

CHAPTER 205
LAND DIVISION AND RECONFIGURATION

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205.001. Purpose. The purpose of this chapter is to provide regulations governing the division and reconfiguration of land. (Ord No. 31-13)

205.005. Partition Tentative Plan.

(a) Applicability. Except as provided in ORS 92.010(9), no land shall be divided into three or fewer parcels within a calendar year without receiving tentative partition plan approval as set forth in this section.

(b) Procedure Type. A tentative partition plan is processed as a Type II procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative partition plan shall include the information required in SRC 205.030.

(d) Criteria. A tentative partition plan shall be approved if all of the following criteria are met:

(1) The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;

(B) City infrastructure standards; and

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

(2) The tentative partition plan does not impede the future use or development of the property or adjacent land.

(3) Development within the tentative partition plan can be adequately served by City infrastructure.

(4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

(5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.

(6) The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

(7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

(8) When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

(A) The property is zoned residential;

(B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and

(C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.

(e) **Conditions of Approval for Partitions in Areas Unserved by City Sewer.** In addition to any conditions imposed pursuant to SRC 300.820, when the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, the following conditions shall be imposed:

(1) The parcels shall only be used for residential purposes;

(2) All buildings and structures shall meet required setbacks from future street rights-of-way; and

(3) A non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.

(f) **Expiration.** Tentative partition plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b). (Ord No. 31-13)

205.010. Subdivision Tentative Plan.

(a) **Applicability.** No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.

(b) **Procedure Type.** A tentative subdivision plan is processed as a Type II procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative subdivision plan shall include the information required in SRC 205.030.

(d) **Criteria.** A tentative subdivision plan shall be approved if all of the following criteria are met:

(1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

(B) City infrastructure standards.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

(2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.

(4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the

subdivision.

(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

(10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

(e) **Expiration.** Tentative subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b). (Ord No. 31-13)

205.015. Phased Subdivision Tentative Plan.

(a) **Applicability.** The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved for the entire phased subdivision, and each individual phase receives separate final plat approval.

(b) **Procedure Type.** A tentative phased subdivision plan is processed as a Type II procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative phased subdivision plan shall include:

(1) The information required in SRC 205.030; and

(2) A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.

(d) **Approval Criteria.** A tentative phased subdivision plan shall be approved if all of the following criteria are met:

(1) The tentative phased subdivision plan meets all of the criteria for tentative subdivision plan approval set forth in SRC 205.010(d).

(2) Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.

(3) Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.

(4) Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.

(e) **Modification Pursuant to Final Plat Approval.** If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.

(f) Expiration. Tentative phased subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted for each phase within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b). (Ord No. 31-13)

205.020. Manufactured Dwelling Park Subdivision Tentative Plan.

(a) Applicability. No manufactured dwelling park or mobile home park existing as of July 2, 2001, shall be subdivided without receiving tentative manufactured dwelling park subdivision plan approval as set forth in this section.

(b) Procedure Type. A tentative manufactured dwelling park subdivision plan is processed as a Type II procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative manufactured dwelling park subdivision plan shall include the information required in SRC 205.030.

(d) Criteria. A tentative manufactured dwelling park subdivision plan shall be approved if all of the following criteria are met:

(1) The manufactured dwelling park proposed to be subdivided is in compliance with the development standards for manufactured dwelling parks or a mobile home parks applicable at the time the park was approved, or the park is a nonconforming use. For purposes of this subsection, a park is in compliance if the City did not issue a written notice of noncompliance prior to July 2, 2001.

(2) The tentative manufactured dwelling parking subdivision plan does not increase or decrease the number of lots, as defined in ORS 446.003, approved for the park, change the external boundary lines or setback requirements, or make other development changes; provided, however, the tentative manufactured dwelling park subdivision plan may provide for a reduction in the number of lots if the reduction involves only lots that have never been used for the placement of manufactured dwellings.

(3) The tentative manufactured dwelling park subdivision plan restricts the use of lots in the subdivision to the installation of manufactured dwellings, and restricts any other property in the subdivision to use as common property, as defined in ORS 94.550, or for public purposes.

(4) The applicant has recorded with the county the waiver of right to remonstrance required under ORS 92.835.

(5) The tentative manufactured dwelling park subdivision plan is in compliance with the applicable requirements of ORS 92.010 to 92.179.

(e) Conditions of Approval. Notwithstanding SRC 300.820, the Review Authority may only impose conditions on the approval of a tentative manufactured dwelling park subdivision plan that:

(1) Were conditions of the original manufactured dwelling park approval; and

(2) Are required by ORS 92.830 to 92.845.

(f) Expiration. Tentative manufactured dwelling park subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b). (Ord No. 31-13)

205.025. Replat.

(a) Applicability. A replat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a replat. No replat shall occur without receiving tentative replat approval as set forth in this section.

(b) Procedure Type. A tentative replat is processed as a Type II procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for tentative replat shall include the information required in SRC 205.030. If the replat will vacate any easement, the tentative replat plan shall show the easement proposed to be vacated.

(d) Criteria. A tentative replat shall be approved if all of the following criteria are met:

(1) The tentative replat does not propose to vacate any public street or road, or any recorded covenants or restrictions.

(2) The tentative replat will not create nonconforming units of land or non-conforming development, or increase the degree of nonconformity in existing units of land or development.

(3) The tentative replat complies with the standards of this Chapter and with all applicable provisions of the UDC.

(4) The tentative replat complies with all applicable provisions of ORS Chapter 92.

(5) The tentative replat is not prohibited by any existing City land use approval or previous condition of approval, affecting one or both of the units of land.

(6) The tentative replat does not adversely affect the availability of, or access to, City infrastructure or public or private utilities or streets.

(e) Notice to Utilities. When a utility easement is proposed to be realigned, reduced in width, or eliminated by a replat, notice of the tentative replat application shall be mailed as provided in SRC 300.520(b)(1) to all affected utility companies or public agencies. Any utility company that desires to maintain an easement that would be realigned, reduced in width, or eliminated by a proposed replat must notify the Director in writing within 14 days of the mailing date of the notice. If an objection to the realignment, reduction in width, or elimination of an easement is received within the 14 day period, the utility easement shall not be realigned, reduced in width, or eliminated.

(f) Expiration. Tentative replat approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b). (Ord No. 31-13)

205.030. Additional Submittal Requirements. Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC Chapter 300, the following:

(a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:

(1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;

(2) Scale and north arrow;

(3) The location of all property lines within 50 feet of the perimeter of the subject property;

(4) The boundaries, dimensions, and area of each proposed lot or parcel;

(5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;

(6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;

(7) The location of all existing and proposed easements;

(8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;

(9) The location, dimensions, and use of any existing buildings and structures on the subject

property, indicating which will remain and which will be removed;

(10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;

(11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and flood plains; and

(12) For subdivisions and phased subdivisions, site topography shown at 5-foot contour intervals, or 2-foot contour intervals for areas within a flood plain;

(b) A current title report for the property;

(c) A completed tree inventory on a form as provided by the Director and, if required under SRC Chapter 808 a Tree Conservation Plan;

(d) A geological assessment or geo-technical report, if required by SRC Chapter 810;

(e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;

(f) A schematic plan showing the location of existing and proposed City infrastructure;

(g) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

(h) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:

(1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the Comprehensive Plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.

(2) The approximate location of City infrastructure following full development to the urban densities allowed by the Comprehensive Plan.

(i) For subdivisions and phased subdivisions:

(1) A completed trip generation estimate on forms provided by the City;

(2) A Traffic Impact Analysis, if required under SRC Chapter 803; and

(3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision. (Ord No. 31-13)

205.035. Final Plat.

(a) **Applicability.** No final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat shall be recorded without receiving final plat approval as set forth in this section.

(b) **Procedure.** Final plats are exempt from the procedures of SRC Chapter 300, and shall instead follow the procedures set forth in this section. Final plats shall be reviewed by the City prior to recording with county. Applications for final plat shall be submitted prior to expiration of tentative plan approval.

(c) **Criteria.** A final plat shall be approved if all of the following criteria are met:

(1) The final plat is in substantial conformance with the approved tentative plan or tentative replat.

(2) For phased subdivisions in commercial and industrial zones, unless the divergence from the tentative plan would require a modification of any condition of approval, the final plat for each phase may diverge from the tentative plan and still be in substantial conformance

with the approved tentative plan for that phase if there is:

- (A) A decrease or increase in the number of lots within the particular phase;
- (B) A change in the location or width of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, and does not change the street designation from one classification to another;
- (C) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
- (D) A decrease in the number of phases; or
- (E) An increase or decrease in the area of a specific phase.
- (F) If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan shall be modified to reflect the changes.

(3) The final plat complies with all applicable provisions of ORS Chapter 92.

(4) Conditions of approval imposed on the tentative plan or tentative replat have been met;

(5) The final plat dedicates, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the UDC or as a condition of approval;

(6) The City Engineer has certified that:

(A) All required City infrastructure and private improvements are completed and approved, and, if applicable, the owner of the property subject to the final plat has entered into a fee-in-lieu of construction agreement pursuant to SRC 200.400-200.420; or

(B) The owner of the property subject to the final plat has executed and filed with the City an improvement agreement, requiring all City infrastructure and private improvements to be completed within 18 months of the final plat approval, and, if applicable, the owner of the property has entered into a fee-in-lieu of construction agreement pursuant to SRC 200.400-200.420. The improvement agreement shall be accompanied by a performance guarantee as provided in SRC 110.100. Upon request, the improvement agreement shall be extended for an additional 18 month period if the performance guarantees are modified, if necessary, to reflect any change in cost of construction. The improvement agreement shall state that, should all improvements not be completed within the term of the improvement agreement or its extension, the City may pursue any and all remedies available to it, including, but not limited to, those set forth in SRC 110.100.

(7) If applicable, the owner has entered into a fee-in-lieu of construction agreement pursuant to SRC 200.400-200.420.

(d) Approval or Rejection of Final Plat.

(1) If the Director finds that the final plat does not meet the approval criteria set forth in subsection (c) of this section, the Director shall notify the applicant of the deficiencies and afford the applicant opportunity to comply. Rejection of a final plat does not affect tentative plan or tentative replat approval.

(2) If the Director finds that the final plat meets the approval criteria set forth in subsection (c) of this section, the Director shall endorse approval on the final plat, and the applicant may process and record the final plat.

(e) Recording of Final Plat. The approved final plat shall be recorded within 10 years of the effective date of the tentative plan or tentative replat approval. No building permits for development of lots or parcels shall be issued until the final plat is recorded.

(f) Operation and Maintenance of Facilities and Common Property. Where facilities and

common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner shall be a member of the property owners' association. The association shall have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association shall be approved by the Director.

(g) Operation and Maintenance of Flag Lot Accessways. Where a flag lot accessway serving more than one lot or parcel is included within a development, reciprocal and irrevocable access rights for all lots or parcels served by the flag lot accessway shall be included on the final plat and in the deeds for the individual lots or parcels. Maintenance of the flag lot accessway shall be shared between the owners of the properties served by the flag lot accessway and an agreement requiring maintenance of the flag lot accessway shall be recorded in the deeds for the individual lots or parcels. (Ord No. 31-13)

205.040. Partitions Which Can Be Further Divided. For partitions of residentially zoned property, when the area of a proposed partition is such that it can be further divided resulting in four or more lots or parcels, the development standards applicable to subdivisions set forth in SRC Chapter 803 shall apply. Any improvements resulting from the application of such standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral agreement which shall be attached to all property within the partition. (Ord No. 31-13)

205.045. Special Platting Standards for Conservation Lots or Parcels. Conservation lots or parcels are lots or parcels that are created as part of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat for the purpose of preservation and management of significant natural resources through the sale or transfer to a public agency or a non-profit entity. As used in this section, significant natural resources include, but are not limited to, areas of wildlife habitat, riparian areas, areas of sensitive ecological areas, or areas that contain rare or endangered species. Conservation lots or parcels proposed as part of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat shall be approved subject to the following:

- (a) A conservation lot or parcel shall be primarily undeveloped and in a natural state.
 - (b) A conservation lot or parcel shall have no minimum standards for lot area, width, depth, or frontage.
 - (c) A conservation lot or parcel shall be designated as such on the tentative plan and the final plat.
 - (d) The deed conveying the conservation lot or parcel shall contain a covenant that requires long-term preservation and management of the lot or parcel as a significant natural resource.
- (Ord No. 31-13)

205.050. Expedited Land Division. An expedited land division, as defined by ORS 197.360(1), provides an alternative to the standard review procedures for land divisions set forth in SRC Chapter 300. When an applicant requests an expedited land division, the application shall be processed as provided in ORS 197.360 through ORS 197.380, in lieu of the procedures set forth in SRC Chapter 300. (Ord No. 31-13)

205.055. Property Line Adjustments.

(a) Applicability. A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

(b) Procedure Type. A property line adjustment is processed as a Type I procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type I application under SRC Chapter 300, an application for a property line adjustment shall include:

- (1) A copy of recorded deeds for the existing units of land;
- (2) A site plan, drawn to scale, indicating:
 - (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
 - (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;
- (3) A copy of the proposed property line adjustment deed containing:
 - (A) The names of the owners;
 - (B) Legal description of the adjusted lines;
 - (C) References to original recorded deeds; and
 - (D) Place for the signatures of all parties, along with proper acknowledgment.

(d) Criteria. A property line adjustment shall be approved if all of the following criteria are met:

- (1) The property line adjustment will not create an additional unit of land;
- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;
- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded;
- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;
- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

(e) Multiple Property Line Adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six month period, the property line adjustments shall be processed as follows:

- (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
- (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

(f) Monumentation. Property line adjustments shall be surveyed and monumented as required by state law. For property line adjustments involving units of land each greater than 10 acres in size, the City Surveyor may waive the survey and monumentation requirement for good cause shown by the property owners, including, but not limited to, an intention by one of the property owners to further divide the property within the two years after the date of approval, or a demonstration that there are other recently established monuments nearby to which the adjusted property boundaries are tied.

(g) Expiration; Recording.

(1) Property line adjustment approval shall expire as provided in SRC 300.850, unless a property line adjustment deed is recorded in the deed records of the county.

(2) Multiple property line adjustments processed according to SRC 205.055(e) shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.

(3) Evidence demonstrating that the property line adjustment deed has been recorded with the county shall be provided to the Director. (Ord No. 31-13)

205.060. Validation of Unit of Land.

(a) Applicability. The purpose of this section is to provide a process whereby a unit of land unlawfully created may be lawfully established. This section shall only be used to validate units of land created before January 1, 2007. For purposes of this section:

(1) A unit of land is unlawfully created if the unit of land was created through a sale that did not comply with the criteria applicable to the creation of the unit of land at the time of sale; and

(2) A unit of land does not include a unit of land created solely to establish a separate tax account, a unit of land created by gift, or a unit of land created through any other method that is not considered a sale.

(b) Procedure Type. A validation of a unit of land is processed as a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for the validation of a unit of land shall include the following information:

(1) The recorded deed or land sales contract that created the unit of land;

(2) A copy of the land division and zoning regulations applicable to the property at the time in which the unit of land was created; and

(3) A plat prepared in accordance with SRC 205.035 and ORS 92.

(d) Criteria. The validation of a unit of land shall be approved if the following criteria are met:

(1) The unit of land is not a lawfully established unit of land;

(2) The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;

(3) The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and

(4) The plat complies with SRC 205.035 and ORS 92.

(e) Notwithstanding subsection (d)(3) of this section, the Review Authority may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale.

(f) Expiration; Recording.

(1) The validation of a unit of land shall expire as provided under SRC 300.850 unless the plat of the validated unit of land is recorded with the applicable county.

(2) A copy of the recorded plat shall be provided to the Director within 30 days of the date of recording with the county.

(g) Effect of Validation of Unit of Land. Development or improvement of a unit of land validated pursuant to this section must comply with all applicable requirements of the UDC in effect at the time a complete application for development or improvement of the unit of land is submitted. (Ord No. 31-13)

205.065. Property Boundary Verification.

(a) **Applicability.** The purpose of this section is to provide a process whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purposes of application of the Building Code.

(b) **Procedure Type.** A property boundary verification is processed as a Type I procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type I application under SRC Chapter 300, an application for property boundary verification shall include:

(1) A copy of the recorded deeds for the existing units of land; and

(2) A copy of the proposed legal description defining the outside boundary of the units of land to be considered as a single lot for purposes of the Building Code.

(d) **Criteria.** A property boundary verification shall be approved if the following criteria are met:

(1) The proposed property boundary verification involves units of land that are under the same ownership; and

(2) The proposed legal description accurately defines the outside boundary of the units of land to be considered as a single lot for purposes of the Building Code.

(e) **Recording.** The approved legal description defining the outside boundary of the units of land to be considered as a single lot for purposes of the Building Code shall be recorded with the county. Prior to issuance of a building permit, a copy of the recorded legal description shall be provided to the Director. (Ord No. 31-13)

205.070. Modification of Approval.

(a) **Applicability.** The approval of a tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat.

(b) **Procedure Type.** Modifications pursuant to this section are processed as a Type I procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements under SRC Chapter 300, an application for a modification pursuant to this section shall include the following:

(1) For modification of a tentative partition plan approval, the information required under SRC 205.005(c).

(2) For modification of a tentative subdivision plan approval, the information required under SRC 205.010(c).

(3) For modification of a tentative phased subdivision plan approval, the information required under SRC 205.015(c).

(4) For modification of a tentative manufactured dwelling park subdivision plan approval, the information required under SRC 205.020(c).

(5) For modification of a tentative replat approval, the information required under SRC 205.025(c).

(d) **Criteria.** An application for modification pursuant to this section shall be approved if all of the following criteria are met:

(1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and

(2) The proposed modification will not result in significant changes to the physical

appearance of the development, the use of the site, and the impacts on surrounding properties.

(e) Expiration. The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision. (Ord No. 31-13)