

TITLE 11
CHAPTER 2

PARTITIONING PROCEDURE

SECTION:

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11-2-1: APPLICATION: An application shall be made by the person proposing the partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy of a tentative plan.

11-2-2: TENTATIVE PLAN REQUIREMENTS:

- A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.
- B. Drafting: The tentative plan shall be submitted in both hard copy and electronic format and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch.
- C. Information Required: The application or the tentative plan must contain the following information with respect to the subject area:
 - 1. The proposed name of the partition. This name must not duplicate or resemble the name of another partition in the County and shall be approved by the Planning Commission.
 - 2. The date, north point and scale of drawing, and a sufficient description to define the location and boundary of the tentative plan area.
 - 3. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the application.
 - 4. The names and addresses of the owner, partitioner and engineer or surveyor.
 - 5. The location, name and present width of all streets and alleys.
 - 6. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
 - 7. The width and location of all easements for drainage and public utilities.
 - 8. The dimensions, parcel lines and area of all parcels.
 - 9. The existing use or uses of the property, including the location of all existing structures to remain on the property.

10. In addition, when all or a portion of the area encompassed in a minor partition application of lots averaging a maximum of one-half (1/2) acres each has not been previously included in a recorded plat (subdivision), the following information is also required:

- a. The affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who prepared the tentative plan for the area encompassed in the proposed partition.
- b. The names of all recorded subdivisions contiguous to the subject area.
- c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

- d. The approximate width and location of all proposed public utility easements.
- e. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
- f. All proposals for sewage disposal, flood control and easements or deeds for drainage facility, including profiles of proposed drainage ways.
- g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.
- h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
- i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.

11-2-3: REVIEW OF PROPOSAL BY OTHER AGENCIES AND DEPARTMENTS: Within five (5) working days after the application is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the partition proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted, unless an extension is requested. (Amd. Ord 30, Series 1990).

11-2-4: TENTATIVE PLAN APPROVAL: After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Director or its designee shall grant approval or deny the partition tentative plan. The hearing, decision and further consideration of a similar application shall be reviewed under the type II process as defined by paragraph 10-1-1-6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision under a Type III process as defined. Approval shall be granted, provided affirmative findings can be made that:

- A. When the division of land results in remaining parcels that are equal to or greater than twice the minimum lot size of the base zone, the application shall indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways.
 - 1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.

- B. All proposed parcels comply with the development standards of the base zone.
- C. Adequate public facilities are available or can be provided to serve the proposed parcels.
- D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.
- E. All proposed improvements meet City and applicable agency standards.
- F. The partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, including ORS Chapter 92, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

Except as provided for in the procedures for modification as stipulated in Chapter 7 of this Title, approval as of a partition tentative plan does not relieve the applicant from other applicable provisions of this Title or Oregon Revised Statutes.

11-2-5: OWNERSHIP VERIFICATION OF DEDICATIONS: In the event approval of a minor partition is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the City a title report issued by a title insurance company licensed in the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public.

11-2-6: APPEAL OF DECISIONS: The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-7 of this Code. (Amd. Ord 30, Series 1990).

11-2-7: FINAL PARTITION PLAT: No more than two (2) years after tentative plan approval, the applicant shall submit to the Planning Director a final partition plat drawn by an Oregon registered engineer or licensed surveyor. The final plat shall be in a form suitable for recording and shall show the acreage or square footage of each parcel. If the final plat conforms to the approved tentative plan and applicable approval criteria listed in Section 11-4-4, it shall be endorsed by the City's authorized agent and recorded. A copy of the recorded plat shall be returned to the applicant.

11-2-8: EFFECTIVE DATE OF DECISIONS: The partition shall become effective upon recording of the final partition plat with the County Recorder.

11-2-9: EXPIRATION OF APPROVAL: If the conditions set at the time of approval are not fulfilled within two (2) years after tentative plan approval, the partition approval will be null and void. A new application must be submitted for reconsideration in light of new conditions that may exist.

Amended by Ord. 30, Series 1990
 Amended by Ord. 12, Series 1999
 Section 11-2-2 Amended by Ord. No. 9, Series 2009
 Section 11-2-2-C-10(f) amended by Ord. No. 18, Series 2009 (effective 9-19-11)
 Sections 11-2-4, 11-2-6, and 11-2-8 amended by Ord. No. 11, Series 2016 (effective 11-16-16)
 Sections 11-2-1, 11-2-2-B, 11-2-3, 11-2-4, 11-2-7, 11-2-7, 11-2-8 and 11-2-9 amended by Ord. No. 7, Series 2019 (effective 12-18-19)