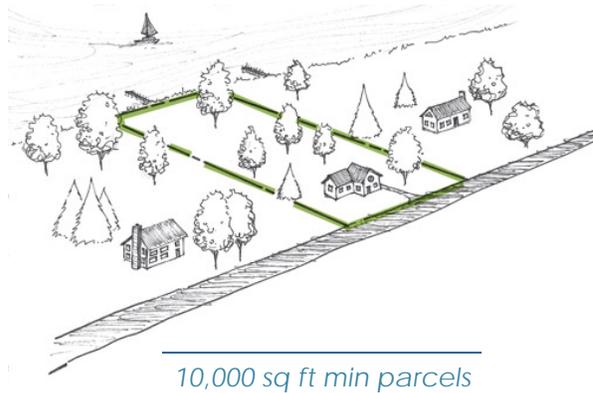


Land Partitions



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 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 do one partition per calendar year.

Can my property be divided?

It depends. The City minimum lot size in residential zones is 10,000 sq ft if there are adequate utilities available to the proposed new parcels; 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 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 section 2.323-2.324 for details.
- **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 2.326 and 2.328. 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.
- **Application and Checklist.** The City uses one Application for all land use case-types. You can find the application here- <http://cityofmillersburg.org/planning-forms/>. For all other items you will need, see the application checklist.

Partition Process

A Partition has two basic steps:

- 1) **Tentative Partition.** You apply for a *Tentative Partition*. We process your application through the Planning Commission. 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 Planning Commission may have additional requirements.
- 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, and 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 your individual parcels that can be sold. See the flow chart below.

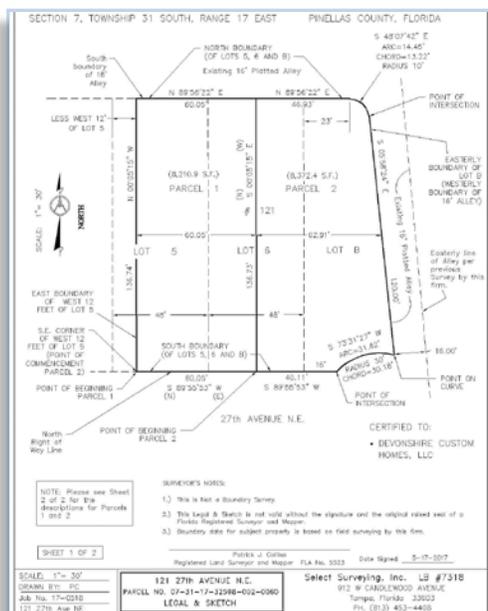
Planning Commission approves "Tentative" Partition Plat

Applicant drafts a "Final" Partition Plat- submits to City for review

If acceptable, City signs Final Partition Plat

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

Existing houses
 An existing house can remain, as long as it's on one of the proposed new parcels and meets setbacks of the new parcel. **Be careful though.** In Millersburg if you propose to leave an existing house on a new parcel that is less than the 'rural' zoning permits (2.5 or 10 acres, depending on the zone), then you will be using the 'urban' standards which require the existing house to connect to public water and sewer before you finish the partition process. Existing septic will have to be abandoned, see Linn County for more details. City connection fees will be required.



Partition
3 or fewer



Subdivision
4 or more

