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## PARTITIONS

### **What is a Partition?**

A partition is the division of a tract of land into two or three parcels within a calendar year. The approval criteria for partitions are listed in LOC 50.07.003.14.d. A partition is processed as either an expedited land division or as a standard partition under the minor development procedures.

### **What is an Expedited Land Division?**

The statutory "expedited land division" process provides an alternative to the standard land use process for land division requests that meet specific eligibility requirements. Per ORS 197.365, a partition that meets all of the eligibility requirements (see "What are the Requirements to Qualify for the Expedited Land Division Process?" below), will be processed as an expedited land division unless the applicant requests to use the standard partition process in writing or checks the box on the City's application form to opt out of the expedited review.

### **Is an Expedited Land Division Faster than the Standard Land Division Process?**

The legislature intended an expedited land division process to be more streamlined compared to the process and time that standard land divisions could follow under state law. The City of Lake Oswego typically processes partition applications within 42-56 days of the "complete" date. Expedited land divisions must be processed within 63 days of the "complete" date. Therefore, in Lake Oswego, the processing time for standard and expedited land divisions is about the same. (Processing an appeal is additional; see "Who Makes the Decision?" on next page.)

### **What are the Eligibility Requirements to Qualify for the Expedited Land Division Process?**

ORS 197.360 lists the requirements to qualify for an expedited land division review. These requirements are summarized below.

#### The proposed land partition (3 or fewer parcels):

1. Must be residentially-zoned land and must solely be for the purposes of residential use, including recreational or open space uses accessory to residential use;
2. Must not create lots located on land that is designated as full or partial protection of natural resources (i.e. Sensitive Lands, Willamette River Greenway, etc.), open spaces, or historic properties;
3. Must satisfy all City street standards and connectivity requirements; and
4. Must result in development that either:
  - a) Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
  - b) Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

## **Pre-Application Conference Required**

A Pre-Application (Pre-App) Conference is required for all partitions prior to submitting the land use application. The purpose of the Pre-App is to discuss the development proposal, the applicable criteria, requirements for completing an application, and the decision making process. Please refer to the City's Pre-App handout for more detailed information on this process.

## **Neighborhood Meeting Required**

Following the Pre-App but prior to submitting any partition application, the applicant is required to hold a neighborhood meeting to identify potential issues or conflicts regarding the proposed development [LOC 50.07.003.1.f]. Please refer to the City's Neighborhood Meeting handout for more detailed information on this process.

## **Application Procedure**

Following the neighborhood meeting, the applicant files a formal application with the Planning and Building Services Department using the Land Use Application form available on our website at [www.ci.oswego.or.us](http://www.ci.oswego.or.us) or at the Planning Department counter. The applicant also provides information and materials specified in the Pre-App report. Please refer to the attached "Submittal Requirements" section for a list of the materials that are typically required for a partition application. A complete list of the required application materials for your proposal will be provided at the Pre-App.

Submitted plans and attachments are routed to all concerned City departments for review. The City has 30 days to determine whether the application is "complete" for a standard partition; for an expedited land division, the City has 21 days. If the application is "incomplete," a letter will be sent to the applicant indicating what additional information is necessary. When the application is "complete," the City mails a Notice of Application to surrounding property owners and affected neighborhood associations, which begins a 14-day public comment period.

## **Who Makes the Decision?**

The application will be evaluated on the basis of the information provided by the applicant, the criteria listed in the pertinent sections of the City's Community Development Code and other applicable codes, public comment, and inspection of the property.

### Standard Partition

In most cases, a decision on a standard partition application will be made by staff following the public comment period; however, a standard partition application may be referred directly to the Development Review Commission (DRC) for review at public hearing at the discretion of staff. Appeals of the staff decision are reviewed by the (DRC) and appeals of the DRC's decision are heard by the City Council. A final decision by the City must be made within 120 days after the application was deemed "complete." A city decision can be appealed to the Oregon Land Use Board of Appeals and the Oregon Court of Appeals.

### Expedited Partition

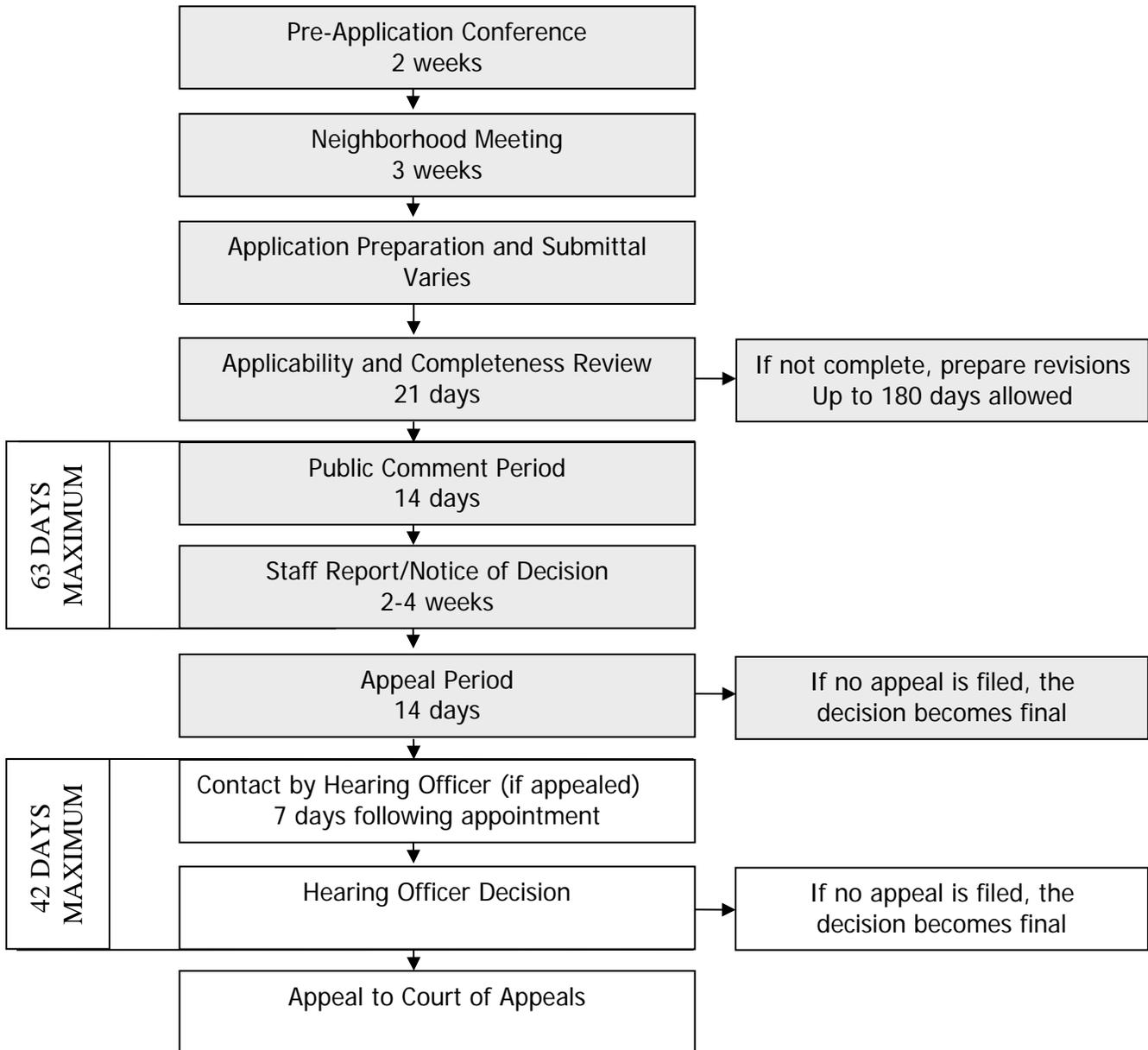
As with a standard partition, staff makes the decision on expedited partition, but there is no option to refer the application to the DRC because ORS 197.365 specifically prohibits review of the application at a public hearing. Appeals of the staff decision are reviewed by a hearings officer appointed by the City. The hearings officer will have seven days following appointment to notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice, and all providers of public facilities and services entitled to notice to advise the manner in which they may participate in the appeal. The hearings officer may use any procedure consistent with the interests of the parties to ensure a

fair opportunity to present information and argument. Appeal of the hearings officer decision can be made to the Court of Appeals.

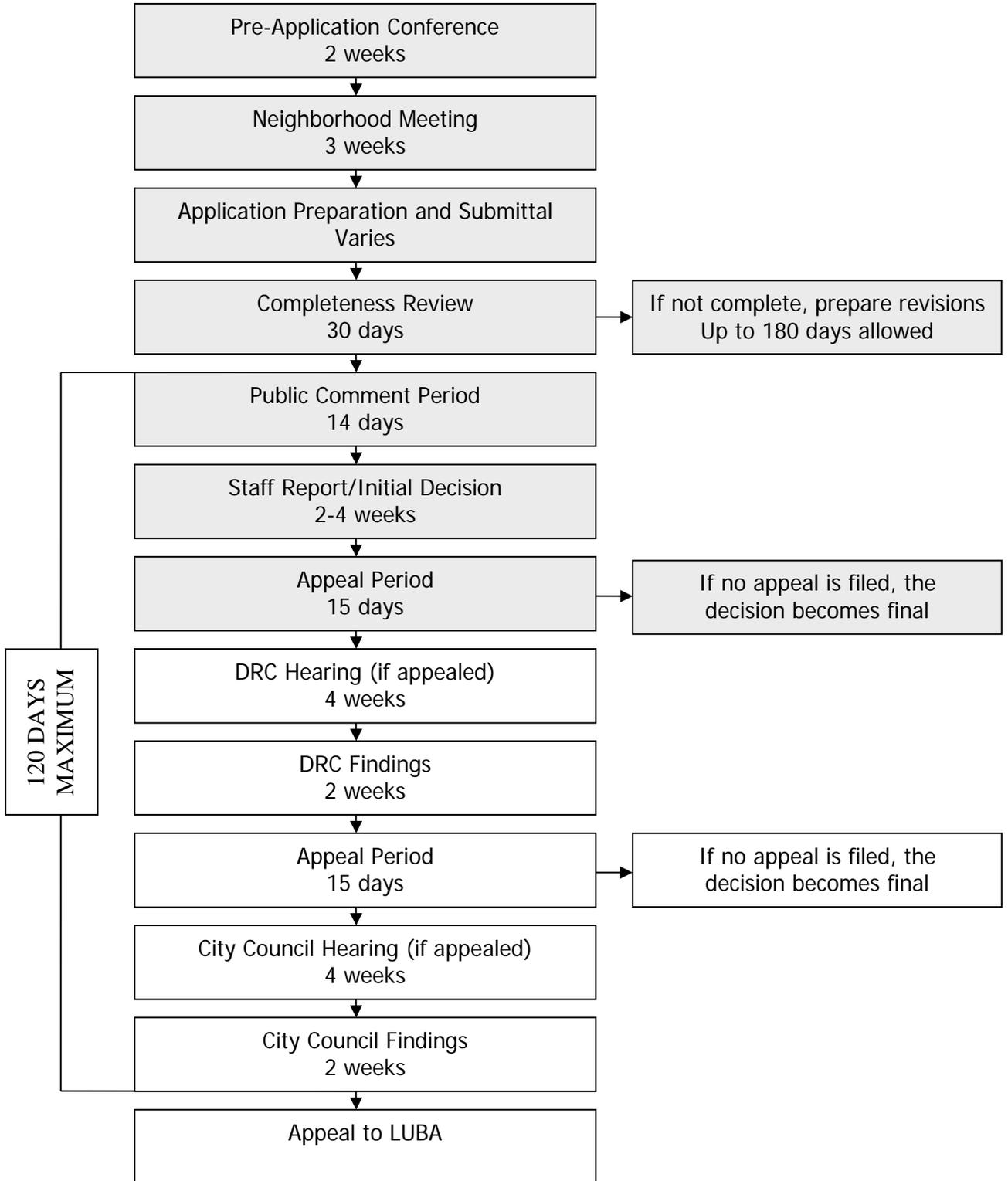
**Process and Timelines for Expedited and Standard Partitions**

The flow charts below identify the typical review process and timelines for an expedited land division and a standard partition. Special circumstances may increase certain processing times for standard partitions, but the process time cannot exceed 120 days from the date the application is “complete” (including appeals to the DRC and City Council) for a final decision by the City.

**EXPEDITED LAND DIVISION PROCESS**



# STANDARD PARTITION PROCESS



# SUBMITTAL REQUIREMENTS

A complete application is required before the City can proceed with technical analysis and make an informed decision on your application. Following is a list of materials that are typically required for partition applications; however, as each partition request is unique, additional items may be identified at the Pre-App Conference. Please do not submit your application until all the items on the list that apply to your proposal have been included. Consult with the Planning and Building Services Department if you have a question. All application materials become public information.

## GENERAL

The following items are required to be submitted in **FIVE COLLATED SETS** unless otherwise noted:

- Completed Land Use Application form signed by the property owner(s). Agent authorization is required if application is not signed by owners of all subject parcels.
- Proof of ownership such as a copy of deed or title report (**TWO SETS**).
- A survey map that is prepared, stamped and signed by a licensed surveyor that illustrates the existing structure(s) on the site, existing setbacks, two-foot contour lines, easements (if any), and all trees that are 6" in diameter or greater on or in close proximity to the site.
- Preliminary partition plat showing dimensions and square footage for each parcel, easements and building envelopes on each parcel based on the required setbacks. Include the location of trees on the preliminary plat.
- Grading and utility plans. The grading plan shall show existing and proposed contours at 2-foot intervals and top and bottom of elevations of all retaining walls, if applicable.
- Technical reports: drainage report, geotechnical report, arborist report, etc. (**THREE SETS**).
- A site plan illustrating the location, size, and species of all trees on the site. Identify trees designated for removal for construction of utilities or public improvements (do not show trees that may need to be removed for future house construction unless specific house plans are submitted with the application). Be sure to address the Type II tree removal criteria [LOC 55.02.080 of the Tree Code] and include a mitigation plan. Tag trees requested for removal with a yellow ribbon.
- A narrative addressing all applicable standards listed in the Pre-App Checklist in detail.
- Sticky back address labels with the property owner names and addresses of at least:
  - Standard Partition: 50 properties within 300+ feet of the site boundaries (excludes the site and City-owned properties).
  - Expedited Land Division: all properties within 100 ft. of the site boundaries.This information shall be obtained from the most current tax assessor records (**TWO SETS**). Please make sure to add tax lot and tax map information for each lot above the respective address (see Mailing Label handout for specific instructions).
- Neighborhood Meeting Information as required by LOC 50.07.003.1.f (**ONE SET**).
- 8 x 11 ½ reductions of all oversized materials (**TWO SETS**).
- Payment of application fee.
- Additional information as identified by the City in the Pre-App Checklist