

## Chapter 16.60

### PARTITIONS

#### Sections:

- 16.60.010 Filing procedures**
- 16.60.020 Standards and criteria**
- 16.60.030 Partitions**
- 16.60.040 Flag lots**
- 16.60.050 Planning Director action**
- 16.60.060 Final procedures and recordation**
- 16.60.070 Public hearing required for appeal process**

#### **16.60.010 Filing procedures.**

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.30(A), 1984; Ord. 981 section 9, 1997; Ord. 1019 section 17, 1999; Ord. 1080, 2001)

#### **16.60.020 Standards and criteria.**

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the county, they shall be guaranteed in a manner approved by the City Attorney. However, if the Planning Director finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Director shall accept those improvements. In lieu of accepting an improvement, the Planning Director may recommend that the improvement be installed in the area under special assessment financing or other facility extension policies of the city. (Ord. 890 section 51, 1993; Ord. 740 section 10.4.30(B) [part], 1984; Ord. 1514, 2019)

#### **16.60.030 Partitions.**

Partition means to divide an area or tract of land into two or three parcels within the calendar year. An Application for a partition shall be evaluated based upon the following standards and criteria:

- A.** Conformance with the text and applicable maps of the Comprehensive Plan;
- B.** Conformance with all other applicable requirements of the Land Development and Planning Ordinance;

**C.** The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of adjacent properties;

**D.** No partitioning shall be allowed where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels;

**E.** It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division. (Ord. 890 section 52, 1993; Ord. 740 section 10.4.30(B)(2), 1984; Ord. 1514, 2019)

#### **16.60. 040 Flag Lots**

Flag Lots or Panhandle-shaped Lots. The commission may allow the creation of flag lots provided that the following standards are met:

**A.** Not more than one flag lot shall be created to the rear of any conventional lot and having frontage on the same street unless it is found that access will be adequate and that multiple flag lots are the only reasonable method to allow for development of the site. Every flag lot shall have access to a public street.

**B.** The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

**C.** For residential flag lots, a minimum building setback of five feet from the access strip shall be maintained where such buildings exist prior to the creation of the flag lot.

**D.** Design and locations of buildings on flag lots shall be such that normal traffic will have sufficient area to turn around, rather than necessitating backing motions down the access strip. The commission may establish special setback requirements at the time of approving the creation of flag lots.

**E.** Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

**F.** The area of a panhandle shaped or flag lot shall be considered to be the rear or buildable portion of the lot and shall not include the driveway or access strip.

**G.** For the purposes of defining setbacks, flag lots shall have three side yards and one yard of 20 feet on the garage side of the dwelling. (Ord. 1514, 2019)

**16.60.050 Planning Director action**

**A.** Tentative maps shall be submitted to the Planning Director for review and determination that the proposal will be compatible with the Comprehensive Plan and the requirements of the Land Development and Planning Ordinance. The Planning Director may require such dedication of land easements and may specify such conditions or modifications to the tentative map as are deemed necessary to carry out the Comprehensive Plan. In no event, however, shall the Planning Director require greater dedications or conditions than would be required if the parcel were subdivided. For residentially zoned land, the Planning Director shall require, for newly created lots adjacent to existing residential development, that homes built on such lots be designated on the plat or included in the deed restrictions as "Infill Homes" as defined by 16.04.255 and therefore subject to any or all of the requirements of 16.21.050 Infill Homes. The Planning Director may modify the minimum lot coverage and/or maximum height standard if the applicant can demonstrate that 50% or more of adjacent lots exceed these standards.

**B.** Upon action by the Planning Director the applicant shall be notified in writing of the decision reached and the steps which must be taken before the parcels can be transferred or utilized for separate development.

**C.** One copy of the tentative map, clearly marked approved, denied or modified shall be retained in an appropriate file and one copy of same returned to the applicant. (Ord. 740 section 10.4.30(C), 1984; Ord. 1107, 2002; Ord. 1514, 2019)

**16.60.060 Final procedures and recordation**

**A.** Following the action of the city in approving or conditionally approving a tentative map for a partition, the applicant shall be responsible for the completion of all required improvements, or the posting of adequate assurances in lieu thereof, to the satisfaction of the city engineer prior to the transfer of title of any of the parcels involved.

**B.** Recordation of an accurate survey map, prepared by a registered engineer or licensed surveyor, must be completed within two years of the approval of the tentative map. One copy of the recorded survey map shall be filed with the City Planner for appropriate record keeping.

C. The applicant shall bear full responsibility for compliance with applicable state and city regulations regarding the recordation of documents and subsequent transfer of ownership.

- D. Single phase partitions and subdivisions shall be recorded within four years following original approval. Multiple phase subdivisions shall be recorded within six years of the original approval. The Planning Director may approve a single one-year extension to the original approval beyond those stated above for partitions or subdivisions. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.30(D), 1984; Ord. 1080, 2001; Ord. 1514, 2019)

**Deleted:** The Planning Director may approve a single one-year extension to the original two year period.

#### **16.60. 070 Public hearing required for appeal process**

Each properly that filed application for an appeal of a Planning Director's partition application decision shall be considered by the Planning Commission following a public hearing advertised and conducted in the manner prescribed in Division VIII. (Ord. 740 section 10.3.75 (C), 1984; Ord. 1514, 2019)

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