



DUNES CITY • 82877 Spruce St. • Phone: (541) 997-3338
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APPLICATION FOR CONSIDERING LAND DIVISIONS

The procedures, regulations and standards governing partitions of land within Dunes City can be found in the Dunes City Code of Ordinances. The definition of a land division is “the process of dividing land to create parcels or lots” – section 155.4.3, Dunes City Code of Ordinances.

Application Information:

☐ Pre-application Conference (§155.4.1.3(D)): \$200 (deposit)

Partition: Creation of three or fewer lots within one calendar year. (§155.4.3)

☐ Partition – \$600 (deposit)

Subdivision: Creation of four or more lots from one parent lot, parcel or tract, within one calendar year. (§155.4.3)

☐ \$6,000 + \$200 per lot (deposit)

Subdivision Name: _____

Street Name (s) (if applicable): _____

Applicant Information:

Applicant Name: _____
Last Name First Name Middle Initial

Phone Number: Home: _____ Work: _____ Cell: _____

Email: _____

Corporation Name: _____

Mailing Address: _____

Property Address: _____

Legal Description of Property: __ (T) __ (R) __ (S) __ (Q) __ (Tax Lot) _____

Name and Address of Legal Owner: _____

Statement of Applicant's Legal Interest in Property: _____

(Owner of Record; Authorized Agent; Lessee; Holder of an exclusive option to purchase)

I hereby certify that forgoing statements and other information attached hereto are true and accurate to the best of my knowledge. I have received all seven pages of this application and understand that my application must meet the requirements as stated therein and any additional information requested by Dunes City.

Applicants Signature: _____

Date _____

155.4.1.3(D) Pre-Application Conference

1. Participants.

When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate;

2. Information provided by the applicant.

The following information shall be submitted by the applicant at least ten days prior to the date of such meeting:

- a. A written statement on a form prescribed by the City Council setting forth:
 - (1) The name and address of the applicant.
 - (2) A statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, and the like), a description of that interest, and, in case the applicant is not the owner, that the owner knows of the application.
 - (3) The address and legal description of the property.
 - (4) A statement explaining the intended request.
- b. Any other materials or information the applicant wishes to submit. For example, these materials might consist of a schematic development plan of the proposed development, showing:
 - (1) The general location of the proposed development.
 - (2) Major existing physical and natural features, such as water courses, rock outcroppings, marshes, wooded areas, and the like.
 - (3) The location of the major existing drainage ways and utilities.
 - (4) The location and names of public streets, parks, and utility rights-of-way within or adjacent to the proposed development.
 - (5) The general location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking, and loading areas.
 - (6) The general location and approximate dimensions of proposed structures.
 - (7) Major proposed landscaping features.
 - (8) Approximate contours.
 - (9) Sketches showing the scale, character, and relationship of buildings, streets, and open space.
 - (10) The approximate location and type of proposed drainage, water, and sewerage facilities.
 - (11) Site evaluation for solar access potential.

3. Information provided by the City.

At such a conference the City Planning Official or designee shall:

- a. Cite the comprehensive plan policies and map designations applicable to the proposal;
- b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
- c. Provide available technical data and assistance that will aid the applicant;
- d. Identify other governmental policies and regulations that relate to the application; and
- e. Reasonably identify other opportunities or constraints concerning the application.

4. Disclaimer.

Failure of the City Planning Official or his/her designee to provide any of the information required by this Section shall not constitute a waiver of any of the standards, criteria or requirements for the application;

5. Changes in the law.

Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

Note: See 155.4.1.3 for additional information about the application process.

155.4.3 — LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

Sections:

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155.4.3.100 Purpose.

The purpose of this section is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions and partitions.
 - 1. Subdivisions involve the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.

2. Partitions involve the creation of three or fewer lots within one calendar year.
- B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.
 - C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
 - D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
 - E. Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;
 - F. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
 - G. Encourage the conservation of energy resources.

155.4.3.110 General Requirements

- A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.
 1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and
 2. The final plat shall comply with all conditions of approval of the preliminary plat.
- B. Compliance With ORS Chapter 92. All subdivision and partition proposals shall be in conformance to State regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.
- C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:
 1. Potential future lot division(s) in conformance with the housing and density standards of Section 155.2;
 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way; and
 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.
- D. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 155.4.9.1 - Temporary Use Permits.
- E. Minimize flood damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements,

including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.

- F. Determination of Base Flood Elevation. Where a development site consists of two or more lots, or is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the City.
- G. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as electrical and telephone systems located and constructed to prevent or minimize flood damage to the extent practicable.
- H. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required.

155.4.3.120 Approvals Process

- A. Review of Preliminary Plat. Review of a preliminary plat for a subdivision or partition shall be processed with a Type III Procedure under 155.4.1.6. All preliminary plats shall be reviewed using approval criteria contained in Section 155.4.3.140.
- B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed by means of a Type I Procedure under Section 155.4.1.4, using the approval criteria in Section 155.4.3.160.
- C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of one year from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within a one-year period.
- D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Section 155.4.6 - Modifications. The Planning Secretary shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year, provided that:
 - 1. Any changes to the preliminary plat follow the procedures in Section 155.4.6;
 - 2. The applicant has submitted written intent to file a final plat within the one-year extension period;
 - 3. An extension of time will not prevent the lawful development of abutting properties;
 - 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
 - 5. The extension request is made before expiration of the original approved plan.
- E. Phased Development.
 - 1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years without reapplying for a preliminary plat;
 - 2. The criteria for approving a phased land division proposal are:

- a. Public facilities shall be constructed in conjunction with or prior to each phase;
- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 155.4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard;
- c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
- d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

155.4.3.130 Preliminary Plat Submission Requirements.

- A. General Submission Requirements. For subdivisions, the application shall contain all of the information required for a Limited Land Use Procedure under Section 155.4.1.6, except as required for P.U.D.s:
- B. Preliminary Plat Information. In addition to the general information described in Subsection A. above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:

- a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in the county in which it is located (please check with County surveyor);
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
- d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
- e. Identification of the drawing as a "preliminary plat".

2. Site analysis:

- a. Streets: Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
- c. Utilities: Location and identity of all utilities on and abutting the site;
- d. Ground elevations shown by contour lines with two-foot contour intervals for ground slopes up to 12% and five-foot contour intervals for ground slopes exceeding 12%. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor.

- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having high erosion potential;
 - g. Sensitive lands; including wetland, shoreland and riparian areas, streams, wildlife habitat, overlay zone boundaries, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, relevant portions of the Comprehensive Plan.);
 - h. Site features, including existing structures, pavement and drainage ways, and ditches;
 - i. Name and address of owner;
 - j. Name and address of project designer, if applicable;
 - k. The percentage of the proposed development that falls within the sensitive area of the watershed serving Dunes City, as defined in the Dunes City Drinking Water Source Assessment (Lane Council of Governments 2002), including but not limited to that area within 1000 feet of the shores of Lakes Woahink, Little Woahink or Siltcoos, including major inlets and outlets;
 - l. A tree coverage map. For properties containing less than 16 conifers per acre the map shall include the location of every conifer with a diameter greater than 8 inches at 4 ½ feet above average grade. For properties containing 16 or more conifers 8 inches or greater in diameter at 4 ½ above average grade per acre the map shall include the outline of those areas with stands of conifers or an aerial photograph with enough detail to show conifer stands, and
 - m. Other information, as deemed appropriate by the Planning Secretary. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
3. Proposed improvements:
- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts, which are being held for private use and all reservations and restrictions relating to such private tracts, shall be identified;
 - b. Easements: location, width and purpose of all easements;
 - c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
 - d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
 - e. Proposed improvements, as required by Section 155.3.0 - Design Standards Administration, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
 - f. The proposed source of domestic water;

- g. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;
- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- i. Changes to navigable streams, shorelines or other watercourses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;
- j. Identification of the base flood elevation for development greater than three lots or five acres, whichever is less. Evidence of contact with the Federal Emergency Management Agency to initiate a flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
- k. Evidence of contact with Oregon Department of Transportation (ODOT) or Lane County for any development requiring access to a highway under the State's or Lane County's jurisdiction; and
- l. Evidence of contact with the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Section 155.2.

155.4.3.140 Approval Criteria: Preliminary Plat.

- A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:
 - 1. The proposed preliminary plat complies with all of the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Section, and the applicable sections of Section 155.2.0 - Land Use District Administration and Section 155.3.0 - Design Standards Administration shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Section 155.5 - Exceptions to Code Standards;
 - 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 - 3. The proposed streets, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and
 - 4. All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.
 - 5. An engineer licensed in Oregon shall document the safety of all development proposed on slopes in excess of 16 percent.
 - 6. The development of the proposed partition or subdivision will maximize the preservation of existing conifers with a diameter of 8 inches or greater at 4 ½ feet above average grade, considering topography, soil conditions, solar orientation and other factors affecting the siting of dwellings on the parcels or lots to be created.

- B. Housing Density. The subdivision meets the City's housing standards of Section 155.2.
- C. Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements of Sections 155.2, 155.3.1 and 155.3.2.
- D. Partition Approval Criteria

A partition application shall only apply to creating smaller lots or parcels from larger lots or parcels. Any other land use change on the partition land at the time of the partition application shall disqualify the application and require a sub-division application.

If the partition may be further divided, the City may require full compliance with the subdivision approval criteria.

The criteria for approval of a partition shall address all specific requirements for shape and size as specified in Section 155.2, and street access, sanitary sewer and water service improvements, storm drainage, and utility access requirements in Section 155.3. If the partition requires a new street or an extension of an existing street, Subsection 155.3.1.2 - Vehicular Access and Circulation and Subsection 155.3.4.1 - Transportation Standards shall apply.

155.4.3.150 Variances Authorized.

Adjustments to the standards of this Section shall be processed in accordance with Section 155.5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division is submitted.

155.4.3.160 Final Plat Submission Requirements and Approval Criteria.

- A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Lane County. The applicant shall submit the final plat within one (1) year of the approval of the preliminary plat as provided by Section 155.4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Secretary.
- B. Approval Criteria. By means of a Type II Procedure, the City shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:
 - 1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
 - 2. All public improvements required by the preliminary plat have been installed and approved by the City. Alternatively, the developer has provided a performance guarantee in accordance with Section 155.4.3.180.
 - 3. The streets for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street and easements for public utilities;
 - 4. The streets held for private use have been approved by the City as conforming to the preliminary plat;
 - 5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, and storm drainage;
 - 6. The applicant has provided copies of all recorded homeowners association Codes, Covenants and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the State of Oregon and Lane County, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Section 155.3.4 - Public Facilities Standards, and the bond requirements of Section 155.4.3.180. A registered professional engineer, subject to review and approval by the City; shall determine the amount of the bond, contract or other assurance by the subdivider;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

155.4.3.170 Public Improvements.

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

- A. Public Improvements Required. Before City approval is certified on the final plat, all required public improvements should be installed, inspected, and approved. Alternatively, the subdivider shall provide a performance guarantee, in accordance with Section 155.4.3.180.

155.4.3.180 Performance Guarantee.

- A. Performance Guarantee Required. When a performance guarantee is required under Section 155.4.3.170, the subdivider shall file an assurance of performance with the City supported by one of the following:
 1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon;
 2. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 3. Cash in an escrow account or payment to the City.
- B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:
 1. Specifies the period within which all required improvements and repairs should be completed;

2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
3. Stipulates the improvement fees and deposits that are required.
4. As an option provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by the applicant, approved by the City Council, and signed by the Mayor.

- E. When Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.
- F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

155.4.3.190 Filing and Recording.

- A. Filing plat with County. Within 60 days of the signature of the Mayor on the final plat, the applicant shall submit the final plat to Lane County for signatures of County officials as required by ORS Chapter 92.
- B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a paper copy of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. Prerequisites to recording the plat.
 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 2. No plat shall be recorded until the County surveyor, in the manner provided by ORS Chapter 92, approves it.

155.4.3.200 Replatting and Vacation of Plats

- A. Replatting and Vacations. Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed.
- B. Procedure. All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Section 155.4.1 - Types of Applications and Review Procedures.)
- C. Basis for denial. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, or streets; or if it cannot be made to meet applicable criteria.
- D. Recording of vacations. All approved plat vacations shall be recorded in accordance with 155.4.3.190 and the following procedures:

1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
2. Vacations shall also divest all public rights in the streets and public grounds, and all dedications identified on the plat.
- E. After sale of lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
- F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Section 271.

155.4.3.210 Transfer of Property

- A. The transfer of property between adjacent parcels is permissible without approval by the City so long as the transfer does not result in the creation of a lot, which is less than one acre in size, or unless the "donating" lot is less than one acre in size prior to the transfer of property to the adjoining parcel. In the event the transfer would create a lot less than one acre in size, or the donating lot is less than one acre in size, such transfer shall require approval of the City. Approval shall be conditional and subject to a conditional use permit being granted pursuant to the general provisions of this part providing for the granting of a conditional use permit.
- B. Lots, which are conforming prior to donations of a portion of the lot to an adjoining lot, shall remain conforming, so long as the transfers are made to conform to A. above.