

LAND MANAGEMENT DIVISION



LAND DIVISION

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408
PLANNING: 541-682-3577 BUILDING: 541-682-4651 SANITATION: 541-682-3754

This guide outlines zoning and land use laws concerning Land Divisions. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations. The information in this handout is derived from Oregon Revised Statutes (ORS) Chapter 13 and the policies of the Lane County Land Management Division.

PARTITION OR SUBDIVISION?*

In general:

A partition is the creation of not more than three (3) lots out of one parcel in one calendar year.

A subdivision is the creation of four (4) or more lots from one parcel in one calendar year.

*Terms defined further in ORS Chapter 92 and Lane Code Chapter 13.

HOW DO I KNOW IF MY PROPERTY IS DIVIDABLE?

1. DETERMINE THE ZONING

Request to speak with the Planner On Duty (available between the hours of 9 am to 4 pm) to determine the zoning of the property in question. Generally, the zoning of a property determines the minimum size of the parcels that can be created.

2. DETERMINE LEGAL LOT STATUS

Ask the Planner On Duty to review the property for legal lot status. If the County records do not contain the information already, legal lot verification will be required. This will require you to research the deed records, complete an application form, and submit a processing fee. Please see the **LEGAL LOT** handout available.

MAKING APPLICATION: A 2-STEP PROCESS

STEP 1: TENTATIVE APPLICATION

After determining the above information, the first step in dividing land is to submit an application for a Type II Tentative Partition or a Tentative Subdivision. In the application, submit a preliminary map for your proposal along with the required fee, written responses addressing the criteria, and other

materials required by Lane Code Chapter 13. A planner will review your proposed parcels for compliance with application criteria related to such things as access, size, water availability, sewage disposal system, and hazardous areas. This review may include the referral (or Notice of Application) of the proposal to neighbors and various agencies that provide service to the property such as the local fire district and Transportation Planning. Staff review of the criteria and Notice of Application responses may result in conditions of approval that must be met in order to divide the property. Upon completion of the Notice of Application period, a planner will issue a decision that contains a set of conditions of approval that must be met prior to recording the final plat for the new parcels. Conditions required for each parcel will usually include any necessary easements, a title search, a survey, and the preparation of a final plat by a professional licensed surveyor. The decision may be appealed by a person entitled to notice or who is adversely affected or aggrieved to the Hearings Official in accordance with Lane Code Chapter 14.

STEP 2: FINAL APPLICATION

If no appeal is filed, then the second step in the land division process is to make application for Type I Final Land Division. This is when you will submit proof that you have met the Conditions of Approval along with the required fee. Include the materials required by conditions of approval and Lane Code Chapter 13.

The final plat application will be reviewed by both the Planning Department and the Surveying Department. Often, there will be comments made by both departments at this stage and you will receive correspondence from both of them alerting you of any inadequacies or additions that need to be addressed.

Once all conditions have been satisfactorily met, the final plat can be recorded. Upon recording, each parcel will be legally separate and may be sold and developed separately.