



Clatsop County
Community Development
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PARTITION

Fee: \$1,000 (required with application)
Extension: 50% of Original Fee

OWNER: _____ Email: _____
Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

OWNER: _____ Email: _____
Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

OTHER: _____ Email: _____
Address: _____ City/State/Zip: _____
Phone: _____ Phone: _____

Contiguous property description (if any): _____

Number of parcels to be created: _____ Parcel Sizes: _____

Will access be provided by an easement? _____

Present Zoning: _____

Property Description – Map ID: _____ Acres _____

Partition Map. Sketch proposed Partition (see section on **Tentative Partition Plan Submission Requirements** attached)
OR sketch the requirements on an Assessor's map and attach.

SIGNATURES: I have read and understand the statements on the back of this form and agree to abide by them. **All owners of record**, per Clatsop County Assessment records, **must sign the application**. Representatives of public agencies, corporations, trusts, etc. must provide documentation of signing authority.

Signature: _____ Date: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

MAJOR PARTITIONS

Applicability - Whenever a landowner wishes to sell part of their property or place a second home or mobile home on property that already has a home on it, a land division is necessary. Partitions are divided into two types depending on road access. This information relates only to Major Partitions. A major partition is defined as:

“When a tract of land is divided into no more than three (3) parcels in a calendar year when such tract of land existed at the beginning of the year and any parcel has less than 25 feet of frontage on a state, county or public road. Any partition which requires the creation of a state, county, public or private road or the utilization of a private road is also considered a major partition”

Section 3.9840. Private Road Minimum Requirements

Table 3.4 and the following minimum requirements shall apply for any action relating to the approval of a private road:

- 1) Private roads shall provide access to no more than ten (10) abutting lots or parcels. A private road may serve more than ten (10) lots or parcels when the parcels are within a planned development or subdivision and when such road is constructed to the standards for a public road, and is approved as a part of the planned development or subdivision. Under no circumstances shall a private road serve other roads or areas.
*Surf Pines and The Highlands at Gearhart are exempt from this requirement. These two areas are served by private roads and already exceed the 10-lot standard.
- 2) Private roads shall not be approved if the road is presently needed, or is likely to be needed, for development of adjacent property, or to be utilized for public road purposes in the normal development of the area, or if the private road is intended to serve commercial, or industrial district uses. Private roads shall not be approved for commercial or industrial land divisions.

Section 2.9050. Processing Minor and Major Partitions

The processing of proposed minor and major partition requests will include the following steps:

- 1) The applicant will submit a tentative partition plan completed application and filing fee, to the Department of Community Development. The tentative partition plan shall follow the format outlined in Section 2.9090.
- 2) The Director shall evaluate the tentative partition plan to determine conformity with lot size and dimension standards of the base zone of the proposed partition. Where a partition is located within 750 feet of a state highway, the Community Development Director will notify the Oregon Department of Transportation (ODOT) of the application and will consider its comments in taking action on the partition request. The tentative plan may be modified, if needed, to meet these standards. The Director, through a Type II procedure in accordance with Section 2.1020, shall apply conditions as required by Section 2.9050 and conditionally approve or deny the tentative plan.
- 3) Conditional approval of a tentative partition plan shall be valid for two years from the date of the conditional approval. The applicant shall meet the conditions of approval attached by the Director and submit a final partition plat prior to expiration of the conditional approval. The final partition plat shall follow the format outlined in Section 2.9080. The Director may, upon written request by the applicant, grant an extension of the expiration date of up to one (1) year upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refiling of the tentative plan and after finding no other development approval would be affected. Any partition not completed prior to expiration of the tentative plan shall be considered void.
- 4) The Director shall review the final partition plat to determine that it conforms with the tentative plan and any applicable conditions. Prior to recording of any partition plat, it must be approved by the County Surveyor.
- 5) If the Director or the County Surveyor determines that the partition plat submitted does not conform to the tentative plan or applicable conditions, the applicant shall be afforded an opportunity to make corrections prior to the expiration date.
- 6) If the final partition plat conforms to the tentative plan and applicable conditions, the Director shall sign and date the final plat. The applicant will be notified that the plat is ready for recording in the County Clerk's Office.

General Standards for Major Partitions:

1. Road approach approval from the appropriate agency (state or county, depending on what road access is taken from).

2. If a private road or easement is created or utilized, the road easement shall meet the A-12 or A-20 road standards and the boundaries of the road easement shall be surveyed and monumented. Basically, the A-12 road standard requires a 25' easement, 12 foot road surface, 50' curve radius and one vehicle turnout shall be provided for every 250' of road surface. If the travel surface of the private road exceeds 18 feet no turnouts are required. Basically, the A-20 road standard requires a 50' easement, 18 foot road surface, and a 250' curve radius. Easements which bind all involved property owners and which specify the perpetual, non-exclusive nature of the roadway easement shall be signed and recorded with the County Clerk. An agreement shall also be signed and recorded with the County Clerk outlining the responsibilities of the private parties maintaining the road improvements (also known as a Road Maintenance Agreement). These maintenance responsibilities shall be enforced by the individual parties and not the County.
3. Required road improvements shall be completed or bonded prior to the sale of the partitioned parcels. In the event the applicant intends to retain ownership of a partitioned parcel, required road improvements shall be completed prior to the issuance of any development permit (building/placement permit) involving the partitioned parcel. Road improvements must be completed to the extent necessary to provide legal access frontage to the parcel proposed for sale or for second home placement. If the required road improvements are not completed at the time of final partition approval, the Community Development Department will record a development restriction upon the involved parcels to require the completion of these improvements prior to the sale of the parcels or prior to the issuance of a development permit to the partitioning party; whichever comes first. The restriction will be removed upon completion of the improvements prior to the sale of the parcels or prior to the issuance of any development permit involving the partitioned parcel.

General Standards for Major Partitions in Resource Zones (AF-20, F-38, F-80, EFU):

1. Road approach approval from the appropriate agency (state or county, depending on what road access is taken from).
2. County-wide Forest Lands Policy #22 shall be applied to all AF-20 and F-38 partitions. This policy reads: "Partitioning of land in the AF-20 zone and F-38 zone shall be approved only upon a finding that such newly created parcels shall be used only for forest uses. This policy does not apply to the small lots resulting from a cluster partition." The county no longer has cluster partitions.
3. If a private road or easement is created or utilized, the easement shall meet the standard noted above in #3 of General Standards for Major Partitions.

Exceptions:

1. When a partition is proposed which includes parcels that are greater than 10 (10) acres in size no survey of the parcel is required. However, a partition plat must still be submitted and approved.
2. Partitions creating parcels in excess of 80 acres do not need to be shown on a partition plat. Nothing in this subsection shall exempt Clatsop County from minimum area requirements established in the Clatsop County Comprehensive Plan and this Ordinance.

Tentative Partition Plan Submission Requirements:

1. A sketch of the original parcel of land (all contiguously owned land) on an 8 1/2" x 11" sheet of paper.
2. The date, north point and scale of the drawing.
3. The amount of acreage in the original parcel and the acreage of the resulting parcels, and dimensions of all parcels.
4. The location, names and widths of all roads and easements adjacent to and within the parcel to be partitioned.
5. The existing use or uses of the property, including approximate locations of all structures on the property.
6. The width and location of all easements for drainage or public utilities.
7. The location of zoning boundaries on the property, to the detail provided by the Department of Community Development.
8. Approximate location of physical features on the property, such as wetlands and streams.

Submission and Review of Final Plat:

A final plat shall be submitted and within ten (10) days of submission, the Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Director determines that there is a failure to conform, the applicant shall be advised and afforded an opportunity to make

corrections. When the plat is found to conform, it shall be signed and dated by the Director if other requirements for a development permit have been fulfilled.

Approval Signature for Final Partition Plat

1. Obtain the approval signature of the County Surveyor indicating the plat complies with all applicable survey laws. If it is determined that there has been a failure to comply, the applicant/surveyor shall be notified and afforded an opportunity to make corrections. When the plat is found to conform, it shall be dated and signed.
2. The final plat is then sent to the Clatsop County Department of Community Development. The Community Development Department reviews the file for satisfaction of conditions of approval.
3. If the Planning Director signs the final plat, the plat is forwarded to the County Tax Office for review of payment of taxes. The County Tax Office shall notify the applicant that all taxes must be paid prior to final plat recording with the County Clerk. The private surveyor shall provide a signature line on the final plat for the County Assessor/Tax Collection. The County Tax Office shall notify the applicant when the plat is ready for recording.
4. The applicant shall take the final partition plat to the County Clerk's Office for recording.

Congratulations! Your Partition is now final and you may sell the lots!

PARTITION PLAT PROCESS CHECKLIST

Below is a checklist of steps in filing a Partition. This is provided as a convenience by Clatsop County to help the public to understand what is involved in the Partition process.

- ☐ 1. Receive Partition application and zoning information from the Clatsop County Community Development Department and fill it out.
- ☐ 2. Return application and fee to the Clatsop County Community Development Department.
- ☐ 3. The Community Development Department reviews the application for conformance with Zoning Ordinance requirements. Ownership of the property is also checked. Application and fee are accepted when complete. If incomplete, application and fee are returned. Applicant can then resubmit the application and fee to meet the requirements. The application must be complete before the applicant can proceed with the rest of the checklist.
- ☐ 4. The Community Development Department writes a staff report (documentation of approval or denial). The staff report is recorded with the Clatsop County Clerk's office. A copy of the staff report and procedure for appeal is mailed to applicant and /or owner.
- ☐ 5. Applicant reviews the conditions of approval in the staff report (usually located at the end of the document). The applicant has 2 years from the date of recording to carry these out. No sale of the parcels may occur until the Partition Plat is final.
- ☐ 6. Applicant contacts a professional land surveyor to do a survey, if required, and a Partition Plan of the parcels and possibly of the road (check with your conditions of approval).
- ☐ 7. In the meantime, applicant continues to fulfill the conditions of approval and turns in copies, if required, of any documentation of the Community Development Department.
- ☐ 8. Your private surveyor develops a draft copy of the Survey/Partition Plan and provides one copy to the Clatsop County Community Development Department and two to the County Surveyor. These are reviewed to see that it complies with the request that was approved.
- ☐ 9. The Community Development Department determines which conditions of approval are satisfied and which are not. A letter is sent and a copy of the draft survey map, if necessary, to the applicant indicating which conditions of approval have not been met (see #5 above).
- ☐ 10. The private surveyor then turns in the mylar copy (original) of the survey (revised with any corrections) to the Clatsop County Surveyor's Office. The County Surveyor reviews the original plat for survey requirements. After the mylar is signed by the County Surveyor it is forwarded to the Clatsop County Community Development Department.
- ☐ 11. The County Community Development Department again reviews it to determine if the conditions of approval are satisfied. THE MYLAR CANNOT BE SIGNED BY THE COMMUNITY DEVELOPMENT DEPARTMENT UNTIL ALL CONDITIONS OF APPROVAL ARE FILLED.

- ☐ 12. Once all conditions of approval are satisfied, the Community Development Director or designate will sign the mylar and forward the mylar to the Assessment and Taxation Office.
- ☐ 13. Applicant is notified that the Partition Plat has been forwarded to the Assessment and Taxation Office and if any taxes are due. The taxes on the property must be paid on the property before final recording. If taxes are current, the applicant then takes the Partition Plat to the Clatsop County Clerk's office for recording. There is a recording fee.
- ☐ 14. The Partition Plat is final! Sales of the lots may now occur. Copies of the Partition Plat are available through the Assessor's Office, County Surveyor's Office or the private surveyor hired by the applicant.