

Chapter 4.3 — Land Divisions and Lot Line Adjustments

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4.3.100 Purpose.

The purpose of this chapter is to:

- A.** Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments;
 - 1. Subdivisions involve the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
 - 2. Partitions involve the creation of three or fewer lots from one parent lot within one calendar year.
 - 3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots.
 - 4. Replats, including consolidation of platted parcels or lots, and vacation of plats following the procedure that would be used to create those same parcels or lots.
- B.** Carry out the City’s development pattern, as envisioned by the Comprehensive Plan;
- C.** Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D.** Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and

- F. Encourage the conservation of energy resources.

4.3.200 General Requirements.

- A. **Subdivision and Partition Approval Through Two-step Process.** Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.
1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and
 2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.
- B. **Compliance With ORS Chapter 92.** All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.
- C. **Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, demonstrating that the lots will be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code.

Future re-division plans shall be required for all property divisions in the UH Sub-District, as well as any property division within the Residential District that would result in a lot or lots of two acres in size or greater. These plans must facilitate future re-division in accordance with the requirements of the Residential District.

All future re-division plans shall identify:

1. Potential future lot division(s) in conformance with the standards of Chapter 2;
 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
 3. Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans and can meet Public Works Standards.
- D. **Lot Size Averaging.** Single family residential lot size may be averaged to allow lots less than the minimum lot size in the Residential district, if the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 50% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 5,000 square feet, the following three lots could be created from a 15,000 square foot parcel: 4,000 square feet, 5,000 square feet, and 6,000 square feet.
- E. **Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in Chapter 4.9.100 Temporary Uses.

- F. Minimize Flood Damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. Any proposed subdivision or partition within a mapped floodplain shall provide evidence that the development can comply with the provisions of Chapter 3.7 Flood Plain.
- G. Determination of Base Flood Elevation.** Where a development site consists of 3 or more lots, and is located within the mapped floodplain, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the Planning Official.
- H. Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable in compliance with Chapter 3. Parcels that are 400 feet or more from the nearest sewer or water line may be divided without connecting to the system, as long as the resulting parcels are no smaller than two acres in size, depending on a Umatilla County Public Health evaluation of the property.
- I. Need for Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage provided. Water quality or quantity control improvements may be required; and
- J. Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with Chapter 3.
- K. Double Frontage Lots.** The creation of double frontage lots shall be avoided wherever possible.

4.3.300 Approvals Process.

Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed by means of a Type II procedure, as governed by Section 4.1.400. Preliminary plats with more than 3 lots (subdivision) shall be processed with a Type III procedure under Section 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.500. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 4.5.

- A. Review of Final Plat.** Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Chapter 4.1.300 using the approval criteria in Section 4.3.700.

- B. Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two (2) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted to the City for approval within the two- (2) year period.
- C. Modifications and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 Modifications. The Planning Official shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed (1) one year; provided that:
1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
 2. The applicant has submitted written intent to file a final plat within the one-year extension period;
 3. An extension of time will not prevent the lawful development of abutting properties;
 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
 5. The extension request is made before expiration of the original approved plan.
- D. Phased Development.**
1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than three (3) years without reapplying for a preliminary plat;
 2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.900. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
 - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

4.3.400 Preliminary Plat Submission Requirements.

A. General Submission Requirements. For Type II subdivisions (8 lots or less) and partitions, the applicant shall submit an application containing all of the information required for a Type II procedure under Section 4.1.400. For Type III subdivisions (greater than 8 lots), the application shall contain all of the information required for a Type III procedure under Section 4.1.500, except as required for Master Planned Neighborhood Developments:

1. Master Planned Neighborhood Development. Submission of a master plan, as provided in Chapter 2 shall be required for:
 - a. Parcels, and development sites with more than one parcel which are 40 acres or larger; and
 - b. The Master Plan shall be approved either prior to, or concurrent with, the preliminary plat application.

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Umatilla County (please check with County surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
 - d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
 - e. Identification of the drawing as a “preliminary plat”.
2. Site analysis:
 - a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;
 - b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on

average, are less than 6 percent;

- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
- g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;
- h. Name and address of project designer, if applicable; and
- i. Other information, as deemed appropriate by the Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space, and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements: location, width and purpose of all easements;
- c. Lots 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 lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use:
- e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. The preliminary design for extending City water and sewer to each lot or parcel;
- g. Proposed method of storm water drainage and treatment, if required;
- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);

- j. Evidence of compliance with Chapter 3.7, if applicable; and
 - k. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to Highway 395 or within the Interstate 84 Interchange area.
4. Traffic Impact Study. See Chapter 4.10.

4.3.500 Approval Criteria: Preliminary Plat.

- A. General Approval Criteria.** The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:
- 1. The proposed preliminary plat complies with all the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);
 - 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 - 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and
 - 4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.
- B. Housing Density.** The subdivision, if in a residential area, meets the City's housing standards of Chapter 2.
- C. Block and Lot Standards.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
- 1. All lots shall comply with the lot area and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Section 3.1.200.I Street Connectivity and Formation of Blocks.
 - 2. Setbacks shall be as required by the applicable land use district (Chapter 2).
 - 3. Each lot shall conform to the standards of Chapter 3.1 Access and Circulation.
 - 4. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. Also see Chapter 3.1 Access and Circulation.

5. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

D. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Section 3.4.000.D (Public Facilities).

4.3.600 Variances Authorized.

Variations from the standards of this Chapter shall be processed in accordance with Chapter 5.1 Variances. Applications for variances shall be submitted at the same time as an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.

4.3.700 Final Plat Submission Requirements and Approval Criteria.

- A. Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with Umatilla County. The applicant shall submit the final plat within 2 years of the approval of the preliminary plat as provided by Section 4.3.300. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Official.
- B. Approval Criteria.** By means of a Type I procedure, the Planning Official and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:
1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
 2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.900;
 3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
 4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;
 5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;
 6. The applicant has provided copies of all recorded homeowners association Covenants,

Conditions, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat;
9. 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, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

4.3.800 Public Improvements.

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

- A. Public Improvements Required.** Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.900.

4.3.900 Performance Guarantees.

- A. Performance Guarantee Required.** When a performance guarantee is required under Section 4.3.800, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:
1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
 2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 3. Cash.
- B. Determination of Sum.** The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. Itemized Improvement Estimate.** The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

- D. Agreement.** An agreement between the City and developer shall be recorded with the final plat that stipulates all the following:
1. Specifies the period within which all required improvements and repairs shall be completed;
 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
 3. Stipulates the improvement fees and deposits that are required.
 4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.
 5. The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and Planning Official.
- E. When Subdivider Fails to Perform.** In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.
- F. Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

4.3.1000 Filing and Recording

- A. Filing plat with County.** Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Umatilla County for signatures of County officials as required by ORS Chapter 92.
- B. Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. Prerequisites to Recording the Plat.**
1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

4.3.1100 Replatting and Vacation of Plats.

- A. Replatting and Vacations.** Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all the owners as appearing on the deed. Lots and parcels can also be combined through the replat process.

- B. **Procedure.** All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the replat or vacation process. (See Chapter 4.1 Types of Applications and Review Procedures.)
- C. **Basis for Denial.** A replat or vacation 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 criteria.
- D. **Recording of Vacations.** All approved plat vacations shall be recorded in accordance with 4.3.190 and the following procedures:
 - 1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
 - 2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.
- E. **After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
- F. **Vacation of Streets.** All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.
- G. **Accessways.** The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, to establish or maintain a safe, convenient, and direct pedestrian and bicycle circulation system.

4.3.1200 Lot Line Adjustments.

Lot Line Adjustments accomplish the modification of lot boundaries when no new lots are created. The application submission and approvals process are as follows:

- A. **Submission Requirements.** All applications for a Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Section 4.1.300. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the Planning Official for ensuring compliance with city codes.
- B. **Approval Process.**
 - 1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Section 4.1.300, using approval criteria contained in subsection C,

below.

2. Time limit on approval. The lot line adjustment approval shall be effective for a period of 1 year from the date of approval, during which time it must be recorded.
3. Lapsing of approval. The lot line adjustment approval shall lapse if:
 - a. The lot line adjustment is not recorded within the time limit in subsection 2;
 - b. The lot line adjustment has been improperly recorded with Umatilla County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Planning Official shall approve or deny a request for a lot line adjustment in writing based on findings that all the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment;
2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2) including lot area and dimensions.
3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.1 Access and Circulation; and
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the standards of the land use district (Chapter 2).
5. Non-conforming. The resulting lots, parcels, tracts, and building locations may not create development which is non-conforming or closer to non-conformance.
6. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

D. Recording Lot Line Adjustments.

1. Recording. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Umatilla County within 60 days of approval (or the decision expires) and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. Time limit. The applicant shall submit a copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

E. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;

3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

4.3.1300 Expedited Land Divisions

Expedited Land Divisions. An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360.

- A. Selection.** An applicant who wishes to use an ELD procedure for a partition, subdivision, or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it.
- B. Review procedure.** An ELD shall be reviewed in accordance with the procedures in ORS 197.365.
- C. Appeal procedure.** An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.