

Date Received:

LAND MANAGEMENT DIVISION



TYPE II LAND USE APPLICATION
Tentative Partition

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only: FILE #

FEE:

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

Land Owner (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Through applying for this application I authorize the Lane County Planning Director, designee, or hearings official to enter upon the property subject of the application to conduct a site visit necessary for processing the requested application. Lane County shall contact the Land Owner prior to the site visit to arrange an appropriate time for the site visit.

Land Owner Signature: _____

LOCATION

Township Range Section Taxlot

Site address

PROPOSAL: A request for Type II (Director) approval of a tentative partition pursuant to Lane Code 13.050 and 13.060.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings or conclusions.

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

ZONING _____

ACREAGE: _____

PRIOR DECISIONS: Provide information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property.

EXISTING IMPROVEMENTS: What structures or development does the property contain? Will any structure be removed/demolished?

PHYSICAL FEATURES: Describe the site.

- The Vegetation on the property: _____

- The Topography of the property: _____

- Any Significant Features of the property (steep slopes, water bodies, etc.): _____

UTILITY COMPANIES THAT SERVE/WILL SERVE THE PARCELS:

Identify the following service & facility providers for the property:

Electrical Company: _____

Fire Protection District: _____

Natural Gas Company: _____

School District: _____

REQUIRED SUBMITTALS

LC 13.050: SUBMITTAL REQUIREMENTS FOR TENTATIVE PARTITION PLANS.

(1) Submittal Requirements:

- (a) **Applicability:** An application for tentative plan approval must be filed within the Department pursuant to Type II procedures according to LC Chapter 14. The application must be submitted with the required filing fee on a form provided by the Director and address all approval criteria.
- (b) The following information is required to be included on the tentative plan or by separate attachment:
 - (i) General Information:
 - (aa) Assessor's map and tax lot number of the subject property.
 - (bb) The date the tentative plan was prepared.
 - (cc) Drawing scale and north arrow.
 - (dd) "Tentative Partition Plan" must be contained within the title.
 - (ee) Zoning of the subject property, including any overlay zones.
 - (ff) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey.
 - (gg) Map of the subject property or properties being divided, in its current configuration.
 - (hh) Evidence that the subject property is a legal lot or multiple legal lots.
 - (ii) **Existing Conditions.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information on existing conditions:
 - (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of any existing access point(s), and any driveways within 100 feet of the existing access point(s). Describe and include areas of vacated right-of-way.
 - (bb) City limits and urban growth boundary lines.
 - (cc) Location, width, and purpose of all existing recorded easements on and abutting the site.
 - (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting.
 - (ee) Location and identify ownership of all utilities on and adjacent to the site.
 - (ff) Location of all existing subsurface sewage facilities, including drain fields and associated easements on the site.
 - (gg) Location of any existing well or other domestic water source on the site, including water lines.
 - (hh) All known dangerous areas, sensitive areas, and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, tidal flats, floodplain, steep slopes, known landslide hazard areas, geologically unstable areas, and unstable soils.

- (iii) Proposed Development.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information:
- (aa)** Approximate dimensions, area calculation (e.g., in square feet or acres), and identification numbers for all proposed parcels and tracts.
 - (bb)** Location, names, right-of-way dimensions, and approximate radius of street curves. All streets that are being held for private use and all reservations and restrictions relating to such private tracts must be identified.
 - (cc)** Location, width, and purpose of all proposed easements.
 - (dd)** Proposed deed restrictions, if any, in outline form.
 - (ee)** The approximate location and identification of other utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage facilities, proposed electrical lines, underground or above ground, as applicable.
 - (ff)** Evidence of compliance with the applicable base zoning.
 - (A)** For all land divisions within an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
 - (B)** For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
 - (gg)** If access is taken across property that is located in another road authority's jurisdiction, provide evidence demonstrating compliance with said jurisdiction's access standards.
- (iv)** Any of the following information may be required by the Director to supplement a proposed tentative plan:
- (aa)** For parcels within an adopted urban growth boundary, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the tentative plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10%. Ground elevations will comply with the following intervals dependent on slope:
 - (A)** One-foot contour intervals for ground slopes up to 5%;
 - (B)** Two-foot contour intervals for ground slopes between 5% and 10%; or
 - (C)** Five-foot contour intervals for ground slopes exceeding 10%.
 - (bb)** Where the tentative plan includes natural features subject to the conditions or requirements contained in Lane Code, materials must be provided to demonstrate that those conditions and/or requirements can be met.
- (c)** Two (2) paper copies of a tentative plan map for the proposed partition, two (2) copies of all supporting documents, and one electronic copy pursuant to LC 14.020(3)(b). The tentative plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the tentative plan on an 11-inch by 17-inch sheet or smaller.

APPROVAL CRITERIA

Lane Code 13.060: Tentative Partition Plan Application Review Criteria.

(1) Review Criteria:

- (a) **Legal Lot.** The subject property must be a legal lot or a tract comprised of legal lots pursuant to LC 13.140.

Preliminary or Final Legal Lot Verification: _____

or

Subdivision Lot/Partition Parcel: _____

- (b) **Conformity with the Zoning.** All partitions must conform to all of the applicable zoning requirements in Lane Code.

Identify the base zone for the subject property: _____

Identify any other applicable overlay zones: _____

Explain how your proposal conforms with the requirements of these zones. Attach Additional pages as necessary.

- (i) If the subject property is located within an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
- (ii) For all partitions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.

Is the property entirely or partially within an Urban Growth Boundary? ___ Yes ___ No

If yes, please provide evidence that the proposal complies within the density requirements of the applicable plan designation. Please note that land divisions are not allowed prior to annexation within the Florence Urban Growth Boundary, pursuant to Lane Code 10.122-30.

(c) Access.

- (i) A partition or replat must provide for the continuation of existing major and secondary roads in adjoining land divisions, or for their proper projection when adjoining property is not yet divided. Such roads must meet the minimum requirements for roads set forth in LC Chapter 15, unless an exception is approved per LC 15.709 or 15.900.

- (ii) Parcels must have verifiable access by way of a road, either a County or City public road, local access road, or a private easement in accordance with the following standards:
 - (aa) Each proposed parcel must abut a public road or private easement for at least 30 feet for access; or
 - (bb) If access is taken across property that is located in another road authority's jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards.
 - (cc) There is a legal right appurtenant to the parcel or parcels to use the road or easement for ingress and egress. A legal right to use an easement may be evidenced by:
 - (A) An express grant or reservation of an easement in a document recorded with the County Recorder;
 - (B) A decree or judgement issued by a court of competent jurisdiction;
 - (C) An order from the Board establishing a statutory way of necessity or gateway road; or
 - (D) An express easement set forth in an approved and recorded subdivision or partition.
 - (dd) The road or private easement complies with LC 15.135.

Does each parcel abut a road for at least 30 feet? Yes No

If not, identify which parcel(s). _____

Are you proposing an access easement with this tentative partition? Yes No

If yes, how many properties will the easement serve? _____

Please provide evidence of the existing easement. If the easement is proposed to cross a property in different ownership, a letter from the property owner stating they are willing to grant the easement should be submitted, to support that it is feasible to obtain the easement.

Is a new driveway proposed off of a County Road? Yes No

If yes, a facility permit will be made a condition of approval.

Does a railroad or highway crossing provide the only access to the property (circle)? Yes No

- (iii) Improvement of the legal access to each proposed parcel in accordance with LC 15.700-710 is feasible. If improved access is not verified for each parcel during the land division process at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:
 - (aa) “Legal access improvements have not been verified as part of Partition Plat ^filing number^ and an application to verify physical improvements of the legal access in accordance with Lane Code Chapter 15 requirements will be required prior to submittal of a building or septic permit on ^parcel^.”
 - (bb) Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures in accordance with LC Chapter 14, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approval the modification or removal of the Notice document.

Provide documentation that improved (physical) access to each parcel in compliance with Lane Code Chapter 15.700-710 is feasible.

Do you request that improved access NOT be verified at time of final plat review? ___ Yes ___ No

If yes, then the above referenced notice will be made a condition of approval.

(d) Dangerous and Sensitive Areas.

- (i) Each proposed parcel is configured in such a way that the presence of dangerous and sensitive areas will not preclude or pose a hazard to future development of each parcel.
- (ii) The Director must consider the recommendation of the County Engineer, municipal officials within Urban Growth Boundaries, and other professional technical sources when determining the presence of dangerous and sensitive area conditions and mitigation measures.
- (iii) Areas of floodplain, water areas, riparian vegetation, and wetlands will be retained in their natural state to the extent practicable to help preserve water quality and protect water retention, overflow, and natural functions.
- (iv) The Director may require a statement identifying the presence of dangerous or sensitive areas on the subject property to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded.

- (aa) Optional: If physical conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit a Type I application with the applicable filing fee to the Department, pursuant to LC 14.030(1)(a), and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.

Describe all hazardous and sensitive areas on the subject property.

Explain how each parcel configuration in relation to hazardous or sensitive areas will not prevent or pose a major hazard to future development of the parcel. Are any mitigation measures proposed?

Provide any additional information to support positive findings for the above criteria.

- (e) **Grading, Excavation and Clearing.** Grading and clearing by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation, and clearing must be avoided when detrimental to soil stability and erosion control.

Is grading, excavation or clearing required for road and/or development purposes? ___ Yes ___ No

If yes, will you be disturbing more than 1 acre of land (development site & driveway)?

___ Yes ___ No *How Much?* _____ *(approximate square footage)*

How will you mitigate potential pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area due to grading, clearing, or excavation on the subject property? Explain.

- (f) **Utility Easements.** Easements for utilities must be provided whenever necessary. Such easements must be clearly labeled for their intended purpose.

(g) Sewage Facilities. Each proposed parcel must comply with one of the following options:

(i) If the subject property contains an existing septic system, the applicant is required to complete and submit to the Director an Existing Septic System Certification form, provided by the Director.

Does the subject property contain an existing septic system? Yes No

If yes, will the septic tank be at least 5 feet from the proposed property line and will the drainfield be at least 10 feet from the proposed property line? Yes No

Are any of the existing systems currently failing? Yes No

(ii) Public or Community Sewage Facilities:

(aa) If connection to an existing public or community sewage facility is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

Will the parcel be connected to a public or community sewage system? Yes No

If yes, is it Existing or Proposed?

If existing, what is the name of the public or community sewage system?

If existing, please provide a letter stating the public or community system has the capacity to serve potential development of the new parcels.

(bb) When a new public or community sewage facility is proposed for the division, a master plan for the sewage collection and disposal system must be submitted to Lane County and the State Department of Environmental Quality for approval.

If proposing a new public or community sewage system, have you submitted the proposed master plan to Lane County Environmental Health and the Department of Environmental Quality (DEQ) for approval?

Yes No

(iii) Individual Sewage Facilities:

(aa) If the proposed parcels will not be connected to a public or community sewage facility, the applicant may demonstrate that each parcel provides sufficient area and suitable soil to accommodate an individual sewage facility at time of final plat;

Provide reasonable proof that each parcel can accommodate an individual sewage disposal system or comply with (bb) or (cc) below. Reasonable proof may include a Site Inspection permit, soil data, or a licensed engineer's report.

- (bb)** If (aa) above cannot be satisfied, but there is an area on a contiguous legal lot that can accommodate an individual sewage facility, the applicant can propose to record an easement for an off-site facility. If the off-site facility is proposed on a legal lot in a different ownership, written documentation must be provided acknowledging the agreement. This option is not available for vacant contiguous properties zoned F1, F2, or EFU without existing or approved residential use on the vacant legal lot; or

Will any sewage disposal system or replacement area be located partially or wholly off the parcel it serves?

Yes No

If yes, explain and if the legal lot is in a different ownership, provide written documentation the other owner is willing to grant an easement.

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- (cc)** If proof of access to a sewage disposal system is not verified for each parcel during the land division process at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

- (A)** "An approved subsurface sewage disposal site evaluation has not been determined as part of Partition Plat ^filing number^ and will be required prior to submittal of a septic system installation permit on ^parcel^."
- (B)** Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures in accordance with LC Chapter 14, and provide the Director evidence of compliance with (ii) or (iii)(aa) above in this subsection before the Director is able to approval the modification or removal of the Notice document.

Does the Applicant request NOT to verify access to sewage disposal systems during this land division process? Yes No

If yes, no reasonable proof is required to be submitted and the above referenced notice will be made a condition of approval.

(h) Water Supply. Each proposed parcel must comply with following standards:

(i) Acceptable water sources:

(aa) A new or existing well or improved spring;

(bb) A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 or more days per year;

(cc) An existing public water system; or

(dd) A new public water system approved by Lane County Environmental Health.

(ii) Prior to final plat approval, areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant proposed parcels that are less than 20 acres in size:

Is the subject property located in a water quantity or quality limited area according to Lane Manual Chapter 13.010? ___ Yes ___ No

Are the proposed parcels less than 20 acres in size? ___ Yes ___ No

If both answers are yes, provide evidence of compliance with (aa) and/or (bb) below.

(aa) If the subject property is designated as quantity limited, as listed in Lane Manual 13.010(2), prior to final plat approval, the applicant must submit proof demonstrating it can sustain the proposed development with sufficient water. The Director can require an aquifer study prepared by an Oregon registered geologist.

(bb) If the subject property is located in a quality limited area, as listed in Lane Manual 13.010(1), provide bacteriology/chemical tests that show compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the mapped contaminant prior to final plat approval. At minimum, a test must be conducted on every third well.

(A) If contaminants are found in the water, as a condition of tentative approval, recording of a Notice document stating the presence of contaminant(s) on affected parcel(s) may be required. The notice is to be recorded at Lane County Deeds and Records when the final plat is recorded.

- (B) Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.

(iii) **Water Availability:**

- (aa) **Public or Community Water System.** If connection to an existing public or community water system is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development prior to final plat.

Will the parcels be served by a public or community water system? ___ Yes ___ No

If yes, list name of water system: _____

- (bb) **Individual Water Systems.** When parcels are to be served by individual or shared water systems, they must comply with either (A) or (B) below.

- (A) When parcels will be served by individual or shared water systems, sufficient evidence may be submitted to demonstrate that each parcel will have an adequate supply of water prior to final plat approval. Adequate supply of water for parcels created by a land division must comply with the following standards:

- (i-i) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test;

- (ii-ii) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for a storage tank according to Lane Manual 9.160(1)(b); or

- (iii-iii) Submit a report prepared by an Oregon registered geologist certifying that the individual or shared water system can adequately supply the potential development of the land division.

Will parcels be served by individual wells? ___ Yes ___ No

Are there existing wells on the subject property? ___ Yes ___ No If yes, how many? _____

Provide reasonable proof that each parcel can accommodate an individual well or comply with (B) below. Reasonable proof may include a well contractor's report, well logs of nearby wells, or a registered geologist's report.

(B) If an adequate supply of water is not verified during the partition process pursuant to (aa) or (bb)(A) above at the request of the applicant, the following language is required to be recorded in a Notice document at Lane County Deeds and Records when the final plat is recorded:

(i-i) "Water availability was not verified as part of Partition Plat ^filing number^ and proof of an adequate supply of water may be required to be verified at time of building permit as determined by the Building Official on ^parcel^(s)."

(ii-ii) Optional: If conditions change on a specific parcel, the owner can request from the Director to approve the modification or removal of the Notice document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence of adequate potable water in conformance with (i) thru (iv) in this subsection before the Director is able to remove the Notice document.

Does the Applicant request NOT to verify access water during this land division process? ___ Yes ___ No

If yes, no reasonable proof is required to be submitted and the above referenced notice will be made a condition of approval.

(iv) Water Quality. To demonstrate that the available water is potable for any individual or shared water system, prior to final plat application approval the owner may submit a bacteriology/chemical test conducted by a certified water testing lab showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:

(aa) Total Coliform and Fecal Coliform/E. Coli

(bb) Nitrates/nitrites

This will be made a condition of approval.

Conditions of Approval. The Director has the right to attach such conditions as are necessary to carry out provisions of Lane Code, and other applicable ordinances and regulations.