

Chapter 16.04 - Partitions – Process and Standards

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16.04.010 Purpose and general provisions.

A. Partitions shall be processed as a Type I decision by the city planner under the applicable provisions in MMC Chapter 15.07. Approval shall be granted only upon determination by the city planner that all applicable requirements of this Title and ORS Chapter 92 have been met.

B. If a parcel of land to be partitioned, being large in size, is divided into more than two parcels within any calendar year, or if the proposed partition is determined to be a series partition, the city planner may require full compliance with all substantive and procedural requirements for a subdivision plat if, in his/her judgment, the entire parcel is in the process of being subdivided.

16.04.020 Preapplication conference required. Before the city will accept an application for a partition, the applicant must attend a preapplication conference under MMC Section 15.07.030

16.04.030 Partition submission requirements. The applicant shall submit 5 copies of the proposed partition to the city planner on a reproducible material, drawn at a minimum scale of one inch equals 100 feet with the following information

- A. A completed application, on a form as provided by the city planner;
- B. A boundary survey prepared by an Oregon Professional Land Surveyor;
- C. Legal descriptions of the parent parcel(s) and the resulting parcels to be created;
- D. Copies of proposed deeds for the parcels to be created;

- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
- F. The name and address of the owner and the land surveyor or engineer, if any;
- G. County tax assessment map numbers of the land to be partitioned;
- H. The map scale and true north point;
- I. Approximate courses and distances of all parts of the partition; .
- J. Around the periphery of the proposed partition, the boundary lines and names of adjacent partitions and subdivisions, streets and tract lines of adjacent parcels of property;
- K. The location, width and names of all existing or platted streets or other public ways and easements within the proposed partition and other important features, such as the general outline and location of permanent buildings, pedestrian/bicycle accessways, water courses, power lines, telephone lines, railroad lines, gas line, water lines, municipal boundaries and section lines.
- L. All areas within a floodplain;
- M. All areas with known unstable slopes;
- N. All wetlands, lakes, streams or creeks, even if surface water is apparent for only part of the year.

16.04.040 Frontage width requirement. Unless a joint accessway is provided pursuant to Section 16.04.050(B), all parcels of land that are created by a partition in a one-family or two-family zoning district shall have a minimum of 20 feet of frontage on an existing public, county, state or federal road or street. For parcels of land created by a partition in all other zoning districts, the parcels shall have a minimum of 30 feet of frontage on an existing public, county, state or federal road or street.

16.04.050 Accessway requirements.

A. Flag lots may be permitted only where the configuration or topography of the property would otherwise preclude the partitioning and development of the property. The width of the accessway for flag lots shall be equal to or greater than the width of the street frontage.

B. A minimum of 10 feet of accessway width and frontage width shall be provided for each residential unit or parcel served by the accessway. The total accessway and frontage width need not exceed the minimum average lot width requirement for the parcel. A private

accessway (private street) will only be approved when it can be demonstrated that the private accessway is designed and can be constructed to function safely. Any private accessway shall be required to be paved and to comply with the minimum dimensional standards provided in Section 2.030. A private accessway will only be considered where topographic constraints or other factors make direct access from a street meeting public full street standards via a private driveway or shared private driveway impracticable. Two dwellings may share a single private driveway where there are spacing constraints or other factors that justify a joint driveway, and it can be demonstrated that a joint or shared driveway can operate safely.

C. A minimum 12-foot wide fire access corridor shall be provided to all parcels created through the partitioning process. No vehicular obstruction, including trees, fences, landscaping, and structures shall be located within the fire access corridor.

D. The area of any accessway shall be excluded from calculations of a minimum lot area for any new parcels or lots.

16.04.060 Pavement requirements. A minimum of 12 feet of paved driveway shall be provided for single-family units on parcels created through the partitioning process. Driveways less than 15 feet in width shall provide 2 feet of improved shoulder on either side of the driveway's paved surface. If two units will use the drive, a minimum of 15 feet of pavement width shall be provided along with 2 feet of improved shoulder on either side of the driveway's paved surface. If the proposed accessway exceeds 150 feet in length, it may be required to be paved to a minimum width of 20 feet including a turnaround for emergency vehicles in accordance with Oregon State Fire Code requirements. If required, the turnaround shall be approved by the city engineer in consultation with the fire chief.

16.04.070 Width/depth requirements. New parcels created through the partitioning process shall be exempt from the minimum average width and depth requirements of the zoning code. The minimum width and/or depth of any new parcel created through the partitioning process shall not be less than 60 feet.

16.04.080 Partition approval standards. All parcels created by partition shall conform to the requirements of this Title, ORS 92.010 to ORS 92.160, and any other applicable city or state law. The applicant shall submit a written statement addressing conformity with these standards. The city planner shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with MMC Section 15.07.090. The city planner's decision is final and not appealable to any other decision maker within the city.

16.04.090 Final recordable partition plat. If the city planner approves the applicant's partition application, the applicant shall submit a final partition plat that meets all applicable requirements of the city planner's decision, as well as the applicable requirements of ORS Chapter 92 for signature by the appropriate city official prior to recording with the county.

16.04.100 Final plat requirements. The city planner shall review the final partition plat for conformance with any conditions and the applicable requirements of ORS Chapter 92. The final partition plat shall contain, or be accompanied by, the following information:

- A. The city planning file number, located just below the title block.
- B. A tie to the city's GPS Geodetic Control Network. This shall include the following: (1) ties to at least two control monuments showing measured distance and bearing between the two control monuments tied and record distance and bearing, (2) state plane coordinates for control points tied; and (3) scale factor to convert ground measured distances to grid distances. Based on the tie to the city's GPS geodetic control network, a state plan coordinate shall be shown on the initial point. The bearings for the plat shall be based on the city's GPS Geodetic Control Network.
- C. The lines and names of all streets or other public ways, pedestrian/bicycle accessways, parks, playgrounds and easements intended to be dedicated for public use, or granted for use of the owners within the partition.
- D. The length and bearings of all straight lines, curves, radii, arcs and semi-tangents of all curves. Data may be shown on a separate table on the same plat sheet.
- E. All dimensions along the lines of each lot in feet and decimals of a foot to the nearest hundredth, with the true bearings, and any other data necessary for the location of any lot line in the field.
- F. Suitable, primary control points or monuments, approved by the city engineer and descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data given on the plat map shall be referred.
- G. Street centerline control based on recorded city control surveys for street centerlines, if applicable.
- H. The locations of all permanent monuments.
- I. The names or official reference numbers of all recorded subdivisions or partitions plats immediately adjacent to the land division.
- J. The date, true north point and scale.
- K. The boundary of the divided tract, with the bearings, course and distances marked thereon, based on a survey made by a professional land surveyor registered in the State of Oregon, and to close with an error of not more than one foot in 4,000 feet.

L. Building envelopes indicating compliance with setbacks. This shall be shown on a separate copy of the final plat.

M. All homeowners agreements, maintenance agreements, Chapters of incorporation, bylaws and CC&Rs. These matters shall be reviewed and verified by the city attorney for conformance with state and local requirements before recording with the final plat.

N. The following declaration shall appear on the face of the final plat and be signed by all parties having ownership interest in the land being divided or adjoining lands through which easements are being granted:

“Know all people by these presents that _____, owner(s) of the land depicted hereon, does (do) hereby make, establish and declare the attached plat of “_____” as described in the accompanying surveyor's certificate, to be a true and correct map and plat thereof. All lots and tracts are of the dimensions shown hereon and all streets and public rights of way are the dimensions shown hereon. I (we) do hereby dedicate to the use of the public as public ways forever, all streets, reserve strips and easements as shown or stated on said map, (“and hereby grant Tracts “_____”) to the City of Mosier for the uses indicated and that the public is hereby granted the right to maintain or replace utilities in these easements and will not be in any way responsible for replacing the landscaping, fencing or other structures, shrubs or trees that may exist or be placed in these easements. The city is required to give adequate notice before such activities are commenced and shall limit activities to those necessary to achieve the purpose of maintaining utilities, and does further state that _____.”

O. The description in the surveyor's certification of the land divided shall be a metes and bounds description.

P. The location of reserve strips. Tracts granted to the city as reserve strips shall be automatically dedicated to the public as public ways forever upon dedication of the future street extensions.