

Division IV. - LAND DIVISION REGULATION

Chapter 16.56

GENERAL PROVISIONS

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16.56.010 Purpose.

A. The purpose of this division is to define subdivision, partitions and related terms; to establish minimum requirements and standards necessary for efficient, safe, and attractive land division and development consistent with the physical characteristics of the city; to prescribe form, content, and procedures to be followed in the development and approval of land divisions and related maps and plats and to designate those authorized to give such approval; and to provide penalties and notice of violations. Authorization and minimum standards for this division are provided for by Oregon Revised Statutes Chapters 92 and 227.

B. Land division is the most important factor in establishing the physical character of a growing community. If improperly designed and executed, it wastes the intrinsic value of the land and can become a costly burden to the community. It is hoped that these regulations and procedures will encourage the well-planned division of land while preventing land division with high future costs to those who will occupy the land, their neighbors, and the city as a whole. It is further the purpose of this division:

- 1.** To ensure that the public health, safety, convenience and general welfare be given due consideration in the division and development of land;
- 2.** To help implement the Comprehensive Plan and elements thereof;
- 3.** To provide a means to emphasize environmental protection and preservation of the historical and natural assets of the city by encouraging orderly development relating to location, number, design and distribution of lots and parcels;
- 4.** To minimize, by proper design and development, the danger to life and property caused by hazards of fire, flood, soil erosion and land slippage;

5. To provide lots, parcels, and development sites of a sufficient shape, size, and character for the purpose for which they will be used;
6. To provide the establishment of adequate water supply, sewage disposal, surface water drainage and other utilities and facilities as needed for the public health, safety and convenience;
7. To ensure adequate provisions for transportation, including roads, bicycle ways and pedestrian ways which take into consideration anticipated usage, safety factors, and impact on the neighboring area;
8. To ensure that the costs of developing roads, utilities and public areas serving new developments will be substantially absorbed by the benefited persons as opposed to the citizens of the city at large.
9. To provide adequate light, air, open space and recreational areas, and to encourage better techniques and innovations in the arrangement of building sites and/or lots and parcels. (Ord. 740 section 10.4.10(A), 1984)

16.56.020 Scope of regulations.

Subdivision plats and minor and major partition maps shall be reviewed by the commission in accordance with these regulations. A person desiring to divide land in any manner which is governed by these regulations shall submit tentative plans and final documents for approval as provided in these rules and the state law. (Ord. 740 section 10.4.10(B), 1984)

16.56.030 Conformance.

A. Comprehensive Plan. A subdivision or partition shall conform to the Comprehensive Plan. A determination of such conformity shall be based upon consideration of all applicable portions of the Comprehensive Plan and shall not be based solely upon a review of the land use map.

B. Land Development and Planning Ordinance. A land division shall be subject to all applicable requirements of other sections of this title. Where an applicant seeks the approval of any division which requires a change in zoning, the applicant may be required to complete the rezoning process prior to submittal of an application for property division.

C. Health, Safety, and Sanitation. A subdivision or partition shall conform to all applicable state, county and city regulations regarding health, safety and sanitation. The county will not issue any permits for on-site sewage disposal systems for any lot or parcel created in violation of these regulations, nor for the remainder of the parent parcel from which lots or parcels have been illegally created, unless and until such violation has been rectified and all legal requirements met.

D. Building. Structures and buildings in any property division shall conform with applicable codes and regulations regarding building. The City Building Official shall not

allow the issuance of a building permit on any lot or parcel created, subdivided or partitioned in violation of these requirements. No building permit shall be issued for the remainder of the parent parcel, from which any lots or parcels have been created in violation of this title, unless and until such violation has been rectified and all legal requirements met.

E. Streets and Roads. A property division shall conform to all applicable city ordinances or policies pertaining to streets, roads, or access. (Ord. 740 section 10.4.10(C), 1984)

16.56.040 Delegation of authority.

The commission is delegated all lawful powers and functions given the City Council under Oregon Revised Statutes Chapter 92 with respect to consideration, requirements and approvals of all tentative maps and plats for subdivisions and partitions other than the authority to accept land for dedication to the public. (Ord. 740 section 10.4.10(D), 1984)

16.56.050 Application required.

The following land use actions shall require the filing of an appropriate application and completion of the proper procedures established therefore in this division:

A. Minor partitions;

B. Major partitions;

C. Subdivisions (including planned unit developments which are also governed by the requirements of Division V);

D. Lot line adjustments. (Ord. 740 section 10.4.10 (B), 1984)

16.56.060 Applicability of regulations.

The regulations of this division apply to all portions of the city as it now exists or may hereafter be altered. (Ord. 740 section 10.4.10(F), 1984)