



TYPE II LAND USE APPLICATION – Tentative Subdivision

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only: FILE # _____ FEE: _____

Applicant (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____

Agent (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Agent Signature: _____

Land Owner (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Land Owner Signature: _____

LOCATION

Township Range Section Taxlot

Site address

PROPOSAL: A request for Type II (Planning Director) Approval of a Preliminary Subdivision, pursuant to Lane Code 13.070 and 13.080.

PROPOSED NUMBER OF LOTS: _____

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings or conclusions.

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

ZONING _____

ACREAGE: _____

PRIOR DECISIONS: Provide information demonstrating compliance with any applicable prior decisions and conditions of approval for the subject property.

EXISTING IMPROVEMENTS: What structures or development does the property contain? Will any structure be removed/demolished?

PHYSICAL FEATURES: Describe the site.

- The Vegetation on the property: _____

- The Topography of the property: _____

- Any Significant Features of the property (steep slopes, water bodies, etc.): _____

UTILITY COMPANIES THAT SERVE/WILL SERVE THE PARCELS:

Identify the following service & facility providers for the property:

Electrical Company: _____

School District: _____

Rural Fire Protection District: _____

Natural Gas Company: _____

REQUIRED SUBMITTALS

13.070. Tentative Subdivision and Series Partition Plan Submittal Requirements

(1) Submittal Requirements:

- (a) **Applicability:** An application for Tentative Subdivision or Series Partition plan approval must be filed with the Department pursuant to Type II procedures, according to LC Chapter 14. The application must be submitted with the applicable filing fee on a form provided by the Director, addressing all approval criteria.
- (b) The following information is required to be included on the tentative plan or by separate attachment:
 - (i) General Information:
 - (aa) Assessor's map and tax lot number of the subject property.
 - (bb) Date the tentative plan was prepared.
 - (cc) Drawing scale and north arrow.
 - (dd) "Tentative Partition Plan" or "Tentative Subdivision Plan" must be contained within the title.
 - (ee) Zoning of the subject property, including any overlay zones.
 - (ff) A title block including the names and addresses of the owners of the subject property and, as applicable, the name of the applicant, engineer, surveyor, agent, and the date of the survey.
 - (gg) Map of the subject property or properties being divided, in its current configuration.
 - (hh) Evidence that the subject property is a legal lot or multiple legal lots.
 - (ii) **Existing Conditions.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information on existing conditions:
 - (aa) Existing streets or roads (public or private), including location, names, right-of-way and pavement widths on and abutting the subject property, location of any existing access point(s), and any driveways within 100 feet of the existing access point(s). Describe and include areas of vacated right-of-way.
 - (bb) City limits and Urban Growth Boundary lines.
 - (cc) Location, width, and purpose of all existing recorded easements on and abutting the site.
 - (dd) The location and present use of all structures on the site and indication of which, if any structures are to remain after platting.
 - (ee) Location and identify ownership of all utilities on and adjacent to the site.
 - (ff) Location of all existing subsurface sewage facilities, including drain fields and associated easements on the site.
 - (gg) Location of any existing well or other domestic water source on the site, including water lines.

- (hh) All known dangerous areas, sensitive areas, and natural features such as drainage ways, rock outcroppings, aquifer recharge areas, wetlands, marshes, beaches, dunes, tidal flats, floodplain, steep slopes, known landslide hazard areas, geologically unstable areas, and unstable soils.
- (iii) **Proposed Development.** Except where the Director deems certain information is not relevant, applications for tentative plan approval must contain all of the following information:

 - (aa) Approximate dimensions, area calculation (e.g., in square feet or acres), and identification numbers for all proposed lots, parcels and tracts.
 - (bb) Location, names, right-of-way dimensions, approximate radius of street curves, and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts must be identified.
 - (cc) Location, width, and purpose of all proposed easements.
 - (dd) Proposed deed restrictions, if any, in outline form.
 - (ee) Approximate location and identification of utilities, including the locations of proposed well(s) or other domestic water source, proposed subsurface sewage facilities, proposed electrical lines, underground or above ground, as applicable.
 - (ff) Evidence of compliance with the applicable base zoning.
 - (A) For all land divisions with an adopted urban growth boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
 - (B) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.
 - (gg) Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use.
 - (hh) For properties subject to coastal combining zones, provide a copy of an approved preliminary investigation or hazards checklist based on the tentative plan map and an approved site investigation report, if required by the preliminary investigation or hazards checklist.
 - (ii) For properties regulated by any other overlay or combining zones than those listed in (hh) above, provide documentation that the land division conforms with the overlay zone.
 - (jj) Evidence that each proposed lot or parcel can be served by local utility companies or districts.
 - (kk) If access is taken across property that is located in another road authority's jurisdiction, provide evidence demonstrating compliance with said jurisdiction's access standards.
- (iv) Any of the following information may be required by the Director to supplement a proposed tentative plan:

- (aa) For lots or parcels within an adopted Urban Growth Boundary, show ground elevations by contour lines at one-foot, two-foot, and five-foot vertical intervals on a copy of the tentative plan. Such ground elevations must be related to some established benchmark or other datum approved by the County Surveyor. The Director may waive this standard for partitions when grades, on average, are less than 10%. Ground elevations will comply with the following intervals dependent on slope:
 - (A) One-foot contour intervals for ground slopes up at 5%;
 - (B) Two-foot contour intervals for ground slopes between 5% and 10%; or
 - (C) Five-foot contour intervals for ground slopes exceeding 10%.
 - (bb) The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes).
 - (cc) Where the plan includes natural features subject to the conditions or requirements contained in Lane Code, materials may be required to be provided to demonstrate that those conditions and/or requirements can be met.
 - (dd) Profiles of proposed or existing drainage ways or Class 1 streams, and if applicable, a copy of wetland determination or delineation.
 - (ee) If lot areas are proposed to be graded, a plan showing the nature of cuts and fills, and information on the character of the soil.
 - (ff) On slopes exceeding an average grade of 10%, as shown on a submitted topographic survey, the tentative location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards.
 - (gg) If the tentative plan occupies only part of a tract owned or controlled by a developer, a diagram of tentative street layout in the undivided portion.
 - (hh) The Director may require additional information such as hydraulic analyses, hydrologic analyses, or geotechnical reports that demonstrate development can safely occur on the proposed lots or parcels.
 - (ii) Approximate center line profiles of streets, including extensions for a reasonable distance beyond the limits of the proposed Subdivision or Series Partition, showing the proposed finished grades and the nature and extent of construction.
- (c) Two (2) paper copies of a tentative plan map for the proposed partition or subdivision, two (2) copies of all supporting documents, and one electronic copy pursuant to LC 14.020(3)(b). The tentative plan must be drawn to a scale divisible by ten of not less than one inch equals 20 feet and not more than one inch equals 400 feet. In addition, submit a reduced-sized, legible copy of the tentative y plan on an 11-inch by 17-inch sheet or smaller.
- (d) **Cluster Subdivision Specific Submittal Requirements:**
- (i) In addition to LC 13.080(1)(o), applications for Cluster Subdivisions must include two copies of a written statement addressing Rural Comprehensive Plan Goal 2 policy 23 and OAR 660-004-0040(7)(e).

APPROVAL CRITERIA

13.010. Tentative Subdivision and Series Partition Plan Application Review Criteria

(1) **Review Criteria:**

- (a) **Legal Lot.** The subject property or tract must be a legal lot pursuant to LC 13.140.

Preliminary or Final Legal Lot Verification: _____

or

Subdivision Lot/Partition Parcel: _____

- (b) **Conformity with the Zoning.** All divisions must conform to all of the applicable zoning requirements in Lane Code.

Identify the base zone for the subject property: _____

Identify any other applicable overlay zones: _____

Explain how your proposal conforms with the requirements of these zones. Attach Additional pages as necessary.

- (i) If the subject property is located within an adopted urban growth boundary, the land division must comply with the density requirements of the applicable plan designation.
- (ii) For all land divisions within the Eugene-Springfield Metropolitan Area General Plan boundary, provide evidence that the proposal complies with the density requirements of the applicable plan designation.

Is the property entirely or partially within an Urban Growth Boundary? ___ Yes ___ No

If yes, please provide evidence that the proposal complies within the density requirements of the applicable plan designation. Please note that land divisions are not allowed prior to annexation within the Florence Urban Growth Boundary, pursuant to Lane Code 10.122-30.

(c) **Access.**

- (i) A subdivision, partition, or replat must provide for the continuation of existing major and secondary roads within adjoining plats, or for their proper projection when adjoining property is not yet divided. Such roads must meet the minimum requirements for roads set forth in LC Chapter 15, unless an exception is approved per LC 15.709 or 15.900.
- (ii) Lots or parcels must have verifiable access by way of a road, either a County or City public road, local access road, or a private easement in accordance with the following standards:

- (aa) Each proposed lot or parcel must abut a public road or private easement for at least 30 feet for access; or
- (bb) If access is taken across property that is located in another road authority's jurisdiction, at a minimum, the portion of the access must conform to that jurisdiction's standards.
- (cc) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by:
 - (A) An express grant or reservation of an easement in a document recorded with the County Recorder;
 - (B) A decree or judgement issued by a court of competent jurisdiction;
 - (C) An order from the Board establishing a statutory way of necessity or gateway road; or
 - (D) An express easement set forth in an approved and recorded subdivision or partition;
- (dd) The public road or private easement complies with LC Chapter 15.

Does each lot abut a road for at least 30 feet? Yes No

If not, identify which lot(s). _____

Are you proposing an access easement with this tentative subdivision? Yes No

If yes, how many properties will the easement serve? _____

Please provide evidence of the existing easement. If the easement is proposed to cross a property in different ownership, a letter from the property owner stating they are willing to grant the easement should be submitted, to support that it is feasible to obtain the easement.

Is a new driveway proposed off of a County Road? Yes No

If yes, a facility permit will be made a condition of approval.

Does a railroad or highway crossing provide the only access to the property (circle)? Yes No

- (iii) The road provides actual physical access to each of the lots or parcels.
- (iv) County Roads, City Roads, Local Access-Public Roads, and Private Access Easements used to access the lots or parcels must be designed and developed in accordance to LC Chapter 15 requirements or City standards within said jurisdiction.
- (v) For the portion of a panhandle tract used to access to the main portion of the tract, the County may require such road improvements and design as necessary to provide safe and adequate access to the main portion of the tract.

Provide documentation that improved (physical) access to each parcel in compliance with Lane Code Chapter 15.700-710 is feasible.

- (d) **Redevelopment Plan.** When an entire tract under the applicant's control or ownership is not subdivided or partitioned to the fullest extent allowed by current zoning, the applicant must submit a future plan demonstrating how division and development of the remainder of the tract, including major road connections and intended land uses will be consistent with Lane Code and any applicable adopted refinement plans.

If the subdivision is approved, could any of the newly created Lots be further divided under the current zoning designations? Yes No

If yes, identify the Lot(s) and submit a design for the potential redevelopment.

- (e) **Control Strip.** The County can require that a strip of land contiguous to a road be dedicated or deeded to the public for the purpose of controlling access to or the use of a lot or parcel for any of the following reasons:
 - (i) To protect the future extension of the road pattern, in length or width;
 - (ii) To prevent access to land unsuitable for development; or
 - (iii) To prevent or limit access to roads classified as arterials and collectors.

Identify if any of the above conditions exist: _____

- (f) **Dangerous and Sensitive Areas.**
 - (i) Each proposed lot or parcel is configured in a way that dangerous and sensitive areas located on the subject property will not preclude or pose a hazard to future development of each lot or parcel.
 - (ii) The Director must consider the recommendation of the County Engineer, municipal officials within Urban Growth Boundaries, and other professional technical sources when determining the presence of dangerous and sensitive area conditions and mitigation measures.
 - (iii) Areas of floodplain, water areas, riparian vegetation, and wetlands will be retained in their natural state to the extent practicable to help preserve water quality and protect water retention, overflow, and natural functions.
 - (iv) If the Director determines it necessary due to the presence or significance of dangerous and/or sensitive areas on the subject property, the Director can require the applicant to show future building sites for each lot or parcel.
 - (v) The Director can impose conditions or modifications necessary to mitigate potential hazards or otherwise provide for compliance with adopted Comprehensive Plan policies and Lane Code provisions. The Director may

require a Notice or Restriction document be recorded at Lane County Deeds and Records when the final plat is recorded.

- (aa) Optional: If physical conditions change on a specific lot or parcel, the owner can request from the Director to approve the modification or removal of the Notice or Restriction document. The owner must submit an application with the applicable filing fee to the Department, pursuant to Type I procedures according to LC Chapter 14, and provide the Director evidence before the Director is able to approve the modification or removal of the Notice document.

Describe all hazardous and sensitive areas on the subject property.

Explain how each lot configuration in relation to hazardous or sensitive areas will not prevent or pose a major hazard to future development of the lot. Are any mitigation measures proposed?

Provide any additional information to support positive findings for the above criteria.

- (g) **Grading, Excavation and Clearing.** Grading and clearing by mechanical equipment for road and/or development purposes may be restricted or regulated either at the time of tentative plan approval or final approval if there is a finding that such grading or clearing presents a threat of pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area. In all cases, excessive grading, excavation, and clearing must be avoided when detrimental to soil stability and erosion control.

Is grading, excavation or clearing required for road and/or development purposes? ___ Yes ___ No

If yes, will you be disturbing more than 1 acre of land (development site & driveway)?

___ Yes ___ No *How Much?* _____ *(approximate square footage)*

How will you mitigate potential pollution, contamination, silting of water bodies or water supplies, erosion and slide damage, or alteration of natural drainage patterns in the area due to grading, clearing, or excavation on the subject property? Explain.

- (h) **Compliance with State and Federal Permits.** Evidence that any required State and Federal permit, as applicable, have been obtained or can reasonably be obtained prior to development that requires those permits.

To your knowledge, are any other State or Federal permits required? Yes No

If yes, what are they? Have you applied for them yet? _____

- (i) **Utility Easements.** Easements for utilities must be provided whenever necessary. Such easements must be clearly labeled for their intended purpose.

(j) **Land for Public Purposes and Dedications.**

- (i) If the County has an interest in acquiring any portion, besides dedicated roads, of any proposed Subdivision or Series Partition for public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is written notification to the developer from the County that steps will be taken to acquire the land, then the Director may require that those portions of the Subdivision or Series Partition be reserved, for a period not to exceed 90 days, for public acquisition at a cost not to exceed the value of the land.
- (ii) When necessary to enhance public convenience, safety, or as may be designated on an adopted master bike plan or Transportation System Plan, the Director may require that pedestrian or bicycle ways be improved and dedicated to the public. Such pedestrian and bicycle ways may be in addition to any standard sidewalk requirements of LC Chapter 15, Roads. Pedestrian and bicycle ways cannot be not less than six feet in width and be paved with asphaltic concrete or Portland cement concrete.
- (iii) The Director may require as a condition of approval the dedication to the public rights-of-way for public purposes. All dedications must appear on the final plat, and be approved by the County prior to recording.

Are you aware of any plans by a public agency to acquire any portion of the subject property?

Yes No

- (k) **Lots and Parcels.** Except for lots or parcels to be dedicated for parks, recreation, open space, or resource land, the lot or parcel arrangement must be such that there will be no known development constraints such as topography, setbacks, floodplain, expansive soils, soil bearing capacity, erosion potential, or other conditions, that would inhibit the feasibility of securing building permit to build on all lots or parcels in compliance with Lane Code or in providing driveway access to buildings on such lots from an approved road. No division will be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for public safety.

- (l) **Sewage Facilities.** All lots or parcels must be served by sewage disposal facilities that comply with the requirements of the Oregon Department of Environmental Quality requirements.
- (i) If the subject property contains an existing septic system, the applicant must complete an Existing Septic System Certification form, provided by the Director.

Does the subject property contain an existing septic system? Yes No

If yes, will the septic tank be at least 5 feet from the proposed lot line and will the drainfield be at least 10 feet from the proposed lot line? Yes No

Are any of the existing systems currently failing? Yes No

(ii) **Public or Community Sewage Facilities:**

- (aa) If connection to an existing public or community sewage facilities is proposed, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

Will the lot be connected to a public or community sewage system? Yes No

If yes, is it Existing or Proposed?

If existing, what is the name of the public or community sewage system?

If existing, please provide a letter stating the public or community system has the capacity to serve potential development of the new parcels.

- (bb) When a new public or community sewage system is proposed for the division, a master plan for the sewage collection and disposal facility must be submitted to Lane County and the State Department of Environmental Quality for approval.

If proposing a new public or community sewage system, have you submitted the proposed master plan to Lane County Environmental Health and the Department of Environmental Quality (DEQ) for approval?

Yes No

(iii) **Individual Sewage Facilities:**

- (aa) If the proposed lots or parcels will not be connected to a public or community sewage facility, the applicant must demonstrate that each lot or parcel provides sufficient area and suitable soil to accommodate a sewage facility prior to final plat approval.

Provide reasonable proof that each lot can accommodate an individual sewage disposal system or comply with (A) below. Reasonable proof may include a Site Inspection permit, soil data, or a licensed engineer's report.

- (A) If this requirement cannot be satisfied, but there is an area on a contiguous legal lot that can accommodate an individual sewage facility, the applicant may propose to record an easement for an off-site facility. If the off-site facility is proposed on a legal lot in a different ownership, written documentation must be provided acknowledging the agreement. This option is not available for vacant contiguous legal lots zoned F1, F2, or EFU without zoning approval for the use.

Will any sewage disposal system or replacement area be located partially or wholly off the lot it serves?

Yes No

If yes, explain and if the legal lot is in a different ownership, provide written documentation the other owner is willing to grant an easement.

- (bb) An applicant for a tentative series partition or subdivision must obtain a site suitability evaluation from the County Sanitarian prior to approval of the final plat application for each proposed lot or parcel, except for lots or parcels compliant with (l)(i) or (ii) above.
- (m) **Water Supply.** Each proposed lot or parcel must be served by an adequate water supply of potable water by complying with the following standards:
- (i) Acceptable water sources:
- (aa) A new or existing well or improved spring;
- (bb) A new or existing shared well or improved spring that currently serves three or less connections or fewer than 10 people for 60 or more days per year;
- (cc) An existing public water system; or
- (dd) A new public water system approved by Lane County Environmental Health.
- (ii) Areas designated by the Board as having problems in the quantity or quality of available water as adopted into Lane Manual Chapter 13.010 must also comply with the following requirements for all vacant proposed lots or parcels less than 20 acres prior to final plat approval:
- (aa) If the subject property is designated as quantity limited, as listed in Lane Manual 13.010(2), the applicant must submit proof demonstrating it can sustain the proposed development with sufficient potable water. The Director can require an aquifer study prepared by an Oregon registered geologist.

submittal to show that each of the proposed lots or parcels will have an adequate supply of potable water. Adequate supply of potable water for a land division must comply with the following standards:

- (A) For an individual well, the well must produce on average five gallons per minute during a five-hour pump test;
- (B) For a well that produces less than five gallons per minute, but at least one gallon per minute, the plans must provide for a storage tank according to Lane Manual 9.160(1)(b); or
- (C) Submit a report prepared by a geologist certifying that the individual or shared water system can adequately supply the potential development of the land division.

Will parcels be served by individual wells? ___ Yes ___ No

Are there existing wells on the subject property? ___ Yes ___ No If yes, how many? _____

Provide reasonable proof that each parcel can accommodate an individual well. Reasonable proof may include a well contractor's report, well logs of nearby wells, or a registered geologist's report.

(bb) To prove up potable water for any individual or shared water system, prior to final plat approval the owner must submit a bacteriology/chemical test conducted by a certified water testing lab, for every third well, showing compliance with standards set by the Oregon Health Authority Drinking Water Services Program and Lane County for the following contaminants:

- (A) Total Coliform and Fecal Coliform/E. Coli
- (B) Nitrates/nitrites

This will be made a condition of approval.

- (n) **Conditions of Approval.** The Director has the right to attach such conditions as are necessary to carry out provisions of Lane Code, and other applicable ordinances and regulations. The Director may require an Improvement Agreement or Performance Agreement from the Developer as a condition of approval, as necessary.
- (o) **Additional Cluster Subdivision Requirements.** These requirements are for tentative cluster subdivision plans and are in addition to LC 13.080(1)(a)-(n) above:
 - (ii) Compliance with RCP Goal 2 Policy 23; and
 - (iii) Compliance with OAR 660-004-0040(7)(e).