

LAND MANAGEMENT DIVISION



LAND USE APPLICATION
Preliminary Partition

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only: FILE # CODE: DALP FEE:

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

Land Owner (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Land Owner Signature: _____

LOCATION

Township Range Section Taxlot

Site address

PROPOSAL: A request for Director Approval of a partition pursuant to Lane Code 13.050.

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

SITE PLAN A preliminary partition plan must be included. Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

ZONING _____

ACREAGE: _____

PROPOSED NUMBER OF PARCELS: _____

EXISTING IMPROVEMENTS Does the property contain any roads, structures, etc.? List below.

PHYSICAL FEATURES: Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

UTILITY COMPANIES THAT SERVE/WILL SERVE THE PARCELS:

Identify the following service & facility providers for the property:

Power Company: _____

Electrical Company: _____

School District: _____

Rural Fire Protection District: _____

REQUIRED SUBMITTALS

LC 13.100: APPLICATION REQUIREMENTS FOR PRELIMINARY PARTITION PLANS.

The preliminary partition application must contain the following items:

- ___(1) An application for preliminary partition approval shall be filed with the Department pursuant to LC 14.050.
- ___(2) Five copies of the preliminary partition plan, one of which must be 8 ½ inches x 11 inches.
- ___(3) The preliminary partition plan shall show all required information and shall be clearly and legibly drawn to a scale that enables the approving authority to have an adequate understanding of what is proposed. **The preliminary plan shall contain the items listed below:**
 - ___(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.
 - ___(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 unsubdivided 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.
 - ___(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.
 - ___(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.

- ___(l) Proposed plan, if any, for draining surface water from the development.
- ___(m) The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
- ___(n) Easements, together with their dimensions, purpose and restrictions on use.
- ___(o) Proposed means and location of sewage disposal and water supply system.
- ___(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.
- ___(q) Sites, if any, for residences.
- ___(r) Parks, playgrounds, recreation areas, parkways and open space for public use, clearly identified.
- ___(4) Predominant natural features, such as water courses and their flows, marshes, rock outcropping and areas subject to flooding, sliding or other natural hazards.
- ___(5) A draft of any existing or proposed restrictions or covenants affecting the property shall accompany the application.

Are you proposing any restrictions or covenants (CC&Rs)? ___Yes ___No

- ___ (6) A preliminary legal lot verification. Refer to LC 13.020 for details regarding a legal lot verification.

- Preliminary Legal Lot Verification: _____
- or
- Subdivision Lot/Partition Parcel: _____

APPROVAL CRITERIA

Lane Code 13.050: GENERAL REQUIREMENTS AND STANDARDS OF DESIGN AND DEVELOPMENT FOR PRELIMINARY PLANS.

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:

(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:**

- | | | |
|---------------|---------------|------------|
| Cottage Grove | Coburg | Dunes City |
| Creswell | Junction City | Westfir |
| Oakridge | Veneta | |
| Lowell | Florence | |

Is the property entirely or partially within an Urban Growth Boundary of one of the cities listed above? ____Yes ____No Circle the appropriate city.

(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.**

Is the property entirely or partially within the boundaries of the Eugene-Springfield Metropolitan Area Plan? ____Yes ____No

(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.

Identify the zoning districts, including overlay zones, which are applicable to the subject property. Identify the minimum area requirements of each zone or combining district.

(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.

Identify any dead end roads that abut the subject property. Will any of these be extended through the property?

(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.

If the partition is approved, could any of the newly created parcels be further divided under the current zoning designations? Yes No

If yes, identify the parcel(s) and submit a design for the potential redevelopment.

(5) Access.

- (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:

- i. Each parcel abuts the road for a distance of at least 30 feet.

Does each parcel abut a road for at least 30 feet? ___ Yes ___ No.

If not, identify which parcel(s). _____

- 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 one or more of the items listed.

Check all that apply and submit a copy with this application.

- ___ 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.

iii. The road provides actual physical access to the lots or parcels. Identify the proposed and existing access to each parcel to be created. For each road provide the following information:

- Road status (e.g. public, private, easement, County, State). Available from the County Surveyor's Office.
- Width of the right-of-way. Available from the County Surveyor's Office.
- Width of the planned right-of-way (public roads only). Available from the Planner on Duty.

All this information must be shown on the preliminary plan. If the site is accessed by a private easement, provide a copy of the recorded easement and describe the grade and improved surface.

(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.

Which of the following types of roads will provide access to the parcels (indicate all that apply):

___ County-maintained road. Name: _____

___ Local access road. Name: _____

___ Private easement.

(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.

Are any panhandles proposed? ___No ___ Yes. Which parcel(s)._____

(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.

___ (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.

___ (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.

___ (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.

___ (d) To prevent access to land unsuitable for development.

___ (e) To prevent or limit access to roads classified as arterials and collectors.

Identify whether any of the above conditions exist. _____

(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.

Identify the location of proposed utilities lines to be provided for each proposed parcel.

- (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.

Identify any watercourses or stormwater drainages on the subject property.

- (8) Pedestrian and Bicycle Ways.** When necessary for public convenience, safety, or as may be designated on an adopted master bike plan, the County 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.

Are you proposing any public pedestrian or bicycle paths? Yes No

- (9) Dangerous Areas.** 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. 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. 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 11.500 (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 11.525 and LC 16.244 has been granted, shall be restricted from any building development or the installation

of any permanent structure. 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.

Describe all hazardous areas on the property, such as: area subject to unstable sub-surface conditions, groundwater or seepage conditions, floodplain, inundation or erosion.

(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.

Identify the natural drainage pattern of the property. Will any grading, clearing or excavation be required to construct the road or extend the utilities? _____

(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.

Are you aware of any plans by a public agency to acquire any portion of the subject property?
____ Yes ____ No

(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.

(a) Public or Community Sewerage Facilities.

Will the parcel be connected to a public or community sewage system?

No. If no, go to (b).

Yes. If yes, indicate which of the following apply:

- (i) Existing Facility. 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 sewered 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 de-fined 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.
- (ii) New system. When a new public or community sewerage system is proposed for the division, there shall be submitted for approval a master plan for the sewage 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 sewage 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 of other legal entity which has been formed in compliance with ORS, Chapters 450 or 451 or a preliminary economic feasibility report.
- (iii) Future Connection. If the lots or parcels are located within an area with an adopted detailed master sewage 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 sewage 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.

(b) Individual Sewage Facilities. When lots or parcels are to be served by individual sewage disposal systems, there shall be furnished reasonable proof that each proposed parcel or lot can accommodate an individual sewage 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 sewage 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.

Will any sewage disposal system or replacement area be located partially or wholly off the parcel it serves? No Yes.

If yes, which parcel(s)? _____

If yes, have you submitted a Variance application? No Yes

(12) 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.

(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.

Will the parcels be served by a public or community water system? Yes No

(b) 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.

Will the parcels be served by individual wells? Yes No

(c) 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:

- 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.

The following information can be obtained from the Planner on Duty:

Is the site within a water quantity limited area? Yes No

Is the site within a water quality limited area? Yes No

- ii. 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.**

(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:

- 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.**

Identify all existing wells and water systems located on the subject property or serving the subject property. For existing wells, provide a copy of the well construction report on file with the Oregon Water Resources Department. Copies can be obtained at the following website: oregon.gov/OWRD/index.shtml