban growth boundaries, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the preliminary plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10 percent. Ground elevations will comply with the following intervals dependent on slope: (A) One-foot contour intervals for ground slopes up at 5%; (B) Two-foot contour intervals for ground slopes between 5% and 10%; (C) Five-foot contour intervals for ground slopes exceeding 10%.	(4) A draft of any existing or proposed restrictions or covenants affecting the property shall accompany the application.	From Current LC 13.100(3)(f), only for land within UGB's.
134	(bb) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);		
135	(cc) Where the plan includes natural features subject to the conditions or requirements contained in Lane Code, materials must be provided to demonstrate that those conditions and/or requirements can be met.		
136	(dd) Profiles of proposed drainage ways, wetlands, or Class 1 streams.		
137	(ee) If lot areas are to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.		New specific submittal requirement.
138	(ff) For a Subdivision or Series Partition, on slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;		Only for a Subdivision or Series Partition
139	(gg) For a Subdivision or Series Partition, if the preliminary plan occupies only part of a tract owned or controlled by a developer, a sketch of preliminary street layout in the undivided portion.		Only for a Subdivision or Series Partition
140	(hh) For a Subdivision or Series Partition, the Director may require additional information such as hydraulic analyses, hydrologic analyses, or geotechnical reports that demonstrate development can safely occur on the proposed lots or parcels.		Only for a Subdivision or Series Partition

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141		(ii) For a Subdivision or Series Partition, approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Partition, showing the proposed finished grades and the nature and extent of construction.		Only for a Subdivision or Series Partition
142		(c) Five (5) paper copies of a preliminary plan map for the proposed partition or subdivision, two copies of all supporting documents, and one electronic copy. The preliminary plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the preliminary plan on an 11-inch by 17-inch sheet or smaller.	(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.	
143		(2) Cluster Subdivision Specific Submittal Requirements :		Same requirements, except as noted below:
144		(a) Applications for Cluster Subdivisions must include two (2) copies of a written statement addressing the following information:	(1) An application for a cluster subdivision shall be accompanied by one copy of a written statement composed of the following information.	Changed from one copy to two copies.
145		(i) A statement describing how the cluster subdivision meets the the land division requirements of the base zone of the base zone(s) in which it is proposed.		New language - rest of criteria is the same as current LC
146				
147		Preliminary Plan Criteria		
148		(1) Review Criteria for Preliminary Partition Plans:		
149		(a) Conformity with the Comprehensive Plan. All divisions must conform to the applicable Comprehensive Plan(s) for the subject property.	(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.	Simplified the criteria, no policy change
150		(b) Conformity with the Zoning. All divisions must conform to the applicable zoning requirements in Lane Code.	(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.	Simplified the criteria, no policy change
151		(c) Access:		

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152	(i) A partition or replat must provide for the continuation of major and secondary roads existing in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such streets must meet the minimum requirements for roads set forth in Lane Code Chapter 15, unless an exception is approved per LC 15.900.	(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.	
153	(ii) Parcels must have verifiable access by way of a road, either County, local access, or an easement:	(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:	
154	(aa) Each parcel created must abut a public road or private easement for at least 30 feet for access; or	(i) Each lot or parcel abuts on the road for a distance of at least 30 feet.	
155	(bb) If access is taken through another jurisdiction, at minimum, the access must conform to the lesser standard; and	(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.	
156	(cc) The public road or private easement complies with LC 15.135.		Should this be allowed to be reduced to 15 feet in the access is within a UGB?
157	(d) Dangerous and Sensitive Areas.	<u>(9) Dangerous Areas.</u>	This section was re-written, but contains a lot of the same information plus some.
158	(i) Lots and parcels are configured in a way that dangerous and sensitive physical characteristics will not preclude or pose a hazard to future development of each lot or parcel.	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.	
159	(ii) The Director must consider the recommendation of the County Engineer, municipal officials within urban growth boundaries, and other professional technical sources in the determination of dangerous and sensitive land conditions and mitigating measures.	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.	
160	(iii) Areas of floodplain, water areas, and wetlands will be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow, and natural functions.	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 10.271 (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 10.271 and LC 16.244 has been granted, shall be restricted from any building development or the installation of any permanent structure.	

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161	(iv) The Director may require a statement identifying the presence of significant dangerous and/or sensitive areas on the subject property to be recorded in a Notice document provided by staff at Lane County Deeds and Records when the final plat is recorded.	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.	
162	(aa) If physical conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must make a Type I application, pursuant to LC 14.030, and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.		
163	(e) Grading, Excavation and Clearing. Grading and clearing 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 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 must be avoided when detrimental to soil stability and erosion control.	(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.	Slightly different language.
164	(f) Utility Easements. Easements for utilities will be dedicated whenever necessary. Such easements must be clearly labeled for their intended purpose.	(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.	Simplified the criteria, no policy change
165	(g) Drainage Easement. If a land division is traversed by an existing or planned watercourse, drainage way, channel, or stream, a drainage easement conforming substantially to the lines of such watercourse must be provided. The easement must be adequate width for the purpose of carrying water and providing no less than 20-foot wide access to the watercourse for vector control or maintenance vehicles. Water conveyance channels greater than 10 feet wide must provide access on both sides of the channel.	(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.	Slightly different language.
166	(h) Sewerage Facilities. All parcels are required to comply with one of the following options:	(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	Changed this section for Preliminary Partition Plans, Applicants are required to prove up a site evaluation prior to submittal of a building permit, but must record a Notice document at time of final plat.

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167	(i) If the subject property contains an existing septic system, the applicant is required to complete an Existing Septic System Certification form, provided by the Director.	(a) Public or Community Sewerage Facilities.	
168	(ii) Public or Community Sewage Systems:	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 sewerage 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 sewerage 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.	
169	(aa) If connection to an existing public or community sewerage system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.	(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 sewerage 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 sewerage 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.	
170	(bb) When a new public or community sewerage system is proposed for the division, a master plan for the sewerage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.	(iii) If the lots or parcels are located within an area with an adopted detailed master sewerage 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 sewerage 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.	
171	(iii) Individual Sewage Facilities:		
172	(aa) If the proposed parcels will not be connected to a public or community sewerage system, the applicant may demonstrate that each parcel provides sufficient area and suitable soil to accommodate a sewerage system at time of final plat. (A) If this requirement cannot be satisfied, but there is an area on a contiguous lot or parcel that can accommodate an individual sewerage facility, the applicant can propose to record an easement for an off-site system. If the off-site system is proposed on a lot or parcel in a different ownership, written documentation must be provided acknowledging the agreement.	(b) Individual Sewerage Facilities. When lots or parcels are to be served by individual sewerage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewerage 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 sewerage 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.	

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173	(bb) If proof of access to a sewage disposal system is not verified for each parcel during the land division process, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:		
174	(A) "An approved subsurface sewage disposal site evaluation has not been determined as part of Partition Plat ^filing number^ and will be required at the time of development on ^parcel^."		
175	(B) If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must make a Type I application, pursuant to LC 14.030, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approve the modification or removal of the Notice document.		
176	(i) Water Supply. Each proposed parcel must be served by an adequate supply of potable water prior to submittal of a building permit. If the subject property is located within an area designated by the Board as having problems in the quantity of available water, as designated in Lane Manual 13.010(2), the proposal must comply with (ii) below. If the subject property is not subject to Lane Manual 13.010(2), the division must address (iii) thru (vi).	(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.	Changed this section for Preliminary Partition Plans, Applicants are required to prove up potable water prior to submittal of a building permit, but must record a Notice document at time of final plat. Exception: You must prove up water if you are in a water quantity limited area, per the Rural Comprehensive Plan and the Water Resources Working Paper.
177	(i) Acceptable water sources:	(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.	
178	(aa) A new or existing well or improved spring;		
179	(bb) An existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 days out of the year;	(a) 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.	
180	(cc) An existing public water system;	(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:	

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181	(dd) A new public system approved by Lane County Environmental Health.	(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.	
182	(ii) Areas designated by the Board as having problems in the quantity of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant parcels less than 20 acres prior to final plat:	(a) 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:	Required to prove up water for land within a designated water quantity limited area at time of partition, per Rural Comprehensive Plan and the Water Resources Working Paper.
183	(aa) If the subject property is designated as quantity limited, the applicant must submit proof demonstrating it can sustain the proposed development with sufficient potable water. The Director can require an aquifer study prepared by a registered geologist or licensed engineer.	(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.	
184	(iii) Public Water System:	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.	
185	(aa) If connection to an existing public water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.		
186	(iii) When lots or parcels are to be served by individual or shared water systems, sufficient evidence must be submitted to show that each lot or parcel will have available, prior to submittal of a building permit, an adequate supply of potable water. Adequate supply of potable water for a land division must comply with the following standards:		
187	(aa) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test; or		
188	(bb) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for an above-ground storage tank according to Lane Manual 9.160(1)(b); or		

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189		(cc) Submit a report prepared by a licensed engineer or hydrologist certifying that the individual or shared water source can adequately supply the potential development of the land division.		
190		(v) Prior to submittal of the first building permit for a parcel, the owner must submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:		
191		(aa) Total Coliform and Fecal Coliform/E. Coli		
192		(bb) Nitrates/nitrites		
193		(cc) If the subject property is located in a quality limited area, as listed in Lane Manual 13.010(1), also provide bacteriology/chemical tests that show compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the mapped contaminant.		
194		(vi) If an adequate supply of potable water is not verified during the partition process, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:		
195		(aa) "Water availability was not verified as part of Partition Plat ^filing number^ and proof of an adequate supply of potable water must be verified at time of development on ^parcel^(s)."		
196		(bb) If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must make a Type I application, pursuant to LC 14.030, and provide the Director evidence of adequate potable water in conformance with (i) thru (v) above in this subsection before the Director is able to remove the Notice document.		
197		<p>(j) Additional Criteria for Partitions in the Exclusive Farm Use Zone.</p> <p>(i) While taking into consideration the location and surrounding area of the proposed partition, each parcel must have adequate access to light, air, and wind; including protection and assurance of access to incident solar radiation for potential future use and access to wind for potential electrical generation or mechanical application as defined in ORS 92.044(8) .</p> <p>(ii) Adequate water supply, pursuant to LC 13.060(n).</p> <p>(iii) Adequate sewage availability, pursuant to LC 13.060(m).</p>		New Section per ORS 92.044
198		(k) Conditions of Approval. The Director has the right to attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.		New Section
199		(2) Review Criteria for Preliminary Subdivision Plans and Preliminary Series Partition Plans.		
200		(a) Conformity with the Comprehensive Plan. All divisions must conform to the applicable Comprehensive Plan(s) for the subject property.	See under partition...	
201		(b) Conformity with the Zoning. All divisions must conform to the applicable zoning requirements in Lane Code.	See under partition...	
202		(c) Access:	See under partition...	

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203	(i) A subdivision, partition, or replat must provide for the continuation of major and secondary roads existing in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such streets must meet the minimum requirements for roads set forth in Lane Code Chapter 15, unless an exception is approved per LC 15.900.		
204	(ii) Lots or parcels must have verifiable access by way of a road, either County, local access, or an easement:		
205	(aa) Each lot or parcel created must abut a public road or private easement for at least 30 feet for access; or		
206	(bb) If access is taken through another jurisdiction, at minimum, the access must conform to the lesser standard; and		
207	(cc) The public road or private easement complies with LC 15.135.		
208	(iii) The road provides actual physical access to each of the lots or parcels.	(iii) The road provides actual physical access to the lots or parcels.	Physical access only required for subdivisions and series partitions.
209	(iv) County Roads, Local Access-Public Roads, and Private Access Easements used to access the lots or parcels must be designed and developed in accordance to Lane Code Chapter 15 requirements.	(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.	
210	(v) For the portion of a panhandle tract used to 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.	(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.	
211	(d) Redevelopment Plan. When an entire tract under the applicant's control or ownership is not subdivided or partitioned to the fullest extent allowed by zoning, the applicant must submit plans for division and/development of the remainder of the tract, including major road connections and intended land uses.	(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.	Simplified the criteria.
212	(e) Control Strip. The County can 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:	(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.	Simplified the criteria.
213	(i) To protect the future extension of the road pattern, in length or width;	(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.	
214	(ii) To prevent access to land unsuitable for development;	(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.	

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215		(iii) To prevent or limit access to roads classified as arterials and collectors.	(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.	
216			(d) To prevent access to land unsuitable for development.	
217			(e) To prevent or limit access to roads classified as arterials and collectors.	
218		(f) Dangerous and Sensitive Areas.	See under partition...	Changes in this section, added language to require the applicant to address dangerous or sensitive areas during a preliminary subdivision plan review.
219		(i) Lots and parcels are configured in a way that dangerous and sensitive physical characteristics will not preclude or pose a hazard to future development of each lot or parcel.		
220		(ii) The Director must consider the recommendation of the County Engineer, municipal officials within urban growth boundaries, and other professional technical sources in the determination of dangerous and sensitive land conditions and mitigating measures.		
221		(iii) Areas of floodplain, water areas, and wetlands will be retained in their natural state to the extent practicable to preserve water quality and protect water retention, overflow, and natural functions.		
222		(iv) If the Director determines it necessary due to the presence or significance of dangerous and/or sensitive areas on the subject property, the Director can require the applicant to show future development sites for each lot or parcel.		
223		(v) The Director can impose conditions or modifications necessary to mitigate potential hazards or otherwise provide for compliance with adopted Comprehensive Plan policies and Lane Code provisions. The Director may require a Notice of Restriction document provided by staff be recorded at Lane County Deeds and Records when the final plat is recorded.		
224		(g) Grading, Excavation and Clearing. Grading and clearing 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 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 must be avoided when detrimental to soil stability and erosion control.	See under partition...	
225		(h) Compliance with State and Federal Permits. Evidence that any required State and Federal permit, as applicable, have been obtained or can reasonably be obtained prior to development;		New
226		(i) Utility Easements. Easements for utilities will be dedicated whenever necessary. Such easements must be clearly labeled for their intended purpose.	See under partition...	

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227		(j) Drainage Easement. If a land division is traversed by an existing or planned watercourse, drainage way, channel, or stream, a drainage easement conforming substantially to the lines of such watercourse must be provided. The easement must be adequate width for the purpose of carrying water and providing no less than 20-foot wide access to the watercourse for vector control or maintenance vehicles. Water conveyance channels greater than 10 feet wide must provide access on both sides of the channel.	See under partition...	
228		(k) Land for Public Purposes and Dedications.	(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.	
229		(i) If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed subdivision for public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Director may require that those portions of the Subdivision be reserved, for a period not to exceed one year, for public acquisition at a cost not to exceed the value of the land.		
230		(ii) When necessary for to enhance public convenience, safety, or as may be designated on an adopted master bike plan or Transportation System Plan , the Director 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.	(8) Pedestrian and Bicycle Ways.	
231		(iii) The Director may require as a condition of approval the dedication to the public rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.		
232		(l) Lots and Parcels. Except for lots or parcels to be dedicated for parks, recreation, open space, or resource land, the lot or parcel arrangement must be such that there will be no foreseeable difficulties, for reasons of topography, setbacks, floodplain, expansive soils, soil bearing capacity, erosion potential, or other conditions, in securing building permit to build on all lots or parcels in compliance with this Chapter or in providing driveway access to buildings on such lots from an approved road. No division will be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety.		New Section.
233		(m) Sewerage Facilities. All lots or parcels are required to be served by a sewage disposal system which complies with the requirements of the Oregon Department of Environmental Quality requirements.		No Exceptions for Subdivisions, must prove up for all lots.
234		(i) If the subject property contains an existing septic system, the applicant is required to complete an Existing Septic System Certification form, provided by the Director.		
235		(ii) Public or Community Sewerage Systems:		

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236		(aa) If connection to an existing public or community sewage system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.		
237		(bb) When a new public or community sewage system is proposed for the division, a master plan for the swage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.		
238		(iii) Individual Sewage Facilities:		
239		(aa) If the proposed lots or parcels will not be connected to a public or community sewage system, the applicant must demonstrate that each lot or parcel provides sufficient area and suitable soil to accommodate a sewage system. (A) If this requirement cannot be satisfied, but there is an area on a contiguous lot or parcel that can accommodate an individual sewage facility, the applicant can propose to record an easement for an off-site system. If the off-site system is proposed on a lot or parcel in a different ownership, written documentation must be provided acknowledging the agreement.		
240		(bb) An applicant for a preliminary partition or subdivision must obtain a site suitability evaluation from the County Sanitarian prior to approval of the final plat for each proposed lot or parcel, except for lots or parcels compliant with (k)(iv).		
241		(n) Water Supply. Each proposed lot or parcel must be served by an adequate water supply of potable water.		No Exceptions for Subdivisions, must prove up for all lots.
242		(i) Acceptable water sources:		
243		(aa) A new or existing well or improved spring;		
244		(bb) An existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 days out of the year;		
245		(cc) An existing public water system;		
246		(dd) A new public system approved by Lane County Environmental Health.		
247		(ii) Public Water System:		
248		(aa) If connection to an existing public water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.		
249		(bb) The County can require that new public water system be developed to serve lots or parcels when none exist and individual water systems are not feasible due to the density of the lots or parcels or the possibility of problems concerning the long-term availability of adequate quantities of suitable water.		
250		(iii) When lots or parcels are to be served by individual or shared water systems, sufficient evidence must be submitted to show that each lot or parcel will have available, at time of final plat, an adequate supply of potable water. Adequate supply of potable water for a land division must comply with the following standards:		
251		(aa) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test; or		
252		(bb) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for an above-ground storage tank according to Lane Manual 9.160(1)(b); or		

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253		(cc) Submit a report prepared by a licensed engineer or hydrologist certifying that the individual or shared water source can adequately supply the potential development of the land division.		
254		(iv) Chemical analysis is required for each third well. Prior to approval of the final plat, submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:		
255		(aa) Total Coliform and Fecal Coliform/E. Coli		
256		(bb) Nitrates/nitrites		
257		(iv) Areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant lots or parcels less than 20 acres:		
258		(aa) If the subject property is designated as quantity limited, the applicant must submit an aquifer study demonstrating it can sustain the proposed development with sufficient potable water.		
259		(bb) If the property is designated an quality limited, the applicant must submit bacteriology/chemical tests that show compliance with standards set by the Oregon State Health Division and Lane County for the specific mapped contaminant.		
260		(o) Additional Criteria for Subdivisions in the Exclusive Farm Use Zone. (i) While taking into consideration the location and surrounding are of the proposed subdivision, each parcel must have adequate access to light, air, and wind; including protection and assurance of access to incident solar radiation for potential future use and access to wind for potential electrical generation or mechanical application as defined in ORS 92.044(8) .		New Section Per ORS 92.044
261		(p) Conditions of Approval. The Director has the right to attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.		New Criterion
262		(3) Additional Cluster Subdivision Requirements	(14) Additional Cluster Subdivision Requirements.	
263		(a) The land in a cluster subdivision not platted as a building lot must be secured and maintained as private open space and recreation area by covenant prepared by the applicant and approved by Director or County Counsel. Said approved covenant must be recorded with and referenced on the cluster subdivision plat.	(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.	no change
264		(b) The largest lot in a cluster subdivision, if platted as a MH or dwelling lot, must 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 must 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.	(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.	no change

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265	(c) The type and number of living units intended for each cluster subdivision lot must be specified in the covenants, and each lot must 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 must 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.	no change
266	(d) Compliance with RCP Goal 2 Policy 23 and OAR 660-004-0040(7)(e).		Added this in.
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268			
269	13.070 Final Plat Submittal Requirements		
270	(1) Submittal Requirements. The applicant must submit a complete final plat within two (2) years of the approval of the preliminary plan unless an extension is granted as provided by Lane Code 13.040(3).	13.320 Final Partition Map Requirements.	We combined the final partition and subdivision plat requirements in the new code.
271	(a) The application for final plat approval must be submitted in conformance with LC 14.030(3) Application Requirements.	(1) The application for final approval shall be submitted to the Department pursuant to LC 13.110, 13.130 and 13.200.	Type 1 permit requirements are very similar, if not the same, as we require now for administrative permits.
272	(b) Supporting documentation showing compliance with all of the conditions of approval of the preliminary partition or subdivision approval.	(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.	
273	(c) The format of the plat must conform with ORS 92.	The application for final approval shall be accompanied by the required fee to help defray the costs of processing the application.	
274	(d) All plats submitted for approval must show the following, where applicable; all distances will be shown to the nearest 0.01 foot, and no ditto marks will be used:		
275	(i) The exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way located within the plat perimeter, including, where applicable, their center lines, bearings, central angles, radii, arc lengths, points of curvature, and tangent bearings.		
276	(ii) Easements will be denoted by fine dotted lines, and clearly identified as to their purpose. Their recorded reference must be indicated. If the easement is being dedicated by the final plat, it must be properly referenced in the owner's certificates of dedication.		
277	(iii) Provisions for access to and maintenance of off-right-of-way drainage, if any.		
278	(iv) Block, lot, or parcel boundary lines, their bearings and lengths.		
279	(v) Block numbers, beginning with the number "1," and continuing consecutively without omission throughout the Subdivision. Block numbers in an addition to a Subdivision of the same name must be a continuation of the numbering in the original Subdivision.		
280	(vi) Lot or parcel numbers; beginning with the number "1," and numbered consecutively within each block. If all lots in the Subdivision are to be consecutively numbered without repetition, then no block numbers will be required.		
281	(vii) The area, to the nearest hundredth of an acre, of each lot which is larger than one acre.		
282	(viii) Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.		

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283	(e) Additional Information for Final Plats. In addition to that otherwise specified by law, the following information must be shown on the final plat for subdivisions:	(1) Conformance to Preliminary Plan. The plat shall substantially conform to the preliminary plan as approved.	
284	(i) The date, scale, north arrow, legend, highways, and railroads contiguous to the plat perimeter;	(2) Preparation. All plats for partitions shall be prepared by professional land surveyors registered with the State of Oregon.	
285	(ii) Description of the plat perimeter;	(3) Plat Format.	
286	(iii) The names and signatures of all interest holders in the land being platted, and the surveyor; and	(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.	
287	(iv) Monuments of existing surveys identified, related to the plat by distances and bearings, and referenced to a document of record as follows:	(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.	
288	(aa) Monuments or other evidence found on the ground and used to control the boundaries of the Subdivision;	(c) A 1-inch margin shall be left on all sides of the plat, clear of any writing or drafting.	
289	(bb) Monuments of adjoining Subdivisions; or	(4) Survey Requirements. Surveys for partitions shall:	
290	(v) A subdivision guarantee issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary for the preparation and recordation of the final plat, and their interest in the premises.	(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.	
291	(f) All plats submitted for approval must show the following, where applicable; all distances will be shown to the nearest 0.01 foot, and no ditto marks will be used:	(b) Be completed with a survey plat size of 18 inches x 24 inches.	
292	(i) The exact location and width of all streets, pedestrian ways, easements, and any other rights-of-way located within the plat perimeter, including, where applicable, their center lines, bearings, central angles, radii, arc lengths, points of curvature, and tangent bearings.	(c) Comply with the survey mapping standards set by the County Surveyor, and	
293	(ii) Easements will be denoted by fine dotted lines, and clearly identified as to their purpose. Their recorded reference must be indicated. If the easement is being dedicated by the final plat, it must be properly referenced in the owner's certificates of dedication.	(d) Shall comply with L.C. 13.320(1) and L.C. 13.320(5).	
294	(iii) Provisions for access to and maintenance of off-right-of-way drainage, if any.	(5) Partition Plat Information. The partition plats shall contain the following information:	
295	(iv) Block and lot boundary lines, their bearings and lengths.	(a) The boundary lines with distance and bearings, the exact location and widths of existing or recorded streets intersecting the boundary of the tract.	
296	(v) Block numbers, beginning with the number "1", and continuing consecutively without omission throughout the Subdivision. Block numbers in an addition to a Subdivision of the same name must be a continuation of the numbering in the original Subdivision.	(b) The lengths of arc, radii, internal angles, lengths and bearings of the tangents and the length and bearings of chords.	
297	(vi) Lot numbers, beginning with the number "1", and numbered consecutively within each block. If all lots in the Subdivision are to be consecutively numbered without repetition, then no block numbers will be required.	(c) The area of each parcel in either acres to the nearest 1/100th, or square feet.	
298	(vii) The area, to the nearest hundredth of an acre, of each lot which is larger than one acre.	(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.	

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299	(viii) Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.	(e) Location of the parcel by one-fourth Section and Township, Range.	
300	(g) The following certificates, which may be combined where appropriate, must accompany the final plat for subdivisions.	(f) Names and addresses of the partitioner, owner, mortgagee, if any, the person preparing the plat and partition number.	
301	(i) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recordation of the plat.	(g) North arrow, scale and date submitted.	
302	(ii) A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map intended for public use except those parcels which are intended for the exclusive use of the lot owners in the Subdivision, their licensees, vendors, and tenants.	(h) Notation as to recording data for the water rights statement affecting the plat if recorded prior to filing.	
303	(iii) A certificate bearing the seal and signature of the engineer or surveyor responsible for the survey and the final map.	(i) The name of any street intersecting or within the parcels.	
304	(iv) A certificate from the Water Department/Utility District indicating that the partition or subdivision is within the district for purposes of receiving services.	(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.	
305	(h) Any County Department involved in the review of the final plat for a subdivision may require any of the following materials to assist in the review of the final plat:	(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.	
306	(i) Sheets and drawings showing the following:	(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.	
307	(aa) Coordinates of the corners in the Subdivision boundary and coordinates of all lot corners.	(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.	
308	(bb) The computation of all distances, angles, and courses shown on the final map.	(n) Any additional information made a condition of the tentative plan.	
309	(cc) Ties to existing monuments, adjacent Subdivisions, street corners, and State Highway stationing.	(o) Zoning classification.	
310	(ii) A copy of any deed restrictions applicable to the Subdivision which are to be filed with the final plat.	Any road naming that is made a condition of the tentative approval shall be shown on the final plat.	
311	(iii) A copy of any dedications requiring separate documents.	13.330 Final Subdivision Plat Requirements.	
312		(1) <u>Conformance to Preliminary Plan.</u> The plat shall substantially conform to the preliminary plan as approved.	New code consolidated current sections 13.320 & 13.330
313		(2) <u>Preparation.</u> All plats shall be prepared by a professional land surveyor registered with the State of Oregon.	
314		(3) <u>Format.</u> 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.	
315		(4) <u>General Information.</u> The plat shall contain the following information:	
316		(a) The Affidavit of the Surveyor who did the plat and survey work.	
317		(b) The date, north point and scale of the drawing.	

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318		(c) A sufficient description to define the location and boundaries of the plat area.	
319		(d) The lot lines for all lots within the plat area with dimensions in feet and hundredths of deet.	
320		(e) The location and dimensions of all existing and proposed public or private roads and names, as appropriate.	
321		(f) The description and location of all permanent reference monuments.	
322		(g) The width and location of all existing or proposed public utility easements.	
323		(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.	
324		(i) A designation of all areas covered by water and the location, width and direction of flow of all watercourses.	
325		(j) A designation of any area being dedicated by the applicant, including its purpose and an effective written dedication thereof.	
326		(k) A designation of any special notice, requirement or restriction required by the County as a condition of approval.	
327		(2) <u>Accompanying Materials</u> . The plat shall be accompanied by the following:	
328		(a) An exact reproducible transparency which complies with LC 13.230(3).	
329		(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.	
330		(c) Computation sheets for all boundary lines and of all lot lines.	
331		(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.	
332		(e) A copy of any documents relating to special notice, requirement or restriction required by the County as a condition of approval.	
333			
334	13.080 Final Plat Criteria		
335	FINAL PLAT CRITERIA	13.310 Criteria for Approval of Final Partition and Subdivision Plans.	
336	(1) Approval Process and Criteria. By means of a Type I Review, the Director will review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:	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:	Approval criteria is more specific now.
337	(a) The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plan and, if applicable, any modifications as approved pursuant to LC 13.090, and all conditions of approval have been satisfied;	(1) The final map or plat and any supporting documents are in substantial conformity with the approved preliminary plan, and	

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338	(b) All public improvements required by the preliminary plan have been installed and approved by the County or applicable service provider if different than the County (e.g., road authority), or otherwise bonded in conformance with LC Chp 15;	(2) Any conditions imposed by the approval authority have been met.	
339	(c) The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;	(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.	
340	(d) All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;	(4) Approval or denial of final partition or subdivision plans shall be in writing to the applicant and/or the applicant's designated representative.	
341	(e) The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets and roads, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;		
342	(f) As applicable, the applicant has furnished acceptable copies of easements, maintenance agreements (e.g., for access, common areas, parking, etc.); Covenants, Conditions and Restrictions (CC&R's); and other documents pertaining to common improvements recorded and referenced on the plat;		
343	(g) The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner approved by the Lane County Surveyor for purposes of identifying its location.		
344	(2) Unless a contrary intent is clearly stated, all underlying legal lots are intended to be vacated or eliminated.		
345	(3) Final plats will 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.		
346	(4) Approval or denial of a final plat must be in writing to the applicant and/or applicant's designated representative.		
347			
348	13.090 Minor Revisions to Preliminary Approved Plats		
349	(1) Revision to a preliminarily approved land division may be considered minor when they involve a limited number of changes to the original application and they do not alter any originally established approval criteria or development standards. If the preliminary plan is expired, this section cannot be utilized by the property owner. Minor revisions to a preliminary approval for a land division may be made through a Type I process in compliance with the following criteria:	(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. (Definition of Amendment, Minor:)	New Code section is ONLY for preliminary plans and not for recorded plats, which is a change in practice but more consistent with ORS 92.
350	(a) Does not change increase the number of lots or parcels created by the subdivision or partition; and	(a) Does not change the number of lots or parcels created by the subdivision or partition;	
351	(b) Includes only minor shifting of the proposed lot or parcel lines and proposed public or private streets; and	(b) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;	
352	(c) May include shifting of pedestrian ways, utility easements, parks or other public open spaces, septic system drainfield locations and well locations; and	(c) Does not change the general location or amount of land devoted to a specific use; or	

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353	(d) Does not reduce or enlarge the exterior boundaries on the approved subdivided or partitioned area.	(d) 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.	
354	(2) All other revisions must be processed as a new Type II application for a request for modification of conditions and will be subject to the standards deemed necessary that are in effect at the time the new application is submitted.	(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.	
355			
356	13.100 Replatting, Vacations, and Amendments of Plats		
357	REPLATTING & VACATIONS	13.300 Application Requirements for Final Partition Plats, Replats and Subdivision Plats.	This section needed help in the current language. We combined the replat requirements and amendments to final plats in this section. It is more consistent with ORS 92.
358	(1) Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed, or vacated plat pursuant to subsection (5) or (6).	(1) The application for final approval shall be submitted to the Department pursuant to LC 13.110, 13.130 and 13.200.	
359	(2) The same procedure and standards that apply to the creation of a plat (preliminary plan followed by final plat) will be used to replat a recorded plat. If the replat consists of only a minor shift in lot or parcel lines, land use approval can be obtained through a Property Line Adjustment application.	(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.	New process, to waive a replat map requirement for 'minor shifts'
360	(3) Limitations on replatting include, but are not limited to, the following:	(3) The application for final approval shall be accompanied by the required fee to help defray the costs of processing the application.	
361	(a) a replat only applies to a recorded plat;	13.400 Amendments to Preliminary Plans and Final Plats.	
362	(b) a replat cannot vacate any public street or road; and	(1) <u>Approval of Minor Amendments.</u> 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.	
363	(c) a replat of a portion of a recorded plat will not act to vacate any recorded covenants or restrictions.	(2) <u>Approval of Major Amendments.</u> 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.	
364	(4) A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable County standards.		
365	(5) Vacation of lot lines: Type II review process. One or more interior lot lines in a recorded plat may be vacated either by private petition or by public resolution as prescribed in ORS 368. A lot line vacation under this provision is a quasi-judicial action subject to an established fee, petition/application, notice and review by the Director.	(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.	
366	(6) Vacation of lot lines: Owner Consent. Notwithstanding the above provision, and as authorized in ORS 368, one or more interior lines in an approved subdivision or partition may be vacated upon written consent from 100 percent of those who own the private property proposed to be vacated; or in cases involving public property, written consent must be obtained from 100 percent of property owners abutting the public property proposed to be vacated.		

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367	(a) An administrative action fee will be required at time of submittal. Property owner consent must be obtained by the applicant and submitted to the Planning Director on forms provided by the County. Those owners whose consent signature is required will be identified by the Planning Director. Property owner consent signatures will be verified by sending a copy of the signed consent form to each identified property owner.		
368	(b) The line vacation must be approved:		
369	(aa) Upon verification of the required consent signatures, and		
370	(bb) After the Director or the Public Works Director file a written report finding that the action		
371	(A) Complies with applicable land use regulations;		
372	(B) Facilitates development of the private property subject to the vacation; and,		
373	(C) Any vacation of public property is in the public interest.		
374	(c) If the required owner consent signatures cannot be obtained, then in order to continue with the proposed lot line vacation, the applicant(s) must submit the additional fee required for a Type II lot line vacation and proceed under the provisions of 13.100(E).		This is new, from Tillamook County Code. Do we need it?
375			
376			
377	13.110 Property Line Adjustments		
378	PROPERTY LINE ADJUSTMENT	13.450 Property Line Adjustments.	
379	(1) General.	(1) No person shall relocate or eliminate all or a portion of a common property line without review and approval of a property line adjustment application or as otherwise provided by this chapter.	Totally new format, processes, and criteria than the current code. The current code is NOT working well. New OAR's just came out for PLA's in farm and forest zones which we incorporated.
380	(a) As used in this section (13.110) the term parcel means a lawfully established lot or parcel.	(2) The Planning Director shall review one or more property line adjustments when the following standards are met:	
381	(b) No person will relocate all or a portion of a property line without review and approval of a property line adjustment application or as otherwise provided by LC Chapter 13.	(a) An application is submitted on a form provided by the County ; and	
382	(c) Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the Lane County Assessment and Taxation Department for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established lots or parcels can be adjusted through the provisions of this chapter.	(b) Owner(s) of all properties involved in the property line adjustment consent in writing to the proposed adjustment and agree to record a conveyance or conveyances conforming to the approved property line adjustment; and	
383	(d) Adjustment of a property line to correct the encroachment of an otherwise lawfully established structure over a property line will not be subject to the minimum parcel size standards, provided the adjustment transfers no more acreage than that necessary to correct the encroachment and establish the required setback to the adjusted property line.	(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties that does not create an additional unit of land; and	
384	(e) An adjustment is not required to comply with zoning regulations if a Court of Competent Jurisdiction issues an order mandating ownership be transferred, but must comply with the procedures in this section.	(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.	
385	(f) The elimination of a property line outside of a recorded plat does not require review from the Director. The elimination of a property line must not create a non-conforming use.		New Policy

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386		(g) A property line adjustment of a common property line between abutting F- 1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review by the Director.		From existing code
387		(2) Submittal Standards.		
388		(a) In addition to the submittal requirements identified in Lane Code 14.030(3), an application for a property line adjustment must include a preliminary map for the proposed property line adjustment. The map must include the following:		
389		(i) Parcel line dimensions and size in square feet or acres of the two parcels that are subject of the application; (ii) Identification of the area(s) proposed to be adjusted from one parcel to the other; (iii) North arrow; (iv) Adjacent roads (noting whether public or private), including names and road right-of-way or easement widths; (v) Location and dimensions of existing and proposed driveways; (vi) Location of wells or name of water district and location of water meter(s); (vii) Location of on-site wastewater treatment systems or name of sanitary sewer district. (viii) Easements, including widths and types, labeled as existing or proposed, specifically noting whom they serve. (ix) Existing structures and the distance from each structure to the existing and proposed parcel lines. (aa) Setbacks for all structures within 40 feet of the property line being moved must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist, the surveyor can submit a stamped letter so stating.		
390		(b) Evidence that the subject properties are lawfully established units of land. If the property was not included in a previous partition, previous subdivision, or prior legal lot verification, then the legal lot verification will be required.		
391		(c) A preliminary title report, to determine ownership and any recorded deed restrictions.		
392		(3) General Criteria. A Property Line Adjustment requires a Type I review, pursuant to LC 14.030. Application for serial property line adjustments can be made under one Type II application, pursuant to LC 14.040. A property line adjustment is subject to the following standards and criteria:	(3) A property line adjustment of a common property line between abutting F- 1 zoned properties where each parcel is vacant and larger than 200 acres before and after the property line adjustment is exempt from review and approval unless the Applicant requests Planning Director review and notice.	The Criteria section is very different than previously.
393		(a) The Property Line Adjustment will not:	(4) An applicant must obtain ministerial approval or may use the Planning Director review with public notice procedures if the property line adjustment is for:	
394		(i) Create an additional lot or parcel. (ii) Violate any conditions of previous land use approvals or recorded deed restrictions. (iii) Increase the degree of non-conformity any structure that is non-conforming at the time of application.	(a) The adjustment of a common property line involving only F-1 zoned properties which are less than 200 acres and the applicant submits a title report for each F-1 property that demonstrates the properties are not encumbered by a nonrevocable deed restriction required for certain forest dwellings pursuant to ORS 215.740 and OAR 660 Division 06; or	

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395		(b) Both parcels are lawfully established units of land, pursuant to the definitions of "lot" and "parcel" in LC 13.030.	(b) The adjustment of a common property line between properties in any zone if each adjusted property is vacant and complies with the minimum area requirements of the zoning before and after the property line adjustment; or	
396		(c) A property line adjustment must comply with ORS Chapter 92.	(c) The adjustment of a common property line between properties where a surveyor certifies that any property reduced in size by the adjustment is not reduced below the minimum lot or parcel size for the applicable zone, and where the setbacks from existing structures and improvements do not become nonconforming or more nonconforming with the setback requirements.	
397		(d) If a lot or parcel in an F-1, F-2, or EFU Zone must also comply with subsection (4) of this section.	(5) All other property line adjustment applications are subject to Planning Director review with public notice, pursuant to LC 14.050 and 14.100.	
398		(e) A property line adjustment is subject to the minimum lot size standards of the applicable zoning district, except as follows:	(a) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size for the applicable zone after the adjustment.	
399		(i) If a lot or parcel is currently smaller than the minimum lot size, its size may be reduced.	(b) Subject to subsection (c) of this section, the Planning Director may approve a property line adjustment in which:	
400		(f) A property line adjustment involving a parcel authorized by a Measure 49 waiver, cannot increase parcels larger than: (i) Two acres if on high value farm or forest land or within a ground water restricted area; or (ii) Five acres if not on high value farm or forest land, unless (iii) The property increasing in size is the remainder parcel and is already larger than the 2 or 5 acre maximum parcel size.	(i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or	Directly from ORS 92.192(4)(d).
401			(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.	
402		(g) Split-zoned properties :	(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.	
403		(i) A property line adjustment that would result in property(ies) being split between resource and a non-resource zone may be allowed if the resource-zoned property that is adjusted to include non-resource-zoned land cannot be eligible for non-resource use on the resource-zoned portion of the property without land use approval. Deed restrictions, pursuant to subsection (iv) of this section, will ensure compliance.		Current practice and state law that a non-resource use cannot be on resource zoned land without land use approval. The deed restriction would say something to that effect, that a non-resource use can only be allowed if the owner obtains land use approval. Example: If you have a split zoned parcel RR5 & EFU, you cannot have any residential use (dwelling, shop/garage, septic system, etc.) in the EFU zoned portion without land use approval.
404		(ii) The deed restriction form will be provided by staff for the signature by the property owner, who will be responsible for fees for document preparation and recording.		
405		(h) If parcels subject to the property line adjustment application span multiple jurisdictions, all jurisdictions must review and approve the property line adjustment.		
406		(4) F-1, F-2, and EFU Zone Criteria. In addition to the standards and criteria in subsection (3) of this section, a property line adjustment in the F-1, F-2, and EFU Zones are subject to the following standards and criteria:	(c) On land zoned for exclusive farm use or forest use, a property line adjustment under subsection (b) of this section may not be used to:	

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407	<p>(a) A property line adjustment cannot be used to reconfigure a parcel:</p> <p>(i) The effect of which is to qualify a vacant parcel for the siting of a dwelling based on acreage provisions.</p> <p>(ii) To separate a temporary hardship dwelling, relative farm help dwelling, home occupation or processing facility from the parcel on which the primary residential or other primary use exists.</p> <p>(iii) To allow an area of land used to qualify one tract for a dwelling based on acreage standards to be used to qualify another tract for a dwelling if land use approval would be based on acreage</p>	<p>(i) Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;</p>	<p>(i) - (iii) are from ORS 92.192(4) & OAR 660-033. The Difference between (i) and (iii) is that (i) is talking about moving a property line to qualify the property for a large lot dwelling (only in the F2 zone). (iii) is talking about is you utilized an area of land to qualify for a large tract dwelling you are prohibited in using that same acreage to qualify a different dwelling.</p>
408	<p>(5) Property Line Adjustments in Final Plats .</p>		
409	<p>(a) Property line adjustments in plats must comply with the replatting requirements of LC 13.100. The proposal can be processed as a property line adjustment if the proposal is only a minor shift in property lines.</p>	<p>(ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or</p>	<p>Allowed per ORS 92.190(3). See Definition of "minor shift"</p>
410	<p>(b) If a proposal qualifies as a property line adjustment, it must comply with LC 13.110 (1) through (4) and (6).</p>	<p>(iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.</p>	
411	<p>(6) Final Approval.</p>		
412	<p>(a) Within two years of the preliminary approval, the applicant must comply with the requirements of this section to complete the property line adjustment. The Director may, upon written request prior to the expiration date, grant written extensions of the approval period pursuant to LC 14.020(15)(e).</p>		
413	<p>(b) To obtain final approval, the applicant must comply with the following:</p>		
414	<p>(i) All property line adjustments must comply with ORS 92 and executed by property line adjustment deed.</p>		
415	<p>(ii) For property line adjustments resulting with one or more parcels smaller than 10 acres, submit a survey conforming to the standards of the County Surveyor to the County Surveyor's office in accordance with ORS 92; or</p>		
416	<p>(iii) When a survey is not required by ORS 92, the surveyor must file a map depicting the property line adjustment consistent with the recorded deed to the County Surveyor's office.</p>		<p>New Policy - documents all PLA's by map for properties that wouldn't otherwise require an actual survey. This ensures that the map and property line adjustment deed are consistent and comply with the land use approval. Supported by the Board & the County Surveyor.</p>
417	<p>(iv) Submit a copy of all necessary recorded documents to the Director prior to the expiration of the application.</p>		
418			
419	<p>13.120 Legal Lot Verification</p>		
420	<p>LEGAL LOT VERIFICATION</p>	<p>13.020 Legal Lot Verification.</p>	
421	<p>(1) Lawful Creation of Lots or Parcels. Units of land that comply with one or more of the following provisions will be considered lawfully created:</p>	<p>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:</p>	<p>Revise process to allow for a ministerial process for easy legal lot verifications where the information and criteria are clear and objective.</p>
422	<p>(a) Lots or Parcels created by filing a final plat for subdivision or partition for which land division approval was granted by Lane County and whose configuration has not changed are considered lawfully created;</p>	<p>(1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(d), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or</p>	

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423	(b) Parcels created by the filing or recording of an approved minor partition map between 1949-1990 with the County and whose configuration has not changed are considered lawfully created;	(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)(d).	
424	(c) Parcels created in compliance with all applicable planning, zoning, and partitioning ordinances and regulations;		
425	(d) Parcels created by deed, lease or land sales contract if there were no applicable planning, zoning or partitioning ordinances or regulations;		
426	(e) Parcels created by deed, lease or land sales contact in compliance with applicable zoning requirements prior to applicable partitioning or subdivision ordinances;		
427	(f) Parcels created as a result of a dedication of a public road prior to 1990;		
428	(g) Parcels created by a division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;		
429	(h) Parcels created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, or tidewaters;		
430	(i) Parcels created by the sale or grant of federal lands by the federal government;		
431	(j) Parcels created as the remainder of a parcel divided under a method listed above;		
432	(k) Parcels created by a circuit court decision between October 3, 1973 and October 4, 1977;		
433	(l) A parcel created by a surveyed tract prior to April 8, 1949 .		
434	(m) Other proof that a parcel was lawfully created.		
435	(2) Legal Lot Verification Process:		
436	(a) A Legal Lot Verification does not need to be formally reviewed if the lot or parcel is consistent with (a) or (b) in section (1) above, and in the same configuration.		
437	(b) A Legal Lot Verification can be reviewed as a Type I permit, subject to LC 14.030, only if the lot or parcel complies with the following clear and objective criteria:		
438	(i) Subject property was created prior to the applicable date in the portion of Lane County where it is located as referenced below and illustrated on 13.120 Map 1:		
439	(aa) Metro area, May 2, 1962; or		
440	(bb) Cottage Grove area, July 3, 1970; or		
441	(cc) Remainder of Lane County area, March 26, 1975; and		
442	(ii) Subject property has not changed configuration since the applicable date referenced on Map 1.		
443	(c) All other verifications of lawfully established lots or parcels must be reviewed as a Type II permit pursuant to LC 14.040.		
444	(3) An application for a legal lot verification must be submitted to the Department on a form provided by staff, addressing compliance with the approval criteria and other information deemed relevant by the Director. It must also be accompanied by the property description card and photocopies of every deed listed on the card.		
445	(4) A preliminary legal lot verification issued prior to January 8, 2010, is recognized as a final legal lot only after a notice of decision mailed out with an opportunity for appeal pursuant to LC 14.040.		

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446		(MAP 1)		*Add a visual map rather than list out the township-range numbers in a table format.
447				
448		13.130 Validation of a Unit of Land		
449		VALIDATION OF A UNIT OF LAND	13.030 Validation of a Unit of Land.	
450		(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.040 if the unit of land:	(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:	Pretty much left the same.
451		(a) Is not a lawfully established unit of land; and	(a) Is not a lawfully established unit of land; and	
452		(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.	(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.	
453		(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the following criteria:	(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).	Current policy also recognizes dwellings that no longer meet this criteria, but where the owner/applicant can prove that the dwelling did comply with the criteria within 1 year of the date the application is received. (non-conforming use, 1 year replacement window) Do we want to somehow codify this?
454		(a) Has intact exterior walls and roof structure; (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system; (c) Has interior wiring for interior lights; (d) Has a heating system; and (e) In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of completion of the replacement dwelling.		Added in ORS 215.755(1)(a) to (e) criteria into code.
455		(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:	(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:	
456		(a) The dwelling or other building was lawfully established prior to January 1, 2007; and (b) The permit does not change or intensify the use of the dwelling or other building.	(a) The dwelling or other building was lawfully established prior to January 1, 2007; and (b) The permit does not change or intensify the use of the dwelling or other building.	
457		(4) An application to validate a unit of land under LC 13.130 is an application for a permit, as defined in ORS 215.402. An application under LC 13.130 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.	(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.	
458		(5) A unit of land only becomes a lawfully established parcel when the county validates the unit of land under LC 13.130 if the owner of the unit of land records a partition plat within 90 days of validation.	(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.	
459		(6) An application to validate a unit of land may not be approved if the unit of land was unlawfully created on or after January 1, 2007.	(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.	
460		(7) Development or improvement of a parcel created under LC 13.130(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).	(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).	
461				
462		13.140 Variances		

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463		VARIANCE	13.500 Variances.	
464		(1) Variances must be processed as a Type II permit pursuant to LC 14.040.	(1) <u>Approval Authority</u> . A decision on a variance shall be an administrative action subject to the provisions of LC 14.100 for a decision by the Director.	Very minor wording changes.
465		(2) Criteria for Approval of Variances . A variance to the requirements of LC Chapter 13 may be approved if the Director finds:	(2) <u>Criteria for Approval of Variances</u> . A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:	Changed "approving authority" to "Director"
466		(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.	(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.	
467		(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.	(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.	
468		(c) The variance would conform to 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.	(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.	
469		(d) The variance requested is the minimum variance which would alleviate the difficulty.	(d) The variance requested is the minimum variance which would alleviate the difficulty.	
470		(e) The variance is not the result of a self-created hardship.	(e) The variance is not the result of a self-created hardship.	
471		(3) Applications for variances must be submitted at the same time an application for land division or property line adjustment is submitted; when practical the applications may be reviewed concurrently.	(3) Application Requirements. (a) The application shall be submitted pursuant to LC 14.050 and concurrently with applications for preliminary or final approval.	
472				
473		13.150 Appeals		
474		APPEAL	13.600 Appeals.	
475		(1) Procedure for Appeals. The procedure for appeals of Type II decisions made pursuant to LC 14.040 will be as specified for appeals to the Hearings Official in LC 14.040(9).	(1) <u>Procedure for Appeals</u> . 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.	No change here besides Chp 14 references
476		Type I decisions are not land use decision as defined by ORS 197.015 and therefore are not subject to appeal.	(2) <u>Other Appealable Decisions</u> . 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.	Removed this section, as neither of these are land use decisions subject to appeal.
477			(a) A written decision to approve or deny an extension.	
478			(b) A written decision to deny final approval of a map or plat.	
479				
480		13.160 Enforcement		
481		ENFORCEMENT	13.700 Enforcement.	
482		(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.	(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.	no major changes from LC
483		(2) In addition to penalties provided for by LC 13.160(1) above, Lane County may revoke or suspend approval for violations of LC Chapter 13 pursuant to LC Chapter 14.	(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).	Modified language to actually correctly reference what LC Chp 14 allows.

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484	<p>(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 will 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 must 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 must 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 can be deemed to require such recording as a condition precedent to the enforceability of any other provisions of this chapter.</p>	<p>(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.</p>	
485	<p>(4) The enactment or amendment of this chapter cannot 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.</p>	<p>(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.</p>	