

610 LAND DIVISIONS AND PROPERTY ADJUSTMENTS OUTSIDE A UGB

610-1 Property Line Adjustments (Property Line Relocation)

A property line adjustment is the relocation of a common boundary line between two or more abutting properties where an additional lot or parcel is not created.

610-1.1 A. General Limitations

Property Line Adjustments are limited in the following Districts as follows:

- (1) In the AF-10, AF-5 and RR-5 Districts, lots or parcels may be reduced below the district's specified minimum lot size (10 acres, 5 acres and 5 acres, respectively) pursuant to the standards of this Section. However, if a lot or parcel is increased in size by a property line adjustment that reduces the size of one or more other lots or parcels to less than the district's specified minimum lot size (as allowed in subsection B below), or that further reduces one or more lots or parcels already below the district's specified minimum lot size, the lot or parcel which is increased in size shall not be eligible to be divided into more lots or parcels than it could have qualified for prior to the property line adjustment.
- (2) In the R-COM, R-IND and MAE Districts, no lot or parcel shall be reduced in size below the minimum lot area established by the district unless approval is granted per the standards of Section 435.
- (3) In the EFC District, no lot or parcel shall be reconfigured to qualify for a Lot of Record Dwelling under Section 430-37.2 E. (2).

B. Property Line Adjustments Permitted Through a Type I Procedure

Property lines in the EFU, EFC, AF-20, AF-10, AF-5, RR-5, R-COM, R-IND and MAE, FD-20 and FD-10 Districts shall be adjusted through a Type I procedure provided:

- (1) Equal land areas are exchanged, or
- (2) A lot or parcel is reconfigured to align with a road or railroad right-of-way, a power transmission line on deeded property, an urban growth boundary (if entirely outside the boundary of a city) or a channel of a river or other watercourse or body of water that divides the lot or parcel; or
- (3) No lot or parcel is reduced in size below the minimum lot size for the District except for the following:
 - (a) When a federal, state, or local judiciary issues a court decree for adverse possession, way of necessity or a prescriptive use. The adjustment shall not be larger than the minimum size necessary to implement the court decree; or

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- (b) Where a parcel has a lawfully established structure which is in violation of a setback requirement. The adjustment shall not be larger than the minimum size necessary to correct the violation; or
 - (c) Where a parcel is being reconfigured for the purpose of a Federal project for creation of, restoration of or enhancement of wetlands; or
 - (d) When a parcel is reconfigured to provide adequate sight distance as determined by the County Engineer.
- (4) In the AF-10 District no lot is reduced below eight (8) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.
- (5) In the AF-5 District no lot is reduced below four (4) acres, except lots or parcels created through a Rural Planned Development which has received final approval are subject to the lot area standards that were in effect at the time the Rural Planned Development was approved.
- (6) In the RR-5 District no lot is reduced below two (2) acres, except existing lots or parcels that are one (1) to two (2) acres may be adjusted through a Type I procedure if none of the lots are reduced below one (1) acre, equal areas of land are transferred, and the provisions of Section 350-6.1 C.(1) and (2) are met.
- (7) In the AF-5 and AF-10 Districts, property lines of lots created through a Rural Planned Development may be adjusted through the Type I procedure when the findings upon which the decision is based or conditions of approval do not prevent the proposed property line adjustment; and the lotting pattern was not created to buffer an EFU, EFC or AF-20 District or commercial farm or forest use. The determination of compliance with this standard shall be based on the decision that approved the Rural Planned Development. The following standards and limits apply to these Type I adjustments:
- (a) No lot is reduced below the minimum acreage allowed in Section 404 (RPD standards); and the adjustment:
 - (i) Is to locate a subsurface disposal system which cannot be approved due to soil conditions; or
 - (ii) Is necessary to provide suitable turn-around for emergency vehicles, but does not exceed ½ acre in size; or
 - (iii) Is necessary to facilitate the drilling of a domestic well, but does not exceed ¼ acre in size; or
 - (iv) Is to correct a survey error, and is the minimum size necessary for the correction; or

- (v) Involves an equal area exchange when the Rural Planned Development did not result in an increase in density of the basic district; and
- (b) Streets within the development that abut an adjacent property or an exterior adjacent street are not relocated more than one-half ($\frac{1}{2}$) the width if the right-of-way, easement or tract; or are not relocated so that they abut a different property from the property approved in the final plat.

C. Property Line Adjustments Permitted Through a Type II Procedure

Property lines in the EFU, EFC, AF-20, AF-10, AF-5 and RR-5 Districts may be adjusted through a Type II procedure when the following standards are met:

- (1) In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use, not including a nonfarm dwelling, may be reduced below eighty (80) acres through a Type II procedure, provided:
 - (a) The adjustment is the minimum amount needed to accommodate the use; and
 - (b) One of the following scenarios is present:
 - (i) One or both of the abutting properties are smaller than the minimum lot or parcel size before the adjustment, and after the adjustment, at least one property is as large or larger than the minimum lot or parcel size for the applicable district; or
 - (ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the adjustment.
 - (c) A power generation facility shall comply with the lot area requirements of Section 430-141.
- (2) In the EFU and AF-20 Districts, a lot or parcel with a nonfarm use may be expanded through a Type II procedure provided:
 - (a) One of the following scenarios is present:
 - (i) One or both of the abutting properties are smaller than the minimum lot or parcel size before the adjustment, and after the adjustment, at least one property is as large or larger than the minimum lot or parcel size for the applicable district; or
 - (ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable district before and after the adjustment; and
 - (b) The adjustment is the minimum amount needed to accommodate the use; and

- (c) The suitability of the remnant lot or parcel for farm and/or forest practices is not lessened due to the property line adjustment; and
- (d) The proposed use will not:
 - (i) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or
 - (ii) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

An applicant may demonstrate that these standards for approval will be satisfied through the imposition of conditions. Any conditions so imposed shall be clear and objective.

- (3) In the EFC District, property lines for the uses in Sections 342-3.2 A. (navigation and aviation aids); 342-3.1 C. (exploration for geothermal, gas, oil, etc.); 342-4.1 C. (firearms training facility); 342-3.2 F. (log scaling and weigh stations); 342-3.2 I. (parks); 342-3.2 J. (permanent logging equipment repair and storage); 342-3.1 G. (production of geothermal, gas, oil, etc.); 342-3.2 L. (reservoirs and water impoundments); 342-3.1 I. (DEQ-mandated solid waste disposal site); 342-3.2 M. (communication facilities and transmission towers); 342-3.2 R. (utility facilities for generating power); 342-3.2 S. (water intake facilities and related facilities); 342-4.1 B. (campground); 342-3.2 B. (cemetery); 342-4.1 D. (mining and processing of oil, gas and other subsurface resources); 342-4.1 H. (fire station); 342-4.1 E. (permanent facility for the primary processing of forest products); 342-4.1 I. (solid waste disposal site); and 342-4.1 J. (communication facilities and transmission towers) may be adjusted through a Type II procedure when the following standards are met:
 - (a) The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;
 - (b) The use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;
 - (c) The parcel is not larger than the minimum size necessary for the use; and
 - (d) The applicant shall sign and record in agreement form, in the Deed and Mortgage records of the County, a statement which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.
- (4) In the AF-5 and AF-10 Districts, lot lines of parcels created through a Rural Planned Development shall be adjusted through a Type II procedure when

the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved are met:

- (a) The adjustment meets the standards for Type II property line adjustments that were in effect at the time the Rural Planned Development was approved; or
 - (b) If the Code in effect at the time the Rural Planned Development was submitted had no adopted standards for processing Type II property line adjustments, the adjustment meets the general Rural Planned Development approval standards.
- (5) In the RR-5 District, a lot or parcel may be reduced to one (1) acre through a Type II procedure if the lot or parcel meets the standards in Section 350-6.1 C.
- (6) In the EFC District, a lot or parcel with an existing dwelling may be reduced below eighty (80) acres upon findings that:
- (a) The parcel is five (5) acres or less, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall be no larger than ten (10) acres;
 - (b) The dwelling existed prior to June 1, 1995;
 - (c) The configuration of the parcels will allow for the establishment of an alternate septic tank drainfield for the existing dwelling;
 - (d) The remaining parcel (not containing the dwelling) is consolidated with another parcel, and together the parcels are at least eighty (80) acres; and
 - (e) Prior to final approval for a dwelling, the applicant records a restrictive covenant that precludes construction of a dwelling on the remaining parcel (80 acre or larger). The restrictive covenant shall be irrevocable, unless the Director finds that the remaining parcel is no longer subject to Statewide Goal 3 (Agricultural Lands).

610-1.2 Submission Requirements

In addition to the requirements of Section 203-3, all applications for a property line adjustment outside a UGB shall include the following:

- A. Name(s), address(es) and telephone number(s) of the owner(s), agent(s) and surveyor(s);
- B. A plot plan showing:
 - (1) All existing and proposed lot lines;
 - (2) All existing and proposed structures;

- (3) Existing and proposed easements;
- (4) The location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding; and
- (5) Existing subsurface sewerage systems, including drainfields and associated easements, within ten (10) feet of an existing or proposed lot line.

C. Existing and proposed lot or parcel sizes.

610-1.3 Review Standards

In addition to the applicable requirements of Section 610-1.1, property line adjustments shall meet the following standards:

- A. No additional lot(s) or parcel(s) shall be created as a result of the property line adjustment;
- B. No property line adjustment shall result in a lot line that violates the setback or dimensional standards of the applicable land use district unless a variance to the standard is approved; and
- C. The adjusted parcels meet the sight distance requirements of Section 501-9.5.

610-1.4 Survey Requirements

As set forth in Section 602-11.

610-1.5 Filing and Recording

As set forth in Section 602-1.

610-2 Rural Land Divisions (Partitions and Subdivisions)

Land outside an urban growth boundary may be divided through a partition or a subdivision. To partition land means to divide a unit of land into two (2) or three (3) parcels within a calendar year. To subdivide land means to divide a unit of land into four (4) or more lots within a calendar year. A partition or subdivision may or may not involve the creation of a street or road. Subdivisions and partitions are subject to the general standards of the land use districts, the applicable development standards of Article IV, the applicable standards of Section 501-9 (Limited Application of the Public Facilities and Service Standards Outside the UGB) and the provisions of this Article, including standards in Section 610-3 (Development Standards for Rural Land Divisions).

610-2.1 Procedures

Partitions and subdivisions shall be processed through a two-step process consisting of a preliminary review and a final review.

A. Preliminary Review:

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type II procedure when no variance from the standards of this Code is required; or
- (2) Be through a Type III procedure when a variance from the applicable standards of this Code is required or when in conjunction with a Type III development.
- (3) Subsequent phases of a Rural Planned Development which has an approved phasing schedule may be processed through a Type I procedure when the following criteria are met:
 - (a) All the conditions of approval apply to the subsequent phase; and
 - (b) The lot configurations remain as approved.
- (4) Expire automatically two (2) years from the date of approval unless prior to expiration:
 - (a) A request for final review, which includes all required information, is filed with the County; or
 - (b) A request for an extension is filed with the County pursuant to Article II; or
 - (c) Development is commenced pursuant to Section 201-6. If the Director determines that development has commenced prior to final approval, the preliminary review shall expire three (3) years from the date of approval unless final approval is granted.

B. Final Review:

Final review of a partition or subdivision shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval. Final approval shall be granted prior to approval of the partition or subdivision plat by the County Surveyor.

610-2.2 Review Standards

A. Preliminary Review:

The proposed partition or subdivision shall be reviewed for compliance with the applicable provisions of this Code, including Section 601-2.

B. Final Review:

- (1) The request for final approval of a partition or subdivision shall be reviewed for consistency with the preliminary approval and shall comply with the standards and conditions of the preliminary approval.

- (2) Any request for final approval submitted prior to expiration, but the expiration date subsequently passes and final approval is not granted for lack of the required information, shall be denied if the required information is not submitted within sixty (60) days of the expiration. In this situation, the preliminary approval as expired and shall be null and void.

C. Notwithstanding any other provisions, a proposed subdivision or partition shall comply with all applicable provisions of State law.

610-2.3 Submission Requirements for Preliminary Review of Rural Land Divisions

In addition to the requirements of Section 203-3 and the applicable requirements of Article IV, all applications for partitions and subdivisions shall include the following information. The preliminary plat and other drawings shall accurately represent all graphic data to scale. Drawings showing other information not shown on the preliminary plat shall be drawn to the same scale as the preliminary plat, unless approved otherwise by the Director.

A. A preliminary plat which includes the following:

- (1) A graphic representation of the land division drawn to a scale which is noted on the drawing.

In all cases the scale used shall be standard, being ten (10), twenty (20), thirty (30), forty (40), fifty (50), or sixty (60) feet to the inch or multiples of ten (10) of any one of these scales;

- (2) Names and addresses of the owner(s) and, when applicable, names and addresses of the designer of the subdivision or partition, engineer or surveyor;
- (3) Date of preliminary plat preparation;
- (4) For subdivisions, the proposed name;
- (5) Existing streets or roads (public or private) - location, names, right-of-way and pavement widths on and abutting the site, and the location of existing and proposed access points;
- (6) Proposed streets or roads (public or private) - location, right-of-way and pavement widths, approximate radius of curves and approximate grades of proposed streets on the subject property and within three hundred (300) feet of the site. An outline plan illustrating a future street plan shall also be provided for all property adjacent to the proposed site and all contiguous property under common ownership;
- (7) Easements - locations, widths, and purpose of all recorded or proposed easements in or abutting the proposed site;
- (8) Public utilities - location of all existing and proposed storm sewers, sanitary sewers and water lines, if any;

- (9) Flood areas - the location of any flood plain, drainage hazard areas and other areas subject to flooding or ponding (see Sections 410 and 421);
 - (10) Significant Natural Resources - the location of areas designated as a Significant Natural Resource on the Rural/Natural Resource Plan Element (see Section 422);
 - (11) Lot dimensions - all existing property lines and their lengths, and the approximate location and dimensions of all proposed lots or parcels;
 - (12) Lot size - the minimum proposed lot or parcel size;
 - (13) Existing structures - location and present use of all structures on the site and indication of which, if any, structures are to remain after platting;
 - (14) Identification of land (e.g., lots or tracts) reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified;
- B. A generalized vegetation map of existing trees. This information may be shown on the preliminary plat provided all information is legible;
- C. Preliminary utility plans for sewer, water and storm drainage when these utilities are to be provided. This information may be included on the preliminary plat provided all information is legible;
- D. Subsurface sewerage systems - location of all existing systems, including drainfields and associated easements; and
- E. Supplemental information - including deed restrictions, if any; and a statement of ownership, use, conditions or limitations and responsibility for maintenance of all nonbuildable areas or tracts, or areas or tracts to be dedicated or reserved for public use.

610-2.4 Submission Requirements for Final Review of all Land Divisions

Requests for final review of a subdivision or partition shall be submitted within two (2) years of preliminary approval and shall include the following information:

- A. Necessary copies of the final plat, which shall include the following information:
- (1) The right-of-way location, width and centerline of all streets within the boundary of the site;
 - (2) All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the plat shall be shown;
 - (3) The name of new streets approved by the County Surveyor;

- (4) Identification of land (e.g., lots or tracts) to be dedicated or reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified;
 - (5) A declaration as required by ORS Ch. 92.075;
 - (6) A non-graphic notation on the plat of any flood plain or drainage hazard area, including the flood plain or drainage hazard area elevation and the affected lots or parcels;
 - (7) Plat restrictions required in the preliminary approval; and
 - (8) Unless a subsurface sewerage permit or site evaluation approval has been issued from the appropriate agency for all the preliminary approved lots or parcels, a notation shall be placed on the plat stating that the allowance of the partition or subdivision does not warrant that sewer or septic tank approval is or will be available to the affected lots or parcels. However, lots or parcels created in the RR-5 District pursuant to Section 350-6.1 C. are required to obtain a subsurface sewerage permit or site evaluation approval as required by Section 350-6.1 C. (2).
- B. Supplemental Information, including but not limited to:
- (1) A copy of any proposed deed restrictions;
 - (2) Dedication deeds requiring separate documents;
 - (3) Warranty deeds conveying property to the County, the State of Oregon or other public agency;
 - (4) Certification that public street improvement construction plans have been approved by the Engineering Division and the applicant has either:
 - (a) installed all improvements required pursuant to the provisions of the preliminary approval and this Article; or
 - (b) executed an agreement accompanied by the financial assurance as provided by Section 501-8.6 for public improvements;
 - (5) Provisions for access to and maintenance of off-right-of-way drainage, if any; and
 - (6) When required by Section 409-5, written certification by the applicable fire marshal that private streets, if any, have been constructed in accordance with the preliminary approval and the standards of Section 409-5.
- C. Convey to Washington County by fee title a one-foot non-access tract at the terminus of all on-site public stub streets, if any.

610-2.5 Survey Requirements

As set forth in Section 602-11.

610-2.6 Filing and Recording

Final plats shall be filed and recorded as set forth in Section 602-1.

610-2.7 Phased Development

When an applicant desires to record and develop portions of an approved subdivision plat in phases the Review Authority may authorize a time schedule for platting and otherwise developing in phases. The Review Authority may condition any stage to comply with the standards of this Code in effect at the time of development. In no case shall the total time period for final approval of all stages exceed five (5) years without resubmission of the tentative plan for review pursuant to the standards then in effect.

610-3 General Development Review Standards

In addition to the other standards in this Code, the following standards shall apply to all land divisions outside an urban growth boundary in Washington County.

610-3.1 Storm Drainage Systems

The following storm drainage requirements shall apply to all land divisions unless otherwise indicated.

- A. Storm drainage systems provide for the adequate drainage of surface water on and crossing a site. Storm drainage systems include but are not limited to ditches, pipes, inlets, creeks, rivers and detention facilities. Storm drainage facilities may be located within public rights of way; easements or tracts for public travel, including private streets; drainage easements; and tracts of common ownership. Drainage plans and street plans shall indicate the direction of storm drainage flow.
- B. Storm drainage systems shall:
 - (1) Be developed in accordance with the adopted Washington County Road Standards and be approved by the County;
 - (2) Be constructed and installed throughout the development to carry off water from all inlets and catch basins, if any;
 - (3) Be connected to a discharge facility which may include detention and retention basins or other storage facilities as may be found appropriate by the County;
 - (4) Provide extension to the boundaries of the development to facilitate pickup of all storm water runoff from all portions of the drainage basin lying above and naturally draining through the development. Sufficient capacity shall be provided to carry such storm water through the development's storm drainage system to a storm drainage facility; and
 - (5) Conform to any official drainage master plan adopted by the Board;

- C. Provisions for the access and maintenance of storm drainage facilities that are not located in a public right-of-way shall be provided as required by the Clean Water Services and in accordance with adopted County standards. An easement or tract with adequate width for access and maintenance of drainage facilities shall be provided.
- D. Copies of design computation of the storm water system shall be provided for review and approval by the County where applicable.
- E. If a proposed development is traversed by a watercourse, drainageway, channel or stream, the proposed development shall:
 - (1) Provide an easement or tract over the watercourse, drainage way, channel or stream for drainage or storm water purposes. The easement or tract shall:
 - (a) Substantially conform to the boundaries of the water course, drainage way, channel or stream at design flood, except as permitted by Section 421; and
 - (b) Provide adequate width for access and maintenance of drainage facilities;
 - (2) Include retention and detention basins when a part of an approved drainage plan.

610-3.2 Streets and Street Improvements

- A. Street improvements may include but not be limited to street construction; grading; surfacing; utilities; and fire, water and storm drainage facilities. Construction, installation or repair shall be in accord with the adopted Washington County Road Standards and this Code;
- B. When provided, storm water inlets, catch basins and fire protection facilities shall be constructed and installed in the right-of-way at points approved by the County;
- C. Street plans shall indicate the direction of storm drainage flow;
- D. Streets shall be designed and constructed to be compatible in character, width, grade and alignment with the overall design of the streets which abut the proposed development. Where streets are a continuation or projection of existing streets the centerline shall be continuous;
- E. The adopted Transportation Plan shall prevail in location, course, grade and widths of streets. Where there is a conflict between the Transportation Plan and existing street pattern, the Transportation Plan shall prevail;
- F. The minimum right-of-way of streets shall comply with the adopted Transportation Plan;

- G. In all subdivisions all developments shall comply with adopted County sight distance standards;
- H. Streets, existing and future shall:
 - (1) Provide reasonable circulation of traffic within the development;
 - (2) Provide for adequate runoff of storm water;
 - (3) Provide for general public convenience and safety in the areas to be served;
 - (4) Not allow the intersection of more than two streets at any one point;
 - (5) Be designed to encourage safe and efficient traffic flow;
 - (6) Be aligned to discourage through traffic on minor streets; and
- I. At street intersections, the property line shall be rounded by an arc bearing a radius of not less than fifteen (15) feet. However, when an arterial street is an intersection street, the arc shall bear a radius of not less than twenty-five (25) feet. Property lines at arterial street intersections, or at other locations where the Review Authority anticipates traffic hazards or congestion, shall be designed for a greater radius as may be necessary to alleviate such hazards.

610-3.3 Public Utilities

- A. Utility lines for telephone, gas, cable television and electric services, which serve more than one (1) lot or parcel, shall conform to ORS Ch. 92 and be placed in easements as set forth in Section 416. All utilities shall be underground except as approved through Section 416;
- B. All conduits and cables for cable television and gas and electric service lines shall be placed within easements or rights-of-way in a manner which does not conflict with other underground services and in compliance with adopted road standards;
- C. Transformers shall be located in a manner not hazardous to the public or unsightly in appearance; and
- D. The Board of Commissioners may, by resolution and order or ordinance, promulgate rules and regulations governing location of public utilities.

610-3.4 Lots In All Subdivisions

- A. Double-frontage lots shall be prohibited unless the Review Authority finds:
 - (1) They are essential to provide separation of existing or proposed residential uses from Arterials or adjacent nonresidential activities; and/or
 - (2) They are needed to overcome specific disadvantages of topographical orientation.

- B. An additional lot depth may be required by the Review Authority on through or double-frontage lots.
- C. Wherever possible, side lot lines shall be at right angles or radial to the street on which the lots face, except where lots abut a cul-de-sac or hammerhead street terminus.
- D. Remnant lands which cannot meet Code requirements shall be added to adjacent lots or parcels unless such lands are designated as permanent open space.
- E. Lots or parcels intended to be buildable which abut a watercourse, drainageway, channel or stream may be required to have additional width or depth to provide a building site which meets Code requirements. In addition, the Review Authority shall require that any lot or parcel not intended to be buildable be clearly indicated as unbuildable in the subdivision or partition plat.

610-3.5 Blocks

All subdivision length, width and shape of blocks shall be designed to provide adequate building sites for proposed uses, convenient access, control of traffic circulation and provision for maximum advantage of topography and other natural characteristics.

610-3.6 Easements

Easements shall be provided in accordance with Section 416.

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