

**CHAPTER 16.33**  
**SUBDIVISION AND PARTITION REQUIREMENTS**

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**16.33.010 PURPOSE.** In the interpretation and application of this chapter, the provisions hereof shall be held to be the minimum requirements adopted for the public health, safety, and welfare. To protect the people, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate public services and safe streets for accomplishing, among other things, the following objectives:

- A. Better living conditions within new subdivisions.
- B. Orderly and economic development of urbanizable land.
- C. Simplification and definiteness of land descriptions.
- D. Establishment and development of streets, utilities, drainage systems and public areas.
- E. Stabilization of property values in the subdivision and adjacent areas.
- F. Provide standards and regulations which will inform the public and aid in uniform enforcement.
- G. To regulate the subdividing and partitioning of land within urban growth boundaries in Marion County in accord with applicable state statutes and the State Planning Goals.

**16.33.020 GENERAL DEFINITIONS.** For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, and the term "this chapter" shall be deemed to include all subsequent amendments.

“Block” means the properties abutting on one side of a street between either:

- 1. Two cross streets; or
- 2. Between the city limits and the nearest cross streets; or
- 3. When there is only one cross street:

- (a) Between a cross street and the dead end of a street;
  - (b) Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;
  - (c) Between a cross street and a point 400 feet from the particular property under consideration when there is no other cross street or intersecting street within 400 feet; or
4. When there are no cross streets, then the block shall be between the points 400 feet from each side of the property under consideration and along the street.

“Building lines” means the lines indicated, or otherwise described, limiting the area upon which structures may be placed.

“Centerline” means the legally described survey lines on which the right-of-way was initially established or to which the right-of-way was subsequently relocated.

“Division” means the Marion County planning division.

“Director” means the planning director or designee.

“Easement” means the right to use or cross a parcel of land.

“Flag lot” means a lot, the major portion of which has access to a street by means of a narrow strip of land not less than 20 feet in width.

“Manufactured home” means a vehicle or structure constructed for movement on public highways that has sleeping, cooking, and plumbing facilities, is intended for human occupancy, and is being used for residential purposes.

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined in this chapter.

“Partition land” means to divide land to create not more than three parcels of land within a calendar year.

“Planned development” means a subdivision of land incorporating common open space with each dwelling being placed on its own lot. See MCC 16.26.800.

“Person” means a natural person, heirs, executors, administrators, or assigns and also includes a firm, partnership or corporation, its or their successors, or assigns, or the agent of any of the aforesaid, and the state or any political subdivision, agency, board or bureau of the state.

“Plat” includes a final map, diagram, drawing, replat, or other writing containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or partitioning and complying with the provisions of ORS 92 and 209.

“Property line adjustment” means the relocation or elimination of a common property line between abutting properties that does not create an additional parcel.

“Shall” means mandatory.

“Street or “road” means a public or private way that is or has been created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes. The term "street" shall include thoroughfare as defined herein.

1. Arterial.
  - a. Principal Arterial
    - i. Continuous segments with trip length and travel density indicative of statewide or interstate travel; and
    - ii. Serve all of the large urban areas and most of the moderate sized cities.
  - b. Arterial
    - i. Link cities, larger towns, and other major traffic generators; and provide interstate and inter-county service; and
    - ii. Spaced such that all developed areas of the region are within reasonable distance of an arterial; and
    - iii. Serve a higher travel density, trip length, and overall travel speed than collector and local systems.
2. Collector.
  - a. Major Collector
    - i. Provide service to larger towns not directly served by higher classed roads and to other traffic generators of equivalent intra-county importance (including parks, tourist attractions, significant resource areas, etc.); and
    - ii. Link these places with nearby towns and cities, or routes of higher classification; and
    - iii. Serve the more important intra-county travel corridors.
  - b. Minor Collector
    - i. Spaced at intervals to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road; and
    - ii. Provide service to any remaining smaller communities and traffic generators; and
    - iii. Link locally important traffic generators with their local constituents.
3. “Cul-de-sac” means a dead-end road or street with vehicular turnaround at or near the dead end.
4. “Dead-end street” means the same as cul-de-sac with no turnaround at the dead end.
5. “Half street” means a portion of the ultimate width of a road or street where the remaining portion of the road or street shall be provided at a future date.
6. Local.
  - a. Primarily provide access to adjacent lands; and
  - b. Provide relatively short travel distances compared to higher classed facilities.

“Subdivider” means any person who undertakes the subdivision of land.

“Subdivide Land” means to divide land to create four or more lots within a calendar year.

“Subdivision” means either an act of subdividing land or an area of tract of land subdivided as defined in this section. The term “subdivision” shall include planned developments as defined herein.

“Thoroughfare” means any vehicular way through the planned development or any vehicular way within the planned development.

1. Minor thoroughfares are to serve specific property only, not the general traffic circulation in the area, and need to be constructed only wide enough to adequately perform this function. Minor thoroughfares include "T" turnarounds, cul-de-sacs, circles, loops, and those "L" shaped streets not functioning as a through thoroughfare.
2. Major thoroughfares are publicly owned streets permitting traffic to move in one side of the planned development and out of another.

“Utility facilities overhead” means all utility poles, overhead wires, and associated overhead facilities with the exception of:

1. Antennae, associated equipment, and supporting structures used by a utility for furnishing communication services.
2. Equipment appurtenant to underground facilities such as surface-mounted transformers and switchgear, pedestal-mounted terminal boxes, meter cabinets, concealed ducts, and municipal fire alarms, street lights, traffic control signals and poles used exclusively for such services as are served from an underground source of supply.
3. Temporary poles, overhead wires, and associated overhead facilities used in conjunction with construction projects.
4. High-capacity electric and communication feeder lines and utility transmission lines operating at 50,000 volts or more.

## **ARTICLE I. GENERAL REGULATIONS**

**16.33.040 CONSIDERATIONS FOR APPROVAL OR DENIAL.** When considering a subdivision or partitioning plan, the commission, director, hearings officer or board, when it exercises its authority pursuant to Chapter 16.37 MCC, shall consider whether or not it is in accordance with the adopted ordinances, comprehensive plans, and land development policies of Marion County. In reviewing an application, the commission, director, hearings officer or board may prescribe conditions or make changes or modifications to the subdivision or partitioning plan to bring them into compliance with any applicable ordinances or regulations.

**16.33.060 APPROVAL REQUIRED BEFORE CREATING STREET TO PARTITION LAND.** No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the commission, director, hearings officer, or board.

### **16.33.080 PROHIBITION OF SALE OR TRANSFERS OF LOTS PRIOR TO RECORDING OF PLAT.**

- A. No person shall negotiate to sell any lot in any subdivision until a tentative plan of the subdivision has been approved.

- B. No person shall dispose of, transfer, sell, or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision has been so recorded.

**16.33.140 PROPERTY LINE ADJUSTMENTS.** The following requirements shall apply to all property line adjustments:

- A. Regardless of the size of the adjustment, when a property line to be adjusted is part of a division of land previously approved by the Marion County planning director, planning commission, hearings officer, or board of commissioners it must be reviewed by the planning director.
- B. Except as provided in subsection (A) of this section, no approval is necessary for property line adjustments in the RL (limited multiple-family residential), RM (multiple-family residential), CO (commercial office), CR (commercial retail), CG (commercial general), HC (highway commercial), IC (industrial commercial), IP (industrial park), IG (general industrial) or IH (heavy industrial) zones.
- C. Except as provided in subsections (A) and (B) of this section, all property line adjustments shall require approval under the partitioning procedure if the adjustment exceeds 10 percent of the total land area of the smallest affected parcel.

## **ARTICLE II. ROADS, STREETS AND EASEMENTS**

**16.33.160 ENGINEERING STANDARDS AND REQUIREMENTS.** Engineering standards and requirements, including but not limited to streets, drainage, access, easements, and thoroughfare improvements, shall be those currently approved by the Marion County department of public works.

**16.33.180 DEEDING OF RIGHT-OF-WAY ROADWAY.** No person shall dedicate for public use, or deed to Marion County, a parcel of land which is used or proposed to be used as access without first obtaining the approval of the board or its designee and delivering the deed to the board for its endorsement. No dedication is effective unless the property is accepted by the Board or its designee and recorded with the Marion County clerk's office.

**16.33.190 CONNECTIVITY.** Applicants submitting preliminary development plans shall provide for local streets oriented to or connecting with existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half mile of the development. Applicants shall also provide for extension of local streets to adjoining major undeveloped properties and eventual connection with the existing street system. Connections to existing or planned streets and undeveloped properties along the border of the parcel shall be provided at no greater than 600-foot intervals unless the planning director, or designee, determines that one or more of the following conditions exist:

- A. Physical or topographic conditions make a street or accessway connection impractical. Such conditions include, but are not limited to, freeways, railroads, steep slopes, wetlands or other bodes of water where a connection could not reasonably be provided; or
- B. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.

**16.33.200 DEAD-END STREETS.** When it appears necessary to continue streets to an adjacent acreage, the streets shall be platted to the boundary or property line of the proposed subdivision without a turnaround. In all other cases, dead-end streets shall have a turnaround with a configuration approved by the Marion County department of public works.

**16.33.220 RADIUS AT STREET INTERSECTIONS.** The property line radius at street intersections shall be to Marion County department of public works' standards.

**16.33.240 STREET GRADES.** No street grade shall be in excess of 12 percent unless the commission or hearings officer finds that, because of topographic conditions, a steeper grade is necessary. The commission or hearings officer shall require a written statement from the director of public works indicating approval of any street grade that exceeds 12 percent.

**16.33.260 DEDICATION OF RIGHT-OF-WAY.** If land to be subdivided or partitioned will cause the termination of a roadway or borders a roadway right-of-way of less than standard width, the applicant shall dedicate sufficient land to provide for a cul-de-sac or to increase the half (or halves) of right-of-way bordering the subject parcel to one-half of the standard width. Unless otherwise specified for an individual street in this title, standard right-of-way widths are subject to the standards of the Marion County department of public works.

**16.33.280 ADDITIONAL RIGHT-OF-WAY WIDTHS.** Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way or slope easement may be required to accommodate the cut and fill.

**16.33.290 PERFORMANCE STANDARDS.** Whenever adequate assurances of performance are required as a condition of approval of any subdivision under this ordinance, the applicant shall provide one of the following:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon, in an amount equal to 100 percent of the construction cost of the required improvements, as verified by the county.
- B. A verified deposit with a responsible escrow agent or trust company of cash or negotiable bonds in an amount equal to 100 percent of the construction costs of the required improvements, together with an agreement that the deposit may be disbursed only upon county approval. The agreement shall include a provision that the county shall allow release of the deposit in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the county engineer following an inspection by the county engineer or the engineer's authorized representative.
- C. An irrevocable letter of credit from one or more financial or lending institutions pledging that funds equal to 100 percent of the construction cost of all required improvements are available to the applicant and are guaranteed for payment for the improvements.

Regardless of the option chosen above, no building permits for any structures within the subdivision will be issued until all improvements have been completed by the applicant. Or, in the event the applicant fails to complete all improvements, the county may estimate the cost of completing any required improvement, call on the bond or deposit for the funds necessary to complete the improvement, and complete the improvement to the extent of the funds obtained upon call of the bond or deposit. If the amount obtained from the bond or deposit is insufficient to complete the improvement, the county may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvement as determined reasonable by the director of public works. Following final inspection, if the improvement is complete and the amount of the bond or deposit exceeds the actual cost to the county of completing the improvement, the remainder shall be released.

- D. Maintenance Bonds. The applicant shall provide a maintenance bond in a form approved by the office of county legal counsel equal to 40 percent of the construction cost of all required improvements. The applicant shall provide the bond within 30 days after final review of the required improvements. The bond shall remain in effect for one year after the completion of construction of all required improvements. The purpose of the bond is to guarantee applicant's obligation to maintain all required improvements for a period of one year after completion of construction of all required improvements. After the expiration of the one year period, any remaining balance on the bond shall be released. The bond shall include a provision stating that, in the event the county must take legal action to recover on this bond, and it prevails

at trial or on appeal, the county shall be entitled to recover its reasonable attorney fees and its costs and disbursements. Nonpayment of the bond will not invalidate applicant's obligations under the bond.

**16.33.300 UTILITY EASEMENTS.** Utility easements meeting the approval to the standards of the affected utilities shall be provided to all newly created lots.

**16.33.320 STREET OR ROAD IMPROVEMENTS.** All street or road improvements including pavement, curbs, sidewalks, signage, and surface drainage shall be in accordance with the specifications and standards prescribed by the director of public works. Subdivision plats shall not have final approval until such time as the director of public works, or his/her designee, is satisfied that the street improvements will be completed in accordance with the specifications and standards set forth by the Marion County department of public works.

No building permits within a subdivision or partition shall be issued until the Director of public works, or his/her designee, approves that the improvements have been completed or, sufficient improvement agreements and financial guarantees have been recorded.

**16.33.340 PRIVATE STREETS.** In the event the subdivider or developer elects to provide private streets or thoroughfares, they shall be maintained by the homeowners association and a maintenance agreement shall be submitted to Marion County for review and approval prior to recording the final plat.

### **ARTICLE III. BLOCKS AND LOTS**

**16.33.360 SUBDIVISION.** Block lengths and widths shall be determined after considering the following factors:

- A. The distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision;
- B. Topography;
- C. Lot size; and
- D. Need for and direction of the flow of through and local traffic. Blocks shall not exceed 600 feet between street or road right-of-way lines unless the adjacent layout or special conditions justify greater length. Except where topographical or other physical features require otherwise, block widths shall not be less than 120 feet or greater than 400 feet.

**16.33.380 MIDBLOCK PEDESTRIAN ACCESS.** Where topographic or other conditions make necessary a block of unusual length, the commission may require midblock pedestrian walks with a right-of-way at least 10 feet in width which shall be hard surfaced through the block, and extending from street curb to street curb.

**16.33.400 LOT SIZE.** All lots approved under this chapter shall have sufficient area to be consistent with the intent of the comprehensive plan and to provide adequate area for the intended structures and uses, all setbacks, access and spacing required for water supply and waste water disposal. Lots to be served by public or privately owned sewage collection and disposal system must meet the requirements and have approval of the Oregon State Department of Environmental Quality before being recorded or sold. State regulations, soil types, drainage, terrain, and location may be included as part of the criteria used by the state or county in determining appropriate lot sizes for lots using subsurface disposal of sewage. Lot size and dimensions shall be as prescribed in the corresponding zone.

**16.33.420 CURVED FRONT LOT LINES.** When front lot lines are on a curve or arc, the front line distance shall be indicated on the final plat by bearing and chord distance.



**16.33.440 LOT LINE.** Side lot lines shall be as close to right angles to the front street line as practicable. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.

#### **ARTICLE IV. SEWAGE, WATER AND UTILITIES**

**16.33.460 SEWAGE DISPOSAL.** All lots or parcels shall be served by an authorized sewage disposal system. Subsurface sewage disposal for individual parcels shall meet the requirements of the Department of Environmental Quality (DEQ) and the Marion County building inspection division. Those subsurface sewage systems that are used by a community, sanitary district, industry, or incorporated area must be authorized by the Department of Environmental Quality (DEQ) via the Marion County building inspection division. Installation and maintenance shall be in accordance with the Department of Environmental Quality's regulations and requirements. The commission, director, or hearings officer may require connection to an existing sewage collection and treatment system regardless of lot suitability for subsurface disposal if the commission, director or hearings officer deems it necessary and provided the connection is available.

**16.33.480 WATER SUPPLY.** All lots or parcels shall be served by an authorized public or private water supply system.

- A. Public or Private Systems. Public or private systems shall meet the requirements of the Oregon State Health Division with reference to chemical and bacteriological quality. In addition, such systems must meet the quantity, storage, and distribution system requirements of the State Health Division and the operator of the water system.

**16.33.500 SEWER AND WATER LINES AND CONNECTIONS.** All proposed subdivisions within established or proposed urbanizing areas of municipalities, service districts and other incorporated communities, where, upon concurrence from the municipality, district, or incorporated community that public sewer and water services are imminent, shall be developed with water and sewer lines that meet the specifications of the director of the Marion County department of public works.

**16.33.520 UNDERGROUND UTILITIES.** All permanent utility service to lots in a subdivision within an established urban growth boundary shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:

- A. Obtain a permit from the director of public works for the placement of all underground utilities.
- B. Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the State of Oregon.

**16.33.540 UNDERGROUND UTILITIES EASEMENTS.** Underground easements for utilities and overhead utility facilities shall be provided by the subdivider and set forth on the final plat. Each easement shall be a minimum of 10 feet in width except on the perimeter of the subdivision where the minimum width shall be five feet, and when possible, such easement shall be centered on or bordering a lot line. The subdivider shall provide five-foot utility easements on both sides of all road or street rights-of-way of 60 feet or less.

**16.33.560 STREET LIGHTING.** Proposed subdivisions located within established street lighting district boundaries shall submit street lighting plans from the appropriate power company to the director of public works for approval. All provisions for wiring for underground installation shall be completed before the final street improvement is made.

## ARTICLE V. PARTITIONINGS

**16.33.580 PRE-APPLICATION CONFERENCE.** Prior to the actual filing of a partitioning application it is recommended that the applicant contact the staff for a pre-application conference. The meeting will enable the staff to review the proposal and determine if the partition is consistent with the intent of this title and the Comprehensive Plan and whether public services are required and available.

**16.33.600 PARTITIONING APPLICATION AND INITIAL DECISION.** When an area or tract of land is to be partitioned an application shall be filed with the planning division provided that this section shall not apply to partitioning where all lots maintain a minimum of 20 feet frontage on a public street in the RL, RM, CO, CR, CG, IC, IP, HC, IG, or IH zones. This administrative decision shall be final unless an appeal is taken as provided in MCC 16.33.720. When a partitioning application is to be considered concurrently with an additional land use application, the initial decision may be made by the director or hearings officer. The director shall determine if annexation to a sewer or water district or a city is required for any partition proposed inside an urban growth boundary. If the director determines that annexation is required, annexation or a non-remonstrance agreement must be filed with the appropriate agency.

### **16.33.620 REQUIRED APPLICATION INFORMATION.**

- A. The application form filled out completely in ink.
- B. Copy of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the parent parcel.
- C. Plot Plan. The plot plan should be on a separate sheet of paper eight and one-half inches by 11 inches and must be drawn in ink, showing the location of the proposed property lines and adjustments, and distances to structures, property lines, roads, drainage, access, and other features. The plot plan must be reviewed and initialed as accepted by a plans examiner from the building inspection division.
- D. If the property is within the geologically hazardous overlay zone, any study required by Chapter 16.24 MCC shall accompany the application. If the chapter requires peer review of the study, this must also be submitted with the partition application.
- E. A written statement which explains your reasons for dividing the land and how the division conforms to Marion County land use policies and regulations of the applicable zone.
- F. If the partitioning includes the creation of a private roadway the applicant must include four proposed road names in the order of preference.
- G. Filing fee.

**16.33.640 INFORMATION FROM AFFECTED AGENCIES.** Upon receipt, a copy of the application shall be distributed to the Marion County department of public works, county assessor, county surveyor, building inspection division, and other affected agencies with a request for comments or suggestions regarding those features that come within the scope of their activities.

**16.33.660 CONFORMANCE WITH REGULATIONS.** Unless an adjustment is granted as provided herein, partitions shall conform to applicable regulations contained in MCC 16.33.180 through 16.33.660.

**16.33.680 ACCESS STANDARDS.** All lots must have a minimum 20 feet of frontage on a public right-of-way or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards and a driveway

permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:

- A. Have a minimum easement width of 25 feet;
- B. Have a maximum grade of 12 percent;
- C. Be improved with a paved surface with a minimum width of 20 feet;
- D. Provide adequate sight-distance at intersections with public roadways;
- E. Be provided with a road name sign at the public roadway as identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.

**16.33.700 NOTIFICATION OF DECISION.** Notice of the decision, including any adjustments, and information on the appeal process shall be sent to the applicant, mortgagees, department of public works, affected county agencies, and all landowners within the notification area.

**16.33.720 APPEAL.** Upon final action on the partitioning by the director, interested persons may appeal the decision through the process outlined in MCC 16.37.080.

**16.33.740 PUBLIC HEARING.** If the director's decision is appealed, the hearings officer or board shall conduct a public hearing in accordance with Chapter 16.44 and/or 16.45 MCC.

**16.33.760 DECISION ON APPEAL.** The hearings officer or board shall render a decision on the appeal in accordance with the provisions of this chapter, after the conclusion of the hearing. Notice of the decision shall be provided to the applicants, appellant, and others requesting notice in writing.

The decision of the hearings officer may be appealed to the board no later than 15 days after the decision is rendered. The board may sustain the decision or decide the appeal with or without a further public hearing. If a public hearing is held it shall conform with Chapter 16.45 MCC. If the board exercises its authority pursuant to MCC 16.45.020, its decision is final and appealable only to the Oregon Land Use Board of Appeals.

**16.33.780 FINAL RECORDATION.** Within two years of approval of the partitioning application, the applicant shall submit to the Marion County surveyor's office, with a copy forwarded to the Marion County planning director, a partitioning plat in the appropriate form that shall reflect the final decision. When so approved, the plat shall be recorded with the Marion County clerk. Until the plat is so approved and recorded, no building permits for any of the divided parcels shall be issued. Should the applicant fail to record a partitioning map within two years, the approval shall be deemed null and void. An extension may be approved by the director upon submittal of written justification prior to the expiration of the two-year time limit.

## **ARTICLE VI. SUBDIVISIONS**

**16.33.800 SUBDIVISION PRE-APPLICATION CONFERENCE.** Prior to the actual filing of a subdivision application the subdivider shall and contact staff and schedule a pre-application conference. Materials, maps, etc. required for the pre-application conference shall be submitted at least seven days prior to the date of the conference. The meeting will enable the staff to review the proposal and determine if the subdivision is consistent with the intent of this title and the Comprehensive Plan and whether public services are required and available.

**16.33.820 APPLICATION.** When an area or tract of land is to be subdivided an application shall be filed with the planning division. The applicant shall specify on the application whether the request is for conceptual or detailed approval or both. Conceptual approval indicates that the subdivision or PUD in the general manner and density proposed, is deemed consistent with the Comprehensive Plan but conceptual approval shall not be binding

on the planning commission or hearings officer with regard to specific design or engineering. In granting conceptual approval the commission or hearings officer shall identify any elements of the proposal that need further evaluation or refinement.

**16.33.840 REQUIRED APPLICATION INFORMATION.**

- A. The application form and any supplementary information filled out completely in ink.
- B. Copy of the officially recorded title transfer instrument (deed, warranty deed, or contract) that shows the legal description for the parent parcel. Title reports are not acceptable.
- C. Twenty-seven copies of a scale drawing of the proposed subdivision with the following details shown:
  - 1. Structures, streets, driveway access points (existing and proposed), and easements (existing and proposed).
  - 2. Topography and drainage ditches on the subject and adjoining parcels.
  - 3. A layout of the proposed subdivision with proposed lot lines to scale, north arrow, and name and address of applicant.
- D. If the property is within the geologically hazardous overlay zone, any study required by Chapter 16.24 MCC shall accompany the application. If the chapter requires peer review of the study, this must also be submitted with the partition application.
- E. Filing fee.

**16.33.860 INFORMATION FROM AFFECTED AGENCIES.** Upon receipt, a copy of the application shall be distributed to the Marion County building inspection division, department of public works, county assessor, county surveyor, and other affected agencies with a request for comments or suggestions regarding those features that come within the scope of their activities.

**16.33.880 CONFORMANCE WITH REGULATIONS.** Unless an adjustment is granted as provided herein, the subdivision shall conform to applicable regulations contained in MCC 16.33.180 through 16.33.660 and planned developments shall, in addition, conform to the regulations in MCC 16.26.800.

**16.33.900 PUBLIC HEARING.** Upon receipt of responses from other departments and agencies, the commission, hearings officer or board shall hold a public hearing on the conceptual and/or detailed application. The hearing notice shall include a description of any proposed adjustments. The purpose of the public hearing shall be to elicit responses from interested persons concerning the appropriateness and feasibility of the proposed subdivision plan.

**16.33.920 NOTIFICATION OF DECISION.** Notice of decision including any adjustments granted, and information on the appeal process shall be sent to the applicant, those within the notification area, and any interested person, who, in writing, requests notification.

**16.33.940 APPEAL.** The decision of the commission or hearings officer may be appealed to the board no later than 15 days after the decision is rendered. The board may sustain the decision or decide the appeal with or without a further public hearing. If a public hearing is held, it shall conform with Chapter 16.45 MCC. If the board exercises its authority pursuant to Chapter 16.45 MCC, its decision is final and appealable only to the Oregon Land Use Board of Appeals.

**16.33.960 APPROVAL OF FINAL PLAT.** Within two years approval of a conceptual or detailed subdivision design, the subdivider shall submit a final plat to the Marion County surveyor. The final plat must be in conformance with any conditions imposed at the time of approval and shall comply with survey standards.

**16.33.1000 ACTION AND RECORDING OF FINAL PLATS.** After receiving detailed approval, a subdivider shall submit a final plat for approval. A subdivision plat, when ready for final approval prior to recording, shall be substantially in accordance with the approved detailed plan. The final plat shall be tied into the geodetic coordinate system used in the county. After the final plat has been filed with the Marion County surveyor and a copy forwarded to the planning director, the director shall review the final plat and compare it with the approved detailed plan to ascertain whether the final plan substantially conforms to the approved detailed plan and the conditions of approval.

Before submitting the final plat to the board of commissioners for approval, the final plat shall be approved and signed by all persons set out in the dedication, the mortgagees, if any, the director, county surveyor, county on-site wastewater specialist, county engineer, county assessor, and the signature and seal of the registered land surveyor responsible for the laying out of the subdivision. All the conditions of detailed approval shall be fulfilled before submitting the final plat to the planning director for approval and signature. If the director finds that there has not been substantial conformance with the approved detailed plan, the director shall advise the subdivider of the changes that must be made and afford the subdivider an opportunity to make those changes.

When the final plat has been reviewed by the director and is found to be in substantial conformity to the approved detailed plan, the subdivider has fully complied with ORS 92.090 (4) and (5) the director or authorized representative shall sign the final plat. The director may elect to submit the final plat to the commission or hearings officer for further review.

All signatures on the final plat shall be in archival quality black ink. Where the subdivider has expressed, in writing, his/her intent to develop the subdivision in phases, or stages, the final plat may contain all or only a portion of the approved detailed plan.

**16.33.1020 TIME LIMIT FOR THE FILING AND RECORDING OF A PLAT.** When the subdivider has expressed intent to develop a subdivision in phases or stages, the first phase of the final plat, or, if not to be developed in phases or stages, the completed final plat must be filed with the director by the first day of the 24th month following the date of detailed approval or said detailed approval shall be deemed null and void. The final plat shall be approved by public officials as required by law and recorded within 180 days following the date the plat is submitted to the director. Extensions to either time deadline may be approved by the director upon submittal of written justification prior to the expiration of the time limit.

## **ARTICLE VII. ADJUSTMENTS, VIOLATIONS AND APPEALS**

### **16.33.1060 ADJUSTMENTS FROM REGULATIONS.**

- A. Authorization. The director, commission, hearings officer or board may authorize an adjustment of any requirements set forth in MCC 16.33.040 through 16.33.780. The director may authorize such adjustments for lot line adjustments, partitions, PUD's, or subdivisions with the written concurrence of the affected county department. Adjustments pertaining to other regulations contained in this chapter or MCC 16.26.800 shall be authorized as provided in this title.
- B. Basic Consideration of an Adjustment. Adjustments to MCC 16.33.040 through 16.33.780 may be granted only upon a sufficient showing as determined by the director, commission, hearings officer or board that the criteria listed in MCC 16.41.030 or 16.41.040 have been met.
- C. Application for Adjustment. Any person wishing to obtain an adjustment from these regulations shall submit to the division a written statement giving complete details of conditions and reasons why a specific adjustment should be granted.

**16.33.1080 APPEAL PROCEDURE.** Any person may appeal the granting or denial of an adjustment of this chapter by filing a written appeal within the appeal period provided for the property line adjustment, partitioning or

subdivision. The procedure for considering appeals to adjustments shall be the same as that provided in Chapters 16.44 and/or 16.45 MCC.

**16.33.1100 LOTS CREATED IN VIOLATION OF THIS CHAPTER**. Any lot, parcel, street or road created in violation of the provisions of this chapter shall be deemed null and void. When such a lot or parcel of land is created in violation of the provisions of this chapter or has failed to receive approval of the county as required by ORS 92.040, the Marion County building official shall stop the construction of any structure in process on that property. No permit for the use of land or structures or for the alteration or construction of any structure shall be issued and no land use approval shall be granted if the land for which the permit or approval is sought is being used in violation of any condition of approval of any land use action, or is being used or has been divided in violation of the provisions of this chapter or this title, unless issuance of the permit would correct the violation.