

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

ORDINANCE # 180

AN ORDINANCE AMENDING LINCOLN COUNTY ORDINANCE #120, 1979, AND #148, 1980, AND PROVIDING FOR PROCEDURE FOR MINOR PARTITIONING, AND DECLARING AN EMERGENCY

The Lincoln County Board of Commissioners ORDAINS as follows:

SECTION I: TITLE OF ORDINANCE:

That Lincoln County Ordinance #120, as amended by Ordinance #148, is further amended as set forth below:

1. That the title of Ordinance #120 reads as follows: "Major Land Partition and Street Dedication and Procedure for Minor Partitioning.

SECTION II: PROCEDURE FOR PARTITIONING:

Section V of Ordinance #120, 1979, is amended to read as set forth below:

"SECTION V: PROCEDURE FOR PARTITIONING;
"MAJOR LAND PARTITION PROCESS

"Prior to preparing a tentative plan of a partition for submission, the applicant shall discuss the proposed division with the Planning Department. A sufficient number of copies of the tentative plan, as determined by the director, shall be submitted for distribution to other departments and agencies.

"A. Tentative Plan Application: An application and tentative plan of the proposed partition shall be filed with the Planning Department. A sufficient number of copies of the tentative plan, as determined by the director, shall be submitted for distribution to other departments and agencies.

"B. The application shall include the following:

"1. The name, address, and phone number of the applicant, owner, and engineer or surveyor.

"2. The tax lot number and the section, township, and range in which the property is located.

- "3. The date, north point, and scale of the drawing.
- "4. A vicinity sketch showing the location of the partition in relation to a city or other known landmark in the county.
- "5. The approximate location of all proposed boundary lines.
- "6. Approximate area of the property being partitioned and each proposed parcel.
- "7. Width of all existing and proposed roads and easements.
- "8. Existing zoning of the property.
- "9. Existing and proposed uses of the property.
- "10. Approximate location and use of all existing structures to remain on the site and an indication of those to be removed.
- "11. Source of domestic water.
- "12. Method of sewage disposal.
- "13. Any limitations on development, including, but not limited to, topography, flooding, geologic hazards, and drainage channels.
- "14. Any other necessary information requested by the planning department.

"C. Review of Tentative Plan by Other Departments: Within five working days after the application is submitted, the director shall distribute copies to appropriate agencies and departments for review. If the director receives no written response within 20 days, he shall consider that the agency or department involved has no objection to the tentative plan.

"D. Approval of Tentative Plan: Within 120 days after receiving comments from agencies or departments, or within 45 days after receiving the application, whichever date shall occur first, the director shall approve, conditionally approve, disapprove, or at his discretion, refer the partition to the planning commission for a decision. The applicant shall be notified of the decision and the basis upon which the decision was made. Unless appealed, as provided in this ordinance, the decision shall become effective on the 31st day after rendered. The approval is valid for one year from the effective date of approval.

"E. Final Approval:

"1. Within one year after the approval of the tentative plan, a map of the partition on a form provided by the planning department shall be submitted to the director for approval. The map shall be in substantial conformity to the approved tentative plan and conditions of approval. In addition to the information required for the tentative plan, the following shall also be included:

- "a. Legal descriptions of all parcels and roads.
- "b. The deed dedicating to the public all common improvements, including, but not limited to roads.
- "c. A copy of all deed restrictions.
- "d. The certifications required by this ordinance.
- "e. Such information as the director and county engineer require to ensure conformance with the conditions of the approved tentative plan.

"2. Within ten days of the receipt of the map of the partition and other information as provided in section V of this ordinance, the director shall approve, disapprove or refer the request for a final approval to the commission. The applicant shall be notified in writing of the decision. In no case shall a decision be postponed longer than 30 days. Unless appealed, the decision shall be effective on the 31st day after rendered. The map of the partition shall be filed in the office of the county surveyor."

"MINOR LAND PARTITION PROCESS

"A. Minor Partition Application: An application and tentative plan of the proposed partition shall be filed with the planning division. A sufficient number of copies of the tentative plan, as determined by the director, shall be submitted.

"B. The application shall include the following:

- "1. The name, address, and phone number of the applicant owner, and the surveyor.
- "2. The tax lot number and the section, township, and range in which the property is located.
- "3. The date, north point, and scale of the drawing.
- "4. The approximate location of all proposed boundary lines.

"5. Approximate area of the property being partitioned and each proposed parcel.

"6. Existing zoning of the property.

"7. Existing and proposed uses of the property.

"8. Proposed water supply and method of sewage disposal.

"9. Approximate location and use of all existing structures on the site.

"10. Any limitations on development, including, but not limited to, topography, flooding, geologic hazards and drainage channels.

"11. Other necessary information requested by the planning department.

"C. Tentative Approval: Within two working days after receiving a complete application, the director shall tentatively approve, conditionally approve, disapprove, or at his discretion, refer the partition to the planning commission for a decision. The applicant shall be notified by First Class Mail of the decision. The date of the letter of tentative approval shall constitute the effective date of the action unless appealed. An appeal shall be made as provided in this ordinance within ten working days of the effective date.

"D. Final Approval:

"1. Within 45 days after the tentative approval, a survey of the partition conforming to O.R.S. 209.250 shall be submitted to the director for a determination of substantial conformity to the tentative approval and conditions of approval and include:

"a. Legal descriptions of all parcels.

"b. The certifications required by this ordinance.

"c. Such information as the director and county engineer require to ensure conformance with the conditions of tentative approval.

"2. Within two working days of the receipt of the map of the partition and other information as provided in section V of this ordinance, the director shall approve,

disapprove, or refer the request for a final approval to the commission. The applicant shall be notified in writing of the decision. In no case shall a decision be postponed longer than 30 days. The map of the partition shall be filed in the office of the county surveyor."

SECTION III: SEVERABILITY CLAUSE: If any portion of the text or maps adopted by the ordinance is declared invalid or void, all other provisions of the text and maps shall remain in effect.

SECTION IV: EMERGENCY CLAUSE: This ordinance, being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this ordinance takes effect on its adoption.

DATED this 22nd day of September, 1982.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Albert R. Strand
Albert R. Strand, Chairman

Jean Bradshaw
Jean Bradshaw, Secretary

(Excused)
G.E. Stuart, Commissioner
W.S. Ouder Kirk, Commissioner