

## Chapter 17.152

### LAND DIVISION--MAJOR AND MINOR LAND PARTITIONS AND PROPERTY LINE ADJUSTMENT

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17.152.010 Purpose. The purpose of this chapter is to provide rules, regulations and standards governing approval of major and minor land partitions and property line adjustments. (Ord. 634 §1 Exh. A (part), 1995)

17.152.020 Partition review required. A. A major land partition review is required when a division of land creates a street or road (public or private), within one calendar year.

B. A minor land partition review is required when three lots or fewer are created without the creation of a street or road, within one calendar year.

C. A property line adjustment is any adjustment to a property line by the relocation of a common boundary where an additional parcel of land is not created. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.152.030 General provisions. A. An application for a major or minor partition shall be processed through a two-step process: (1) the tentative plan, and (2) the final plat:

1. The tentative plan for a major partition shall be approved by the planning commission before the final plat can be submitted for approval consideration; the tentative plan for a minor partition shall be approved by the planner before the final plat can be submitted for approval consideration; and

2. The final plat shall reflect all conditions of

approval of the tentative plan.

B. All partition and property line adjustment proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

C. When partitioning tracts into large lots, the approval authority shall require that the lots be of such size and shape as to facilitate future redivision in accordance with the requirements of the zoning district and this title.

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D. Where landfill and/or development is allowed within the floodway fringe, the city may require the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain.

E. All partition proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

F. All partition proposals shall have adequate drainage provided to reduce exposure to flood damage.

G. All land partition proposals shall include neighborhood circulation plans that conceptualize future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths and destination points. A circulation plan is conceptual in that its adoption does not establish a precise alignment. An applicant for a partition is required to submit a circulation plan unless the applicant demonstrates to the planning services manager one of the following:

1. An existing street or proposed new street need not continue beyond the land to be divided in order to complete or extend an appropriate street system or to provide access to adjacent parcels within five hundred feet of the proposed development; or

2. The proposed street layout is consistent with a street pattern adopted as part of the city's transportation system plan, or a previously adopted circulation plan. (Ord. 711 §1 Exh. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

17.152.040 Administration and approval process. A. The applicant of a partition or property line adjustment proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. Any application for a major or minor land partition or property line adjustment shall be in conformity with all state

regulations set forth in ORS Chapter 92, Subdivision and Partitions.

C. No lot or parcel to be created through the partitioning process shall be sold until approval and filing of the final partition plat.

D. Partitions shall be processed according to Chapter 17.164. The approval authority for a major partition shall be the planning commission.

E. Upon receipt of a completed application for a major partition, the planner shall:

1. Schedule a limited land use decision pursuant to Chapter 17.164, to be held by the planning commission within sixty days from the time the complete application is filed and shall provide a notice of the hearing;

2. Furnish one copy of the proposed tentative plan to the public works director and the police chief;

3. Furnish one copy of the tentative plan and supplemental material to:

- a. The Columbia County land development services, if the proposed partition is adjacent to the UGB or has county road access,

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- b. The Oregon Department of Transportation (ODOT), if the proposed partition is adjacent to a state highway and access to the state highway is desired by the applicant (these agencies will be given at least five days to review the plan, suggest revisions, and return the plans to the city),

- c. The Scappoose rural fire district,

- d. Any other affected agencies as determined by the planner;

4. Incorporate all staff recommendations into a staff report to the planning commission;

5. The planning commission shall approve, approve with conditions, or deny any application for tentative plan. The planning commission shall apply the standards set forth in Section 17.152.070 when reviewing an application for a partition.

F. Upon receipt of a completed application for a minor partition, the planner shall process according to Chapter 17.164 and the planner shall be the approval authority.

G. An applicant may request approval of a modification to an approved preliminary partition plan prior to final partition plat approval by:

1. Submitting an application for modification of approval and providing the planning services manager with a reproducible copy of a revised preliminary plan or illustration

of the proposed modification accompanied by a written narrative detailing the rationale for the proposed modification;

2. The planning services manager shall determine whether the proposed change is a major or minor modification. Generally, any modification that alters the preliminary plan by making significant language changes within conditions of approval, shall be considered a major modification, and is subject to the administration and approval process detailed within this section, the approval authority shall be the planning commission. A minor modification shall be approved, approved with conditions or denied following the planning services manager's review based on findings that:

a. No title provisions will be violated;

b. The modification is not a major modification.

(Ord. 711 §1 Exh. A (part), 2001; Ord. 636 §1(part),1996; Ord. 634 §1 Exh. A (part), 1995)

17.152.050 Expiration of approval--Standards for extension of time. A. Approvals for major partitions, minor partitions and property line adjustments shall be effective for a period of one year from the date of approval.

B. The approval shall lapse if:

1. The partition or property line adjustment has been improperly recorded with Columbia County without the satisfactory completion of all conditions attached to the approval;

2. The final recording is a departure from the approved plan.

C. The planner may, upon written request by the applicant, 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 planner;

2. The applicant can show intent of recording the approved property line adjustment within the one year extension period; and

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3. There have been no changes in the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

D. Notice of the decision regarding the extension shall be provided to the applicant. The planner's decision may be appealed. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.152.060 Phased development. A. The planning commission may

approve a time schedule for developing a partition in phases, but in no case shall the actual construction time period for any phase be greater than two years without submitting the final plat for each completed phase. The planning commission may require a new application for a tentative plan for subsequent phases following the final plat approval.

B. The criteria for approving a phased site development review proposal are:

1. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;

2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable city or district standard;

3. Construction of all underground utilities for the development shall be required in the initial phase of the development;

4. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as a part of the approval of the tentative plan.

C. The application for phased development approval shall be heard concurrently with the tentative plan application and the decision may be appealed in the same manner as the tentative plan. (Ord. 634 §1 Exh. A (part), 1995)

17.152.070 Partition approval criteria. A request to partition land shall meet all of the following criteria:

A. The proposed partition complies with all statutory and ordinance requirements and regulations;

B. Adequate public facilities are available to serve the proposal;

C. All proposed lots conform to the size and dimensional requirements of this title; and

D. All proposed improvements meet city and applicable agency standards.

E. Streets or roads are laid out so as to conform 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, including conformance with submitted neighborhood circulation plans, unless the city determines it is in the public interest to modify the street or road pattern. (Ord. 711 §1 Exh. A (part), 2001; Ord. 634 §1 Exh. A (part), 1995)

17.152.080 Special provisions for lots created through partition process. A. The minimum width of the building envelope area shall meet the lot requirement of the applicable zoning district.

B. The lot area shall be as required by the applicable zoning district. In the case of a flag lot, the accessway may

not be included in the lot area calculation.

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C. Each lot created through the partition process shall front a public right-of-way as specified by the zoning designation. All flag lots shall be considered to be major variances and shall be subject to planning commission review and approval.

D. Setbacks shall be as required by the applicable zoning district.

E. When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than ten feet. Structures shall generally be located so as to maximize separation from existing structures.

F. Screening to the standards included in Section 17.100.090, may be required along the property line of a lot of record where the paved drive of an accessway is located within ten feet of an abutting lot. Screening to the standards included in Section 17.100.090 may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.

G. The Scappoose fire district may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on firefighting capabilities and may require provision of an emergency vehicle turnaround.

H. No greater than three single-family detached dwelling units may be served by a common drive. Use of a common drive for access to more than three dwelling units other than single-family detached may be required and shall be subject to the approval of the planner, public works director and the planning commission. Where a common drive is to be provided, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved partition map.

I. Any access way shall be paved and shall comply with the standards set forth in public works design standards.

J. Where landfill and/or development is allowed within the floodway fringe, the city may require the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway with the floodplain. (Ord. 634 §1 Exh. A (part), 1995)

17.152.090 Property line adjustments. A. Within forty-five days of receipt of a completed application for a property line adjustment, the planner shall approve, approve with conditions or deny a request for a property line adjustment in writing based on findings that the criteria stated are satisfied as follows:

1. An additional parcel is not created by the property line adjustment, and the existing parcel as reduced in size by

the adjustments is not reduced below the minimum lot size established by the zoning district. Where an existing lot of record does not satisfy the minimum area requirement for the zone, a property line adjustment may be permitted provided the adjustment does not increase the degree of nonconformity;

2. By reducing the lot size, the lot or structures(s) on the lot will not be in violation of the site development or zoning district regulations for that district; and

3. The resulting parcels are in conformity with the dimensional standards of the zoning district. Where an existing lot of record does not satisfy the dimensional requirements for the zone, a property line adjustment may be permitted provided the adjustment does not increase the degree of nonconformity.

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B. A property line adjustment is not considered a development action for purposes of determining whether floodplain, greenway or right-of-way dedication may be required;

C. Final Action for Property Line Adjustment.

1. The planner shall approve or deny an application. The planner shall apply the standards set forth in this section when reviewing an application for a property line adjustment.

2. The planner shall mail notice of the completed property line adjustment approval to the owners of the parcels involved in the proposal and to the owners of abutting properties.

3. The decision of the planner may be appealed to the planning commission. (Ord. 795 §§2-3, 2008; Ord. 634 §1 Exh. A (part), 1995)

17.152.100 Preliminary application submission requirements.

A. All applications shall be made on forms provided by the planner and shall be accompanied by copies of the preliminary partition map or property line adjustment map and necessary data or narrative.

B. The preliminary partition map and necessary data or narrative shall include the following:

1. a. Name of the owner(s) of the subject parcel,  
b. Name of the owner(s) authorized agent (if applicable), and  
c. Name, address and phone number of the land surveyor,
2. The map scale, north arrow and date;
3. Sufficient description to define the location and boundaries of the proposed area to be partitioned or adjusted;
4. The scale shall be an engineering scale sufficient to show the details of the plan and related data;
5. The location, width and names of streets or other

public ways and easements within and adjacent to the proposed partition;

6. Other important features, to include:  
a. The location of all permanent buildings on and within twenty-five feet of all property lines,  
b. The location and width of all water courses,  
c. Any trees with a diameter of six inches or greater at four feet above ground level,  
d. All slopes greater than fifteen percent, and  
e. The location of existing utilities and utility easements;

7. In the case of a major land partition, the applicant shall include the proposed right-of-way location and width, and a scaled cross section of the proposed street (to include any reserve strip);

8. Any deed restrictions that apply to the existing lot;

9. A plan outlining how utilities, public services, and utility easements will serve newly created parcels; and

10. Where it is evident that the subject parcel can be further partitioned, the applicant must show that the land partition will not preclude the efficient division of land in the future.

11. Unless specifically exempted by the planning services manager, a neighborhood circulation plan that conceptualizes future street plans and lot patterns to parcels within five hundred feet of the subject site. Circulation plans address future vehicular/bicycle/ pedestrian transportation systems including bike lanes, sidewalks, bicycle/pedestrian paths, and destination points.

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C. The tentative plan or property line adjustment map shall be as accurate as possible to ensure proper review by affected agencies.

D. Upon receipt of an application, the planner shall review it for compliance with the requirements for submittal (see subsections A and B of this section). If the application is found to be incomplete, the planner shall within thirty days notify the applicant of the reasons therefore and advise the applicant of the requirements for an acceptable application.

E. Upon acceptance of a complete application, the planner shall transmit copies of the preliminary land partition application or property line adjustment map to the public works director as well as other potentially affected agencies where necessary.

F. The planner shall review the proposal for compliance with the provisions of this title and coordinate the review conducted by affected agencies and applicable districts for



compliance with applicable regulations.

G. The planner shall review the proposed property line adjustment for compliance with the provisions of this title, and shall issue a decision to owners of the involved parcels, abutting property owners, and affected service providing agencies with regard to the compliance of the application with respect to all applicable approval criteria. If the planner believes that existing utilities may be affected by the proposed adjustment, the planner may defer making a decision on the application until the affected service providing agencies have been given an opportunity to review and comment upon the proposal. In addition, an affected agency may request an amended decision within ten days of the issuance of a decision for which comments were not requested, if the agency finds that utilities may be affected by the proposed adjustment.

H. Following the review of the land partition or property line adjustment by the applicable agencies, the applicant will be advised of the status of the proposal and of any additional information which shall be required prior to the filing of a final land partition plat or property line adjustment map and shall be notified of conditions to be attached to the approval.

I. Except as provided in ORS 92.040, the review of the tentative plan or property line adjustment does not guarantee the applicant that the final application for a land partition or property line adjustment will be approved nor that additional information or revisions will not be required by the city.

(Ord. 711 §1 Exh. A (part), 2001; Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.152.110 Final application submission requirements. A. All final applications for major and minor land partitions and property line adjustments shall be provided the planner and shall be accompanied by a reproducible copy of the partition plat or the final property line adjustment survey map prepared by a land surveyor licensed to practice in Oregon, and necessary data or narrative.

B. The partition plat or property line adjustment survey map and data or narrative shall be drawn to the minimum standards set forth by the Oregon Revised Statutes (ORS 92.050) and by Columbia County and shall include the following:

1. The final partition map shall be drawn on an eighteen inch by twenty-four inch mylar sheet. The final property line adjustment map must be eighteen inches by twenty-four inches and may be on vellum or mylar;

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2. The scale of the map shall be an engineering scale approved by the county surveyor;

3. a. Name of the owner(s) of the subject parcel,

b. Name of the owner(s) authorized agent (if applicable), and

c. Name, address and phone number of the land surveyor;

4. The assessor's map and lot number and a copy of the deed, sales contract or document containing a legal description of the land to be partitioned;

5. The map scale, north arrow and date;

6. Dimensions and legal descriptions of the parent parcel and all proposed parcels;

7. Boundary lines and names of adjacent partitions and subdivisions, and tract lines abutting the site;

8. The locations, width and names of streets or other public ways and easements within and adjacent to the proposed partition;

9. In the case of a major land partition, the applicant shall include the proposed right-of-way location and width, and a scaled cross section of the proposed street (to include any reserve strip);

10. Any deed restrictions that apply to existing or proposed lots; and

11. Signature blocks for city approval and acceptance of public easements and rights-of-way. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.152.140 City acceptance of dedicated land. A. The city manager shall accept by signature on the final plat the proposed right-of-way dedication prior to recording a land partition.

B. The city manager shall accept by signature on the final plat all public easements shown for dedication on partition plats maps. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

17.152.150 Centerline monumentation--Monument box requirements. The centerlines of all street and roadway rights-of-way shall be monumented as prescribed in ORS 92.060(2) before city acceptance of street improvements. Centerline monuments are required to have monument boxes approved by the public works director and the tops of all monument boxes shall be set to finished pavement grade. (Ord. 634 §1 Exh. A (part), 1995)

17.152.260 Recording of partitions and property line adjustments.

A. Within ten days of the planner's approval of the partition or property line adjustment and the city manager's acceptance of any dedicated land to the city, the applicant shall record the partition plat or property line adjustment survey map with Columbia County and submit the recordation numbers to the city, to be incorporated into the record.

B. The applicant shall submit a recorded plain paper copy of the final partition plat or property line adjustment survey map to the city within fifteen days of recording. (Ord. 636 §1(part), 1996; Ord. 634 §1 Exh. A (part), 1995)

