



# City of Durham

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## MINOR PARTITIONS

### Overview

1. Submit a request for a pre-application conference. Provide a narrative statement of the proposed partition.
2. At the pre-application meeting, the City Planner will discuss the proposal, applicable criteria, and requirements for completing the process. Planner time is charged to the applicant at a rate of \$80 per hour. The minimum charge is \$160 for a two-hour appointment. The planner will provide a list of specific information required for a complete application.
3. Submit four copies of the complete application, including maps.
4. The planner will review the application to determine if it is complete and work with the applicant to solve any issues. If the application is incomplete, the planner will notify the applicant what additional information is necessary. If the application remains incomplete for 180 days, it is canceled.
5. After the planner has reviewed the application and deemed it complete, the applicant submits 11 copies to the City for review and approval by the Planning Commission. The City schedules the Planning Commission meeting at least 14 days after the complete application is submitted.
6. The applicant must provide mailing labels and postage for all property owners within 300 feet of the partition and relevant government agencies. The City will mail a notice to surrounding property owners and relevant government agencies. Interested parties have 14 days to comment on the proposed partition before the Planning Commission meeting.
7. Planner writes a staff report for the Commission to review in advance of the meeting.
8. City Planner and the petitioner attend the Planning Commission meeting to discuss the partition. The Planning Commission makes a decision.
9. The Planning Commission has 60 days after the application is submitted to make a decision.

### Pre-Application Conference

A minor land partition requires a pre-application conference with the City Planner. The applicant pays for the planner services. The planner rate is \$80 per hour. The minimum charge is \$160 for a two-hour appointment. A pre-application conference will consider:

1. The relevant comprehensive land use plan policies and map designations;
2. The relevant provisions of the Development Code and of other federal, state and local laws that will be considered during the review of and decision on the application;

3. Technical data to be included or addressed in the application and the possible sources of such data;
4. Any other opportunities or constraints that may be relevant.

### **Application Requirements**

Submit four copies of an application for review by the City Planner. Once the City Planner deems the application complete, the applicant submits 11 copies for approval by the Planning Commission. An application includes:

1. A narrative statement and supporting materials to show that the application addresses all of the standards and criteria for decision on the application;
2. Proof of ownership or proof that the applicant is authorized to act on the owner's behalf;
3. A vicinity map at a scale of 1"= 400' showing the relation of the subject property to adjacent property, streets, public ways within or adjacent to the tract, easements, railroad rights-of-way, section lines and corners, City boundaries and monuments;
4. Existing uses of the property, including location of all existing structures to remain on the property after platting;
5. Proposed lot lines showing dimensions and area and proposed lot and block numbers;
6. Contour lines related to some established benchmark or another datum as allowed by the City Engineer with intervals at a minimum of 2 feet for slopes up to 5 percent, and 5 feet for slopes over 5 percent, and any proposed grade changes to be shown at minimum intervals of ½ foot;
7. The location of at least one temporary benchmark within the plat boundaries;
8. Any and all unsubdivided land ownerships and zoning districts lying on and adjacent to the proposed subdivision or partition, the proposed extension of adjacent streets, proposed dedications of public right of way and proposed boundaries of tracts to be dedicated to a public purpose, all lands within a radius of 1/2 mile from the proposed new streets within the proposed subdivision and their connection with adjacent streets;
9. Approximate centerline profiles showing the finished grade of all streets when built to the standards of this Code including extensions for a reasonable distance beyond the proposed subdivision or partition;
10. Approximate plan and profiles of proposed sanitary and storm sewers with grades and pipe sizes indicated, plan of the proposed water distribution systems showing pipe sizes and the location of valves and fire hydrants, the location of existing sewers, water drains, culverts, and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at point of proposed connection, all at a scale of 1"= 100';
11. The location and direction of all water courses and Water Quality Sensitive Areas on site or within 200 feet of the site, with an approved Development Site Assessment as required by Clean Water Services' current version of Design and Construction Standards for Sanitary and Surface Water Management;
12. Existing natural features, rock outcroppings, marshes, riparian areas, slopes with 25 percent or higher grade, upland vegetated corridors, the type and location of other wooded areas, the

type and location of all existing trees that are within the scope of this Code, and all other data required to address the performance standards of the Metro Urban Growth Management Functional Plan Title 3 relating to water quality, flood management and fish and wildlife conservation;

13. A title "Tentative Plan- (Proposed Name Partition)", subject to the naming restrictions of ORS 92.090;
14. The date, north point, and scale of the tentative plan on a sheet 18x24 inches or a multiple thereof at a scale of 1 inch=100 feet;
15. The location by section, township, and range, with a legal description in a form acceptable to the county surveyor. and county tax assessor;
16. The names and addresses of the owner or owners, applicant, and engineer or surveyor; and
17. A Service Provider Letter from Clean Water Services. Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If these sensitive areas exist, a Site Assessment and Service Provider Letter are required prior to submitting for a subdivision or minor land partition or undertaking any development. **Applications will not be accepted without a completed Pre-Screening Form and, if required, a Service Provider Letter.** Please contact CWS at (503) 846-3795.

### **Approval Criteria**

The City may approve a proposed partition if it finds:

1. The dimensions of all planned lots meet the dimension, setback, and area requirements of the Code or the City has approved an adjustment or variance as to those requirements;
2. Oversized lots are of a size and shape that allows future division of those lots, and public and private infrastructure to serve those lots is sufficient to serve any future divisions of those lots;
3. The location, dimension, and grade of all existing and planned bicycle, motor vehicle and pedestrian rights of way are consistent with the City's transportation systems plan as to circulation, connectivity, and protection of transportation facilities and all lots have access to public right of way;
4. All proposed dedications of public access and rights of way, public and private easements and tracts for dedicated purposes for private or public ownership are clearly delineated and of sufficient location and dimension for the intended purpose, and are conveyed in writing in a form acceptable to the City Attorney;
5. All necessary public utilities are available to serve the development and all utility lines serving more than one lot are located in public easements;
6. All required local, state and federal permits required for the land division have been obtained or the City finds that it is feasible and that as a condition of approval the applicant shall obtain those permits prior to final plat approval; and, the plan otherwise complies with provisions of the Development Code as to access ways, tree protection, floodplain regulation and any special regulations as to the use(s) proposed for the property to be divided.

## Decision Process

A minor land partition is a Type 2 land use decision. The application is reviewed and approved by the Planning Commission with prior notice to affected persons but without a public hearing. Notice of a Type 2 application is sent to:

1. the applicant and the property owner;
2. owners of record of property within 300 feet of any point on the property that is the subject of the application; and,
3. government agencies that have jurisdiction over the property or may be affected by the decision.

The Planning Commission makes a decision about a Type 2 application within 60 days after the application is deemed complete. The applicant will be notified of the decision and any conditions in writing. Notice of the decision will be sent to everyone who submitted comments about the application. Once the decision is made, interested parties have 60 days to appeal the decision.

Once approved, the applicant is responsible for recording the final partition plat with Washington County and providing a copy of the recorded survey map to the City.

### **IMPORTANT FILING AND RECORDING INFORMATION**

To complete the minor partition, a Record of Survey complying with ORS 92 must be recorded with the County Surveyor office, after which a deed must be recorded with the Washington County Department of Records. **The deed must be recorded within 6 months of City's approval or the City's approval will expire.** Contact the Washington Department of Cartography for assistance.

**Please note:** The land partitions may cause tax implications. If any of the following conditions exist, the County cannot complete the partition:

- If taxes are owed on the property;
- If there is a mortgage on the property. If this is true, the mortgagor must receive authorization to release the property.
- If the owner's name does not match the adjustment deed.

We recommend that you contact the Washington County Department of Assessments & Taxation Cartography Division (503) 846-8871 and the Appraisal Division (503) 846-8826 before you submit your application to determine if there will be a problem completing the land partition and the tax implications of your application.

The City does not accept credit cards; please pay all fees and charges by cash or check.

The Planning Commission meets regularly on the first Tuesday of each month at 7:30pm at City Hall.