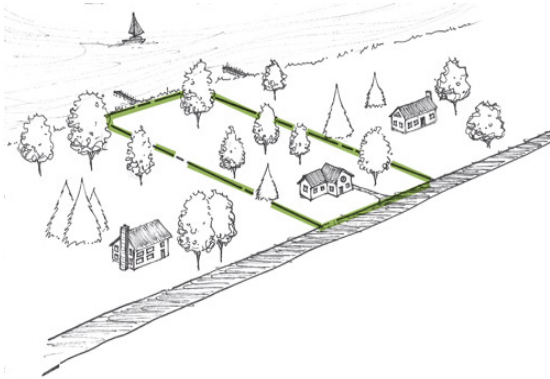


# Land Partitions



10,000 sq ft min parcels

## When can I start building?

Hang on! Before you can build on a new lot, it has to be a legal lot of record, meaning you have to record your new partition with the County.

## What is a Land Partition?

Dividing your property into three or fewer total parcels is a “Land Partition.” Four or more is called a “Subdivision.” Typically partitions do not require the construction of public streets and utilities, subdivisions do. You can only partition a property once per calendar year.

## Can My Property be Divided?

It depends. The zone will dictate the minimum lot size; however, there is more involved than just math. Site constraints such as wetlands, utility locations, easements, or streets can affect partitions. You also need to prove that your existing lot was legally created; the Linn County Surveyor can help you with that. Additionally, new proposed parcels must have access to a street. You may have to build a street if access does not exist. You can also share a driveway in some circumstances.

## What do I Need to Provide?

- **The Map.** Usually the process starts with you, the applicant, hiring a Land Surveyor to help you with the design of the proposed partition. It's not a requirement that a professional draft the tentative partition (also called a partition plat) but it's certainly helpful. Also, you will eventually have to hire a professional to draft the 'final plat' before the land actually gets split, so it's often helpful to have them involved from the start (see other side). The application checklist will walk you through the items we need to process a partition application. You can also look at the City code in Chapter 5.07 for details.
- **Application and Checklist.** The City uses one application for all land use case-types. You can find the application here [www.cityofmillersburg.org/planning/page/land-use-application](http://www.cityofmillersburg.org/planning/page/land-use-application). For all other items you will need, see the application checklist.
- **The Narrative.** In Oregon it is the applicant's responsibility to show that they meet all City requirements or “criteria.” The applicant **must** provide a narrative explaining how they meet each requirement of the Code, specifically sections 4.02 and 5.07.060. Try not to give short, declarative answers; we need detail rich responses to assure you meet the requirements. Yes or no answers will not suffice.

## Partition Process

A Partition has two basic steps:

- 1) **Tentative Partition.** You apply for a *Tentative* Partition. This is a Type II process which means it is processed at the staff level with notices to your neighbors—no Planning Commission hearing required. If approved, you have a *tentative* partition. This does not mean the land is divided yet. You need to record the new map with the County (see step 2). A tentative partition typically expires within two years. The project may have conditions that need to be met prior to approval of the final partition.
- 2) **Final Partition (Plat).** With the help of a licensed surveyor you will have a ‘final’ partition plat created. The City will review this to assure requirements are met, specifically that all conditions of approval are met. When everything looks good the City will sign the final plat. At this point you are almost done. Last, you will then take the plat to Linn County to be recorded, and that will create the individual parcels that can be sold or developed. See the flow chart.

Staff approves the "Tentative" Partition Plat with conditions of approval

Applicant has a "Final" Partition Plat professionally drafted - submits to City for review

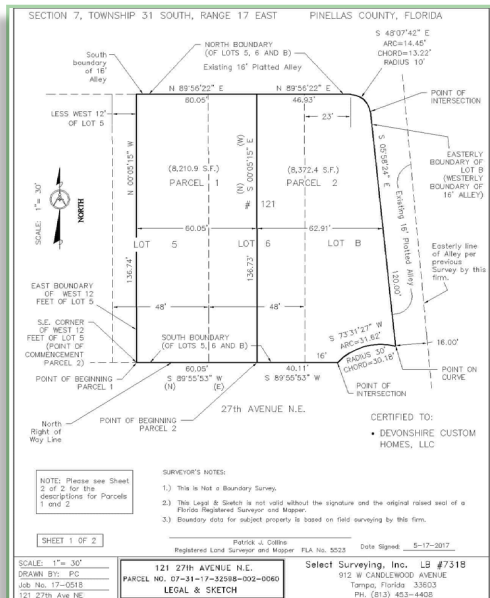
If acceptable, and all conditions are met, the City signs Final Partition Plat

Applicant gets signed Plat recorded with the County. Tax lot numbers and address will follow.

### What's a connection charge?

The City has allowed a lot of development in the past, development that required the City to build infrastructure like streets and sewers. When you divide your property, you are 'improving' your property. This is the time for you to pay your fair-share of the costs the City previously spent on the infrastructure that makes your improvement possible.

In other words, you may have to pay fees for the previous construction of infrastructure you plan to use for your partition now. Not all property has to pay though, talk to City staff for details and estimated costs. These fees could affect your decision to partition the land. Other fees apply as well.



Partition  
3 or fewer

Subdivision  
4 or more

