

# Chapter 97

## Subdivisions

**97.005 Scope.** A subdivision is a division of land into four or more parcels or lots within a calendar year. All subdivisions shall be subject to the provisions of this chapter. Subdivisions within the Corvallis Urban Growth Boundary shall also be reviewed pursuant to the Planned Unit Development standards contained in BCC Chapter 100. [Ord 7, Ord 90-0069, Ord 98-0141]

**97.050 Replatting.** A replat of a recorded subdivision plat shall be reviewed as a new request for a subdivision and shall be subject to all provisions of this chapter. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified consistent with BCC 51.605 to 51. 615. [Ord 92-0092]

### APPLICATION

**97.105 Letter of Intent to Subdivide.** The applicant shall inform the Planning Official in writing of the intention to apply for a subdivision, and request a pre-application conference. A sketch plan and narrative must accompany the letter of intention with sufficient detail to outline the development plan. [Ord 7, Ord 90-0069].

**97.110 Pre-Application Conference.** The Planning Official shall schedule a pre-application conference with the applicant within twenty-one (21) days following receipt of the letter of intention. Representatives of public and private agencies may attend or may submit such information and recommendations that will assist the applicant in preparing the tentative subdivision plat. The applicant or the Planning Official may request additional meetings. [Ord 7, Ord 90-0069]

### 97.115 Application.

- (1) A complete application for a subdivision shall include fifteen copies of a preliminary plat that conforms to map standards established by the County Surveyor and ORS Chapter 92. A preliminary plat shall illustrate:
  - (a) Lot and road design consistent with the Development Code.
  - (b) Location, names, width, elevation and grades of existing and proposed streets in, or adjacent to, the proposed subdivision.
  - (c) Contour lines at two foot intervals unless otherwise approved by the County Engineer. Five foot contour lines may be used in areas of greater than fifteen (15) percent slope or if the tract is divided into lots of five (5) acres or more. The source and accuracy of contour shall be specified.
  - (d) The location of at least one temporary benchmark within the boundaries of the proposed subdivision.
  - (e) The location of all areas subject to the base flood:
    - (A) As shown on the Flood Insurance Rate Maps on file in the office of the Benton County Community Development Department; or
    - (B) As shown on the revised flood information prepared by the applicant if the standards of BCC 83.520(1)(b) apply.
  - (f) Soils using USDA Natural Resources Conservation Service information or field studies prepared from specific site data.
  - (g) The proposed lot lines, approximate dimensions, and lot numbers.

- (h) Proposed phases or additions for the completion of public improvements and the filing of final plats.
  - (i) The location, width and purpose of all easements.
  - (j) The location of all utilities including water, sewer, power, telephone, natural gas and cable television.
  - (k) The proposed plan for stormwater drainage consistent with BCC 99.650 through 99.680, including any off-site improvements.
  - (l) The location and purpose of all common or public facilities.
  - (m) The proposed subdivision name, and the name, address, and phone number of the applicant and all representatives responsible for the plan.
  - (n) A vicinity map showing the boundary of the parent parcel, intersecting property lines, adjacent streets, sewers, water lines and ownerships abutting the boundary of the parent parcel as found in the County Assessor's records.
- (2) An application shall further include three copies of a narrative that provides the following information.
- (a) A phased development schedule.
  - (b) A schedule for construction of all improvements.
  - (c) The proposed method for providing water supply for each parcel or lot and documentation required to demonstrate compliance with BCC 99.840 to 99.850.
  - (d) The proposed method for providing sewage disposal for each parcel or lot.
  - (e) Description of the impact of the proposed subdivision on water, sewer, fire protection, law enforcement, schools, hospitals, solid waste disposal and other services.
  - (f) Description of all community facilities or systems including a maintenance program for such systems.
  - (g) A copy of tentative covenants, conditions and restrictions, if any, proposed by the applicant.
- (3) The applicant shall submit two copies of the tentative plat and the appropriate fee to the County Surveyor. [Ord 7, Ord 90-0069, Ord 92-0092, Ord 96-0118, Ord 2007-0223, Ord 2007-0224, Ord 2009- 0232, Ord. 2009-0233 eff. 6/2/2011, Ord 2011-0240, Ord 2021-0304, eff 10/7/2021]

**97.120 Design Standards.** A subdivision shall be designed to comply with the land development standards contained in BCC Chapters 83 and 99. In addition, the minimum width for utility easements shall be:

- (1) Ten (10) feet when abutting a rear property line.
- (2) Sixteen (16) feet when centered on a rear property line, resulting in eight (8) feet on either side of the property line.
- (3) Five (5) feet along prescribed side property lines as authorized by the County Engineer. [Ord 7, Ord 90-0069, Ord 96-0118, Ord. 2009-0233 eff. 6/2/2011]

## **PRELIMINARY APPROVAL**

**97.205 Notice of Pending Action.** After receiving a complete application, the Planning Official shall schedule a public hearing and issue public notice for the purpose of reviewing the subdivision's preliminary plat. The Planning Official shall coordinate review of the preliminary plat with all affected city, county, state and federal agencies and all affected special districts. [Ord 90-0069]

**97.210 Approval of Preliminary Plat.** The Planning Commission shall review all preliminary plat documents and conduct a public hearing for the purpose of reviewing the proposed subdivision. The

Planning Commission shall consider the provisions of the Development Code, and approve, approve with modifications or conditions, or deny the proposal. The decision shall be based upon findings justifying the decision. Approval of the tentative plat shall be a final decision for the purpose of appeal on the issue of compliance with BCC Chapter 99. [Ord 90-0069, Ord 92-0092]

**97.215 Public Improvements.** The Planning Commission may require that all public improvements be installed and dedicated prior to final plat approval or a bond shall be required ensuring completion pursuant to BCC 99.905 to 99.920. The amount of the bond shall be established by the County Engineer. The bond shall be submitted by the applicant prior to final plat approval. [Ord 90-0069]

**97.305 Effective Period.** Unless a phasing schedule is approved by the Planning Commission, a tentative plat shall be effective for a period of twelve (12) months from the date of decision, after which time the approval automatically expires. [Ord 7, Ord 90-0069]

**97.310 Extension of Effective Period.**

- (1) The Planning Official may grant one extension of six (6) months for submitting the final plat and documents. The applicant shall submit the request for extension in writing to the Planning Official prior to expiration of the effective period and shall provide evidence that the plat and documents will be completed within 18 months of the tentative plat approval.
- (2) The Planning Commission may grant one extension of twelve (12) months for submitting the final plat and documents. The applicant shall submit the request for extension in writing to the Planning Official prior to the expiration date of the effective period. The applicant shall submit evidence that the plat and documents will be completed within twenty-four (24) months of the tentative plat approval. [Ord 7, Ord 90-0069]

**FINAL PLAT REVIEW**

**97.405 Final Plat Submittal.** The applicant shall submit two sets of prints and all accompanying documents to the Planning Official prior to expiration of the tentative plat. The original of the final plat shall be filed with the County Surveyor. The plat and documents shall contain all modifications required as conditions of approval. The final plat submittal shall include the following items:

- (1) A final plat map that complies with map standards established by the County Surveyor and ORS Chapter 92. Such plat shall illustrate or include:
  - (a) All existing and proposed easement lines. The description of each easement shall include the purpose, width, length and bearing, and sufficient ties to locate the easement with respect to the subdivision lines. If an easement is not definitely located, a statement of the easements shall be given. If the easement has been recorded, the recording reference shall be listed.
  - (b) The land to be dedicated for any purpose, public or private, as distinguished from parcels or lots intended for sale.
  - (c) A certificate signed and acknowledged by all parties having any recorded title interest in the land (except lienholders) consenting to the preparation and recording of the final plat.
  - (d) Certificates for signatures of approval by the Chairman of the Planning Commission, County Engineer, Assessor, Tax Collector, County Surveyor and the Board of Commissioners.
  - (e) Other certifications required by State law.
- (2) Drawings and calculations which illustrate or include:
  - (a) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure.
  - (b) The computation of all distances, angles, and courses shown on the final plat.
  - (c) Ties to monuments, adjacent subdivisions, and street corners.

- (3) Evidence of adequate quality and quantity of water to each parcel or lot.
- (4) Evidence of adequate sewage disposal for each parcel or lot.
- (5) A copy of any final covenants, conditions, and restrictions applicable to the subdivision, to be recorded with the final plat.
- (6) Documents dedicating all roads, pedestrian ways, drainage channels, easements, and other public rights-of-way.
- (7) Plans, specifications and supporting documents for improvements of lands dedicated for roads, pedestrian ways, drainage channels, easements, and other public rights-of-way.
- (8) The applicant shall pay engineering review fee. [Ord 7, Ord 90-0069, Ord 92-0092]

**97.410 Staff Review of the Final Plat.** The Planning Official, Engineer, and County Surveyor shall concurrently review the final plat for conformity with the approved tentative plat and State law.

- (1) If the Planning Official, County Engineer or County Surveyor determine that the final plat and documents do not conform to the approved tentative plat and State law, the applicant shall be afforded the opportunity to make corrections. The corrections shall be completed within three (3) months following expiration of the tentative plat approval.
- (2) Minor changes from the tentative plat may be authorized by the Planning Official provided that such changes are required by engineering or other circumstances unforeseen at the time the tentative plat was approved. All changes must be consistent with the provisions of the Development Code. If other revisions are made to the subdivision plan, and the Planning Official finds that such revisions differ significantly from the approved tentative plat, the final plat shall be denied. [Ord 90-0069]

**97.415 Final Plat Signatures.** Once staff review and approval has occurred, the County Surveyor shall forward the final plat to the Planning Commission Chairman, County Engineer, Assessor, Tax Collector, County Surveyor and special district board chairman, if applicable, for signature. [Ord 7, Ord 90-0069]

**97.420 Final Plat Approval by the Board.** The County Surveyor shall submit the signed final plat to the Board of Commissioners for final approval. The Board of Commissioners shall grant final approval by signing and dating the final subdivision plat. Approval of the final plat shall be a final decision of the issue of compliance with BCC 97.405 to 97.410. [Ord 90-0069]

**97.505 Filing the Final Plat.** The County Surveyor shall file and record the final subdivision plat and record the Notice of Final Approval with the County Records and Elections Office. The applicant shall be responsible for the recording fees. [Ord 90-0069, Ord 2009-0232]