

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 174

An ordinance establishing classifications, standards and procedures regulating the subdivision, major partitioning and minor partitioning of land in unincorporated Multnomah County.

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Adoption.

Multnomah ordains as follows:

Section 1.

Title; Purpose; Intent; Scope; Definitions.

- 1.005 Title. This Ordinance shall be known as the "Land Division Ordinance", may be so cited and pleaded, and is referred to herein as "this Ordinance".
- 1.010 Purpose. This Ordinance is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County.

- 1.015 Intent. In the regulation of the division of land, it is intended that this Ordinance shall minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities, all in accord with Oregon Revised Statutes, Chapter 92.
- 1.020 Scope. This Ordinance shall apply to the subdivision and partitioning of all land within the unincorporated area of Multnomah County.
- 1.100 Definitions. As used in this Ordinance, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below:
- 1.102 "Accessway" means a private street which is not a part of a lot or parcel and which provides access to more than one lot or parcel.
- 1.104 "Applicant" means the record owner or owners of a unit, area or tract of land or contiguous units, areas or tracts, proposing subdivision or partitioning and includes the authorized representative of the record owner or owners.
- 1.106 "Approval authority" means the Hearings Council, Planning Commission or Planning Director authorized by this Ordinance to approve tentative plans or final plans for land divisions.
- 1.110 "Board" means the Board of County Commissioners of Multnomah County.
- 1.112 "Comprehensive Plan" means the Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan.
- 1.114 "Cul de sac" means a short public street which is open to traffic at one end and is terminated by a vehicle turn-around at the other.
- 1.116 "Development permit" means any permit required by this or other Multnomah County Ordinance as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.
- 1.118 "Flag lot" means a parcel which includes a private driveway as a part thereof.
- 1.120 "Frontage street" means a minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

- 1.121 "Future street plan" means a plan approved by the Hearings Council or Planning Commission, as appropriate, for the continuation into nearby property of any street in a Type I Land Division, to facilitate the future division of the nearby land according to the provisions of this Ordinance.
- 1.123 "Half street" means a portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.
- 1.125 "Hearings Council" means the Hearings Council of Multnomah County.
- 1.127 "Land Division" means a subdivision, major partition or minor partition and for the purposes of this Ordinance, further classified as Type I, Type II, and Type III Land Divisions, as provided in sections 1.220 through 1.223.
- 1.130 "Lot" means a unit of land that is created by a subdivision of land.
- 1.134 "Major partition" means a partition which includes the creation of a street, but not the widening of an existing street.
- 1.136 "Map" means a final diagram, drawing or other writing concerning a major or minor partition.
- 1.138 "Minor partition" means a partition which does not include the creation of a street, but may include the widening of an existing street.
- 1.142 "Parcel" means a unit of land that is created by a partitioning of land.
- 1.144 "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined in this Ordinance.
- 1.145 "Partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by Ordinance No. 100. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.
- 1.148 "Pedestrian path and bikeway" means a right-of-way or easement for pedestrian, bicycle or other non-motorized traffic.

- 1.150 "Person" means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- 1.152 "Planning Commission" means the Planning Commission of Multnomah County.
- 1.154 "Planning Director" means the Director of the Division of Planning and Development or the Director's delegate.
- 1.156 "Plat" includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- 1.158 "Private driveway" means a private street which is a part of and provides access only to one lot or parcel. See "flag lot".
- 1.160 "Private street" means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of a separate lot or parcel, either existing or proposed.
- 1.162 "Public street" means a street dedicated for public use or proposed to be dedicated for public use in a land division.
- 1.165 "Right-of-way" means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.
- 1.168 "Rural Area" means the unincorporated area of Multnomah County located outside of the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.
- 1.170 "Sale" or "sell" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.
- 1.172 "Sidewalk" means a pedestrian walkway with all-weather surfacing.
- 1.175 "Street" means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
- 1.177 Street classifications such as "Arterial", "Collector", "Minor Arterial", etc., shall have the meanings as defined in the Multnomah County Street Standards Ordinance.
- 1.179 "Street lighting" means the total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

- 1.182 "Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
- 1.185 "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided as defined in this Ordinance.
- 1.190 "Tentative plan" means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Ordinance.
- 1.195 "Urban Area" means the unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

Compliance; Approval Authority; Land Division Types.

- 1.200 Compliance required. No land may be divided in the unincorporated area of Multnomah County except in accordance with this Ordinance.
- A. No person shall create a street for the purpose of dividing land without the approval of a subdivision or major partition as provided by this Ordinance.
 - B. No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Ordinance, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Ordinance.
 - C. The requirements of this Ordinance shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.
- 1.215 Board findings concerning land division types. The Board of County Commissioners finds that:
- A. The Comprehensive Framework Plan, adopted in accordance with the Statewide Planning Goals, classifies certain County lands as within the Urban Area and therefore suitable for intensive development, and other lands as within the Rural Area and therefore suitable for agricultural, forest, natural resource and other non-intensive uses.
 - B. Land division proposals, consisting of subdivisions, major partitions and minor partitions are steps in the land development process which should be encouraged in the Urban Area

where supportive services exist, subject to review for conformance with the Comprehensive Plan and other legal requirements.

- C. Procedures governing land divisions in the urban area should be expeditious and inexpensive while protective of the public interest. The County system in effect since 1955, however, has involved time-consuming and costly procedures, which in many instances, have tended to discourage otherwise appropriate urban area land divisions.
- D. Under ORS 92.044 and 92.046, it is the Board's policy to delegate the review and approval function over certain land division proposals to the Hearings Council or Planning Commission and over certain other proposals to an administrative official, provided that decisions in either instance shall be guided by the procedures and standards established by this Ordinance.
- E. Determination of whether administrative or public hearing review should be required depends on the size, location and foreseeable impacts on the community of a given land division proposal. Type II and Type III Land Division proposals, as defined in this Ordinance, are appropriate for administrative review and decision due to their minor impacts on nearby properties and their consistency with the objectives of facilitating development in accordance with the Statewide Planning Goals, particularly Nos. 9, 10, 11, 13 and 14, and with the Comprehensive Plan.

1.216 Land division approval authority delegated. Based upon the findings in subsection 1.215, the Board hereby:

- A. Adopts the classification system of Type I, Type II and Type III Land Divisions as distinguished in sections 1.220 through 1.223;
- B. Delegates to the Hearings Council and to the Planning Commission, under subsection 1.22 of Ordinance No. 133, the authority to approve tentative plans for Type I Land Divisions;
- C. Delegates to the Hearings Council and to the Planning Commission, as appropriate, the authority to approve a future street plan for an Urban Area of 40 acres or less in conjunction with and in addition to action on a Type I Land Division, provided that affected property owners are notified thereof, according to subsection 1.253A. Subsequent land division proposals of 10 lots or less within the area affected by an approved future street plan and consistent with it, are designated Type II Land Divisions;

- D. Delegates to the Planning Director the authority to approve tentative plans and final plats and maps of Type II and Type III Land Divisions, and to approve final plats and maps of Type I Land Divisions; and
 - E. Delegates to the Planning Director the authority to determine into which classification any proposed land division falls. Doubt as to the classification of a land division proposal shall be resolved in favor of Type I classification.
- 1.220 Land Division types distinguished. For the purposes of this Ordinance, the land division classifications listed in sections 1.221 through 1.223 are established.
- 1.221 Type I Land Divisions. The following proposals are designated Type I Land Divisions:
- A. A Rural Area subdivision;
 - B. An Urban Area subdivision of more than 10 lots;
 - C. Except as provided in subpart (3) herein, a major partition in either a Rural or an Urban Area and an Urban Area subdivision of 10 lots or less when the Planning Director determines that:
 - (1) the proposal includes the continuation of an existing or planned street to adjacent property, or
 - (2) the proposal either eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property.
 - (3) Exception: A land division described in section 1.121C., is designated a Type II Land Division when, as determined by the Planning Director, the proposed street layout is consistent with a street pattern adopted as part of the Comprehensive Plan, with a future street plan approved under section 1.244, or with a street pattern approved as an element of a Special Plan Area, under Ordinance No. 100;
 - D. A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under Ordinance No. 100 or for a variance under this Ordinance; and
 - E. Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property such that determination at a public hearing is required, considering:

- (1) the nature of nearby land uses or the pattern of existing land divisions in relation to the applicable elements of the Comprehensive Plan;
- (2) plans or programs for the extension of the street or utility systems on or near the proposed division; or
- (3) physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, land slides or other existing or potential hazards.

1.222 Type II Land Divisions. The following proposals are designated Type II Land Divisions:

- A. A major partition in either a Rural or Urban Area or an Urban Area subdivision of 10 lots or less, when continuation of an existing street is neither proposed nor needed to complete an appropriate street system or to provide access to adjacent undivided property, as determined by the Planning Director; and
- B. A major partition in either a Rural or an Urban Area or an Urban Area subdivision of 10 lots or less when the proposed street layout is consistent with:
 - (1) a street pattern adopted as part of the Comprehensive Plan;
 - (2) with a future street plan approved under section 1.244; or
 - (3) a street pattern approved as an element of a Special Plan Area, under Ordinance No. 100.

1.223 Type III Land Divisions. A land division proposal under any of the following circumstances is designated a Type III Land Division:

- A. A minor partition located at the end of a street;
- B. A minor partition abutting a street which has a centerline to property line width less than one-half the width specified for that functional street classification according to the Multnomah County Street Standards Ordinance;
- C. A partition which will result in a flag lot;
- D. A minor partition which will result in one or more parcels with a depth to width ratio exceeding 2.5 to 1;
- E. A minor partition which will result in a proposed parcel with an area four or more times the area of the smallest proposed parcel; and

- F. A minor partition of land classified as Significant Environmental Concern (SEC), Willamette River Greenway (WRG), Flood Hazard (FH), or Special Plan Area (SPA) under Ordinance No. 100.

1.224 Minor partitions exempted. Minor partitions not listed in section 1.223 are exempt from the provisions of this Ordinance.

Future Street Plan.

1.240 Findings and purposes.

- A. Many urban area tracts have been divided into parcel sizes too large for efficient land development under present needs. Prior divisions have resulted in block sizes typically of 40 acres or less which are now appropriate for redivision. The diverse ownerships within these blocks makes redivision difficult without an overall pattern for future streets.
- B. The purposes of a future street plan are to aid in determining the suitability of a Type I Land Division in relation to the existing and potential development of nearby land; to establish a guide for the appropriate and economical provision of streets, land divisions and needed support services; and to facilitate the orderly division or redivision of nearby lands.

1.241 Future street plan required. A future street plan shall be filed in conjunction with an application for a Type I Land Division. The plan shall show the pattern of future streets from the boundaries of the Type I Land Division to the boundaries of those other tracts within a 40-acre area surrounding or adjacent to the Type I Land Division which are capable of subsequent Type II Land Division under subsection 1.222A.

1.242 Exception to future street plan requirement. A future street plan shall not be required for any portion of the 40-acre area described in section 1.241 for which a proposed street layout has been established by:

- A. The Comprehensive Plan;
- B. A future street plan approved under section 1.244; or
- C. A Special Plan Area, under Ordinance No. 100.

1.243 Future street plan contents. The future street plan shall show the proposed continuation of streets in the Type I Land Division in sufficient detail to demonstrate that future division of the adjacent area in compliance with the provisions of this Ordinance is reasonably possible.

- 1.244 Approval procedures. A required future street plan shall be filed, reviewed and approved in the manner provided in sections 1.250 through 1.259.
- 1.245 Recording and filing. Upon final approval, a future street plan shall be:
- A. Recorded by the applicant with the Recording Section of the Department of Administrative Services; and
 - B. Indexed and filed by the Planning Director in the offices of the Department of Environmental Services.
- 1.246 Revision of future street plan. An approved future street plan may be revised by:
- A. Action by the Hearings Council or Planning Commission, as appropriate, to approve a revised future street plan filed by an applicant in conjunction with a Type I Land Division; or
 - B. Action by the Board to approve a revised future street plan, to approve an alternative street pattern as part of the Comprehensive Plan or to approve an alternative street pattern as an element of a Special Plan Area under Ordinance No. 100.

Tentative Plan Review and Approval Procedures.

- 1.250 Type I Tentative plan and future street plan approval procedures. Review and approval of a Type I tentative plan and a future street plan shall be in accordance with the provisions of sections 1.251 through 1.259.
- 1.251 Pre-filing conference.
- A. Prior to the submission of a tentative plan for a Type I Land Division, the applicant shall request the Planning Director to arrange a pre-filing conference. The request shall include six copies of a preliminary sketch of the proposal, general information entered on forms provided by the Director, and the required fee. The conference shall be held within 10 business days of the filing of the request and shall provide for an exchange of information regarding procedures, applicable elements of the Comprehensive Plan, zoning and development requirements, and such technical and design assistance in better land use practices and techniques as will aid the applicant in preparing a tentative plan and a future street plan, if required.
 - B. The Planning Director shall provide the applicant with a written summary of the conference within five days thereof.

- C. The Director shall supply information concerning the proposal to other agencies deemed affected.

1.252 Filing of Type I tentative plan and future street plan.

- A. Following the pre-filing conference, the applicant for a Type I Land Division shall file with the Planning Director a completed tentative plan and future street plan, if required, including 15 copies of the drawings required under section 1.256. The tentative plan shall be accompanied by the required fee.
- B. On receipt of the completed application, the Planning Director shall set a date for a public hearing thereon before the Hearings Council or Planning Commission, as appropriate.
- C. The Planning Director shall furnish copies of the tentative plan and future street plan, if any, to all affected city, county, state and federal agencies and special districts with a request for their review and written comment.
- D. Failure of an agency or district to provide written comment to the Planning Director concerning a Type I tentative plan or future street plan, within 10 business days after the furnishing thereof may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period.

1.253 Public hearing and action, Type I tentative plan and future street plan.

- A. Notice of a hearing on a Type I tentative plan or a future street plan shall be given as required by subsections 12.23 through 12.23.5, Ordinance No. 100, provided that mailed and posted notice shall also include a sketch indicating the proposed lotting and street patterns, the proposed future street plan, if any, and the location of the proposed land division in relation to adjoining properties and nearby streets.
- B. A decision on a Type I tentative plan and future street plan, if any, shall be deemed an "action" as defined in subsection 12.21, Ordinance No. 100, and shall be determined in the manner prescribed for "action proceedings" in subsections 12.24 through 12.25.2, and 12.26 through 12.29.3, Ordinance No. 100.
- C. The burden of the applicant for a Type I Land Division shall be to satisfy the hearing body that the criteria for approval listed in section 1.254 of this Ordinance have been met.

The findings and conclusions adopted by the hearing body shall specifically address the relationships between the application and those criteria.

- D. The written decision on a Type I tentative plan and future street plan, if any, shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced. The Clerk shall summarize each decision on the agenda for the next Board meeting on planning and zoning matters for which notice can be given according to the Charter.
- E. Review of a decision on a Type I tentative plan or future street plan shall be according to the provisions of subsections 12.31 through 12.37.5, Ordinance No. 100.

1.254 Criteria for approval, Type I tentative plan and future street plan. In granting approval of a Type I tentative plan or future street plan, the hearing body shall find that:

- A. The tentative plan or future street plan is in accordance with:
 - (1) the applicable elements of the Comprehensive Plan;
 - (2) the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and
 - (3) the applicable elements of the Regional Plan adopted under ORS Chapter 197.
- B. Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;
- C. The tentative plan or future street plan complies with the applicable provisions, including the purposes and intent of this Ordinance;
- D. The tentative plan or future street plan complies with the Zoning Ordinance or a proposed change thereto associated with the tentative plan proposal;
- E. If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "town", "city," "place," "court," "addition" or similar words, unless the land platted is

contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed;

- F. The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and
- G. Streets held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.

1.255 Contents of Type I tentative plan. A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in sections 1.256 through 1.259.

1.256 Type I tentative plan map specifications.

- A. For a subdivision, the tentative plan map shall be drawn on a sheet 18 x 24 inches in size at a scale of one inch to fifty feet, one hundred feet or two hundred feet. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8-1/2 x 11 inches, suitable for reproduction, mailing and posting with the notices required by subsection 1.253 A.
- B. For a major partition, the tentative plan map shall be drawn on a sheet 8-1/2 x 11 inches in size at a scale of one inch to fifty feet or one hundred feet.
- C. For a future street plan, combined with A. or B. above or drawn on a sheet 8-1/2 x 11 inches or larger in size at a scale of one inch to one hundred feet.

1.257 Type I tentative plan map contents. The tentative plan map shall indicate the following:

A. General information:

- (1) in the case of a subdivision, the proposed name which shall be in accord with subsection 1.254E.
- (2) date, north point and scale of drawing.
- (3) description of the proposed land division sufficient to define its location and boundaries.

- (4) identification as a tentative plan map.

B. Existing conditions:

- (1) streets: the location, name and present width of each street, alley or right-of-way in or serving the tract.
- (2) easements: location, width and nature of any easement of record on or serving the tract.
- (3) utilities: location and identity of all utilities on or serving the tract.
- (4) ground elevations shown by contour lines at five foot vertical intervals for ground slopes exceeding 10%; ground elevation shall be related to an established bench mark or other point of reference approved by the County Engineer.
- (5) the location of at least one temporary bench mark within the land division.
- (6) any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc., which may affect the proposal.
- (7) water courses on and abutting the tract, including their location, width and direction of flow.
- (8) the approximate location of areas subject to periodic inundation or storm sewer overflow, and all areas covered by water.
- (9) the location of any harbor line.
- (10) scaled location and present use of all existing buildings or other structures, and designation of any existing buildings or structures proposed to remain on the property after division.

C. Proposed improvements:

- (1) streets: location, proposed name, right-of-way width and approximate radii of curves of each proposed street.
- (2) any proposed pedestrian path or bikeway.
- (3) easements: location, width and nature of all proposed easements.

- (4) lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivision, the proposed lot and block numbers.
- (5) water supply: the proposed domestic water supply system.
- (6) sewage disposal: the proposed method of sewage disposal.
- (7) drainage: proposed methods for surface water disposal and any proposed drainage easements.
- (8) other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.
- (9) railroad rights-of-way, if any.
- (10) changes to navigable streams, if any.
- (11) a street tree planting plan and schedule.

1.258 Written information; Type I tentative plan. Written information shall include:

- A. Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.
- B. Proof of record ownership of the tract and the representative's authorization.
- C. Legal description of the tract.
- D. Present and proposed uses of the tract including all areas proposed to be dedicated to the public.
- E. Statements of the manner in which the criteria for approval listed in section 1.254 are satisfied.
- F. Statement of the improvements to be made or installed, including street tree planting, and the time such improvements are to be made or completed.

1.259 Supplementary material; Type I tentative plan. The following supplementary material may be required by the Planning Director:

- A. A survey of the tract.

- B. A vicinity map showing existing divided and undivided land adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which the proposed streets and utilities may be extended to connect to existing streets and utilities or to serve future land divisions.
 - C. Proposed deed restrictions and methods of proposed ownership.
 - D. Such other material as the Planning Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Ordinance.
- 1.300 Type II tentative plan approval procedures. Review and approval of a Type II tentative plan shall be in accordance with the provisions of sections 1.301 through 1.305.
- 1.301 Pre-filing conference. A pre-filing conference shall be requested and held prior to the filing of a tentative plan for a Type II Land Division, in the manner provided in section 1.251.
- 1.302 Filing of Type II tentative plan.
- A. Following the pre-filing conference, the applicant for a Type II Land Division shall file with the Planning Director a completed tentative plan, including 15 copies of the tentative plan map, as provided in sections 1.255 through 1.259. The tentative plan shall be accompanied by the required fee.
 - B. The Planning Director shall furnish copies of the tentative plan to all affected city, county, state and federal agencies and special districts with a request for their review and written comment.
 - C. Failure of an agency or district to provide written comment to the Planning Director concerning a Type II tentative plan within 10 business days after the furnishing thereof, may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period.
- 1.303 Decision by Planning Director; Type II tentative plan.
- A. Within 25 business days of the filing of a Type II tentative plan, the Planning Director shall approve the tentative plan with or without modifications or conditions, as appropriate, or disapprove it, and shall file the decision with the Director of the Department of Environmental Services and furnish a copy of the decision to the applicant and to other persons who request the same.

- B. A decision by the Planning Director on a Type II tentative plan shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationships between the proposal and the criteria for approval listed in section 1.254.
 - C. A decision by the Planning Director on a Type II tentative plan application may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39, Ordinance No. 100.
- 1.304 Criteria for approval, Type II tentative plan. In granting approval of a Type II tentative plan, the Planning Director shall find that the proposal complies with the applicable criteria listed in section 1.254.
- 1.305 Contents of Type II tentative plan. A tentative plan for a Type II Land Division shall consist of a map, written information and supplementary material adequate to provide the applicable information required in sections 1.255 through 1.259.
- 1.350 Type III tentative plan approval procedures. Review and approval of a Type III tentative plan shall be in accordance with the provisions of sections 1.351 through 1.355.
- 1.351 Pre-filing conference. A pre-filing conference may be requested by the applicant for a Type III Land Division, or by the Planning Director. If so requested, the conference shall be held in the manner provided in subsection 1.251.
- 1.352 Filing of Type III tentative plan.
- A. The applicant for a Type III Land Division shall file with the Planning Director a completed tentative plan, following the pre-filing conference, if any. The application, including three copies of the tentative plan map, shall include the information required by section 1.355. The tentative plan shall be accompanied by the required fee.
 - B. The Planning Director may furnish copies of the tentative plan to any city, county, state and federal agency deemed by the Director to be affected, with a request for their review and written comment.
 - C. Failure of any such agency or district to provide written comment to the Planning Director concerning a Type III tentative plan within 10 business days after the furnishing thereof, may be deemed a recommendation of approval unless the agency or district has filed a written request for an additional review period.

1.353 Decision by Planning Director; Type III tentative plan.

- A. Within 25 business days of the filing of a Type III tentative plan, the Planning Director shall approve the tentative plan with or without modifications or conditions, as appropriate, or disapprove it, and shall file the decision with the Director of the Department of Environmental Services, and furnish a copy of the decision to the applicant and to other persons who request the same.
- B. A decision by the Planning Director on a Type III tentative plan shall include written modifications and conditions, if any, and findings and conclusions which shall specifically address the relationships between the proposal and the criteria for approval listed in section 1.354.
- C. A decision by the Planning Director on a Type III tentative plan application may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39, Ordinance No. 100.

1.354 Criteria for approval, Type III tentative plan. In granting approval of a Type III tentative plan, the Planning Director shall find that the criteria listed in subsections 1.254 A. through C. are satisfied and that the tentative plan complies with the Zoning Ordinance.

1.355 Contents of Type III tentative plan. A tentative plan for a Type III Land Division shall consist of maps, written information and supplementary material adequate to provide the following information:

- A. Type III tentative plan map contents. A tentative plan map drawn on a sheet 8-1/2 x 11 inches in size at a scale of one inch to fifty feet or one hundred feet, shall indicate the following:
 - (1) date, north point and scale of drawing.
 - (2) description of the proposed land division sufficient to define its location and boundaries.
 - (3) identification as a tentative plan map.
 - (4) location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.
 - (5) natural features, water courses or areas covered by water.
 - (6) the location and use of any buildings or structures proposed to remain after division.
 - (7) the proposed parcels, their dimensions and areas.

B. Written information; Type III tentative plan. Written information shall include:

- (1) name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.
- (2) proof of record ownership of the tract and the representative's authorization.
- (3) legal description of the tract.
- (4) present and proposed uses.
- (5) description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.
- (6) statements of the manner in which the criteria for approval listed in section 1.354 are satisfied.
- (7) statement of the improvements to be made or installed and the time schedule therefor.

C. Supplementary material; Type III tentative plan. The Planning Director may require such additional information, listed in sections 1.255 through 1.259, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Ordinance.

1.380 Tentative plan approval time limits; staged development. The time limits for approval of tentative plans and staged development proposals shall be in accordance with sections 1.381 through 1.383.

1.381 Time limit. The final subdivision plat or final partition map shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan.

1.382 Staged development for subdivision. When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the

total time period for platting of all stages be greater than five years without re-filing of the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Ordinance.

- 1.383 Re-approval after expiration. After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.

General Standards and Requirements.

- 1.400 Application of general standards and requirements. Every land division proposal shall comply with the applicable provisions of sections 1.401 through 1.455.
- 1.401 Land suitability. A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:
- A. Slopes exceeding 20%;
 - B. Severe soil erosion potential;
 - C. Within the 100 year flood plain;
 - D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;
 - E. A fragipan or other impervious layer less than 30 inches from the surface; or
 - F. Subject to slumping, earth slides or movement.
- 1.403 Lots and parcels. The design of lots and parcels shall comply with the following:
- A. The size, shape, width, orientation and access shall be appropriate:
 - (1) to the types of development and uses contemplated;
 - (2) to the nature of existing or potential development on adjacent tracts;
 - (3) for the maximum preservation of existing slopes, vegetation and natural drainage;

(4) to the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

(5) to the climatic conditions including solar orientation and winter wind and rain.

B. The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, as far as is practicable.

C. Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

1.405 Acreage tracts. Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

1.410 Street layout.

A. Except as otherwise provided in subsections B. and C., the arrangement of streets in a land division shall be designed:

(1) to conform to the arrangement established or approved in adjoining land divisions;

(2) to continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;

(3) to assure the maximum possible preservation of existing slopes, vegetation and natural drainage;

(4) to limit unnecessary through traffic in residential areas;

(5) to permit surveillance of street areas by residents and users for maximum safety;

(6) to assure building sites with appropriate solar orientation and protection from winter wind and rain;

(7) to assure storm water drainage to an approved means of disposal; and

(8) to provide safe and convenient access.

- B. Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.
- C. Where a street layout affecting the proposed land division has been established by the Comprehensive Plan, a future street plan under section 1.244, or as an element of a Special Plan Area under Ordinance No. 100, the arrangement of streets in the land division shall conform to the established layout.
- D. A half street may be permitted only where appropriate to the future division of adjoining undeveloped property.
- E. When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

1.411 Street design. The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

- A. For a public street - in accordance with the Street Standards Ordinance; and
- B. For a private street - in accordance with the Site Development Standards Ordinance.

1.412 Street reserve strips. The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

1.413 Temporary turn-arounds. A temporary turn-around shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. However, in the case of a subdivision to be recorded and developed in stages under section 1.382, a temporary turn-around shall not be required on a street to be continued in a subsequent stage. In such a case, an appropriate improvement agreement under section 1.470 may be required by the Planning Director to assure that a temporary turn-around will be provided, should the subsequent stage not proceed according to the approved schedule.

- 1.414 Street names. Names for public streets shall conform with the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead-end street or a cul-de-sac shall be identified by a sign approved as to design, content and placement by the County Engineer.
- 1.420 Sidewalks, pedestrian paths and bikeways.
- A. Sidewalks shall be required in Urban Area public streets in accordance with the provisions of the Street Standards Ordinance.
 - B. A sidewalk shall be required along any private street serving more than six dwelling units.
 - C. A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.
 - D. Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.
 - E. In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.
 - F. The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:
 - (1) in a public right-of-way - in accordance with the Street Standards Ordinance; and
 - (2) on private property - in accordance with the Site Development Standards Ordinance.
- 1.425 Easements. Easements shall be provided and designed according to the following:
- A. Easements for utilities may be required where appropriate to serve abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines.
 - B. Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district

or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

- C. Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

- 1.430 Street trees. Street trees shall be planted by the applicant according to the Street Standards Ordinance or the Site Development Standards Ordinance, as appropriate, and to the street tree planting plan and schedule approved as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.
- 1.435 Street lighting. Street lighting shall be provided in all Urban Area subdivisions in accordance with the requirements of the Street Standards Ordinance.
- 1.440 Water system. The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of ORS 92.090(4) (a), (b), or (c), and section 1.462 of this Ordinance.
- 1.445 Sewage disposal. The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of ORS 92.090(5) (a), (b), or (c), and section 1.463 of this Ordinance.
- 1.450 Surface drainage. Surface drainage and storm sewer systems shall be provided as required by section 1.464. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.
- 1.455 Electrical and other wires. Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:
 - A. Is impractical due to topography, soil or subsurface conditions;
 - B. Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or
 - C. Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

Improvements in Land Divisions.

- 1.460 Required improvements. Improvements in a land division shall be made in accordance with the provisions of sections 1.461 through 1.470.
- 1.461 Streets, sidewalks, pedestrian paths and bikeways. Any street, pedestrian path or bikeway shall be improved as follows:
- A. In a public street - in accordance with this Ordinance and the Street Standards Ordinance; and
 - B. In a private street - in accordance with this Ordinance and the Site Development Standards Ordinance.
 - C. Underground utilities and street lighting facilities, sanitary sewers, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.
- 1.462 Water system. Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:
- A. In a public street - in accordance with the Street Standards Ordinance; and
 - B. In a private street - in accordance with the Site Development Standards Ordinance.
- 1.463 Sewage disposal.
- A. Except as provided in subsection B., a sanitary sewer line shall be installed to serve every lot or parcel in a land division by extension of an existing sewer line:
 - (1) in a public street - in accordance with the Street Standards Ordinance; and
 - (2) in a private street - in accordance with the Site Development Standards Ordinance.
 - B. In the event the State Department of Environmental Quality determines that it is impractical to serve any lot or parcel by an existing sewer system, a private sewage disposal system approved by the Department, shall be provided. In such cases, the County Engineer may require that a sanitary sewer line with branches to the right-of-way line for connection to a future sewer system be constructed and sealed.

- 1.464 Surface drainage and storm sewer systems. Drainage facilities shall be constructed as follows:
- A. In a public street - in accordance with the Street Standards Ordinance; and
 - B. In a private street and on lots or parcels - in accordance with the Site Development Standards Ordinance and Ordinance No. 106.
- 1.465 Other utilities. Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Ordinance, and as follows:
- A. In a public street - in accordance with the Street Standards Ordinance; and
 - B. In a private street or easement - in accordance with the Site Development Standards Ordinance.
- 1.470 Improvement agreement. Prior to approval of a subdivision plat or partition map by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:
- A. A schedule for the completion of required improvements;
 - B. Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Ordinance against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and
 - C. A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Counsel, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

Final Subdivision Plat or Partition Map.

- 1.500 Final subdivision plat or partition map requirements. A final subdivision plat or a final partition map shall be prepared and reviewed as provided in sections 1.501 through 1.505, and approval shall be effective according to section 1.510.

1.501 Final drawing and prints. Two prints of the plat or map shall accompany the final drawing which shall be prepared as follows:

- A. The final subdivision plat shall be drawn in the manner provided by ORS 92.080 and shall include an exact copy thereof, according to ORS 92.120(2).
- B. The final partition map shall be drawn in the manner provided by ORS 209.250(2).

1.502 Information required on subdivision plat or partition map. In addition to the information required to be shown on the tentative plan, the following information shall be shown on the plat or partition map:

- A. The information required by ORS 92.070(1) and (2), and ORS 92.090(3) (a), (b), (e), and (f).
- B. Recording numbers of existing surveys which are identified, related to the plat or map by distances and bearings, and related to a field book or map by any of the following:
 - (1) stakes, monuments or other evidence found on the ground and used to determine the boundaries of the land division;
 - (2) corners of adjoining subdivisions or partitions; or
 - (3) other monuments found or established in making the survey or required to be set by law.
- C. The location, width and centerline of streets and easements abutting the boundaries of the land division.
- D. Normal flood plain or high water line for any creek or other minor body of water or natural drainageway and the 100 year flood line of any major water body.
- E. Tract, block, and lot or parcel boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii arc, points of curvature and tangent bearings. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. All curve data, including length of cord and cord bearing, shall be shown in tabular form.
- F. The width of the portion of any street being created and the width of any existing right-of-way. For a curved street, curve data shall be based on the street centerline. In

addition to the centerline dimensions, the radius and central angle shall be indicated. Each public street shall be named.

- G. Easements shall be clearly identified as to intended purpose. Book and page numbers shall be provided for any easement of record. If an easement is not of record, a description of the nature of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division shall be shown. If an easement is being dedicated by a plat, it shall be so indicated in the owner's certificate of dedication.
- H. For a subdivision - lot numbers beginning with the number "1" and numbered consecutively in each block.
- I. For a subdivision - block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure.
- J. Lot and block numbers in an addition to a subdivision of the same name, shall be a continuation of the numbering in the original subdivision.
- K. Identification of land to be dedicated for any purpose, public or private, in a manner sufficient to distinguish it from lots or parcels intended for sale.
- L. Building setback lines, identified as such, which are to be made a part of the subdivision or partition restrictions.
- M. The following certificates, which may be combined where appropriate:
 - (1) for a subdivision - a certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the recording of the plat.
 - (2) for a subdivision - a certificate signed and acknowledged as above, dedicating to the public all land and common improvements intended for public use.
 - (3) for a subdivision or partition - a certificate with the seal of and signed by the surveyor responsible for the survey and the final plat or map.
 - (4) other certifications required by law.

1.503 Supplemental information with subdivision plat or partition map. The following shall accompany the subdivision plat or partition map, as appropriate:

- A. A title report issued by a title insurance company if any real property is to be dedicated to the public.
- B. Sheets and drawings showing the following:
 - (1) traverse data including the coordinants of the boundary of the land division and ties to section corners and Donation Land Claim corners. The error of closure shall not exceed 1:10,000. All error is to be removed by adjustment on the plat or map.
 - (2) the computation of the distances, angles and courses shown on the plat or map.
 - (3) ties to existing monuments, proposed monuments, adjacent subdivisions or partitions and street corners.
- C. A copy of any deed restrictions applicable to the subdivision or partition.
- D. A copy of any dedication requiring separate documents.
- E. A copy of the future street plan, when required, as recorded according to subsection 1.245A.
- F. For a partition, a metes and bounds description of each parcel being created.

1.504 Technical review and approval of plat or map.

- A. The subdivision plat or partition map and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat or map is found to be in conformity, it shall be signed and dated by the Planning Director.
- B. Following review and approval of a subdivision plat, the Planning Director shall:
 - (1) obtain the approval signature thereon by the County Engineer, certifying that the subdivision plat complies with all

applicable laws. Before so certifying, the County Engineer may cause field investigations to be made to verify that the plat survey is sufficiently accurate. If it is determined that there has not been full compliance, the applicant shall be so notified and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the County Engineer;

- (2) as required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or Board's delegate, of an irrigation district, drainage district, water control district or district improvement company, if the subdivision is within such district;
 - (3) obtain the approval signatures thereon of a majority of the Board of County Commissioners or the Board's delegate, certifying that the plat is approved;
 - (4) obtain the approval signature thereon from the Division of Assessment and Taxation, certifying that all taxes on the property have been paid or bonded for in accordance with State law;
 - (5) deliver the approved subdivision plat and accompanying documents to the Recording Section of the Department of Administrative Services for recording; and
 - (6) notify the applicant that the approved subdivision plat and accompanying documents have been delivered to the Recording Section and may be offered for record.
- C. Following review and approval of a final partition map, the Planning Director shall:
- (1) obtain the approval signature thereon by the County Engineer, certifying that it complies with all applicable laws. Before so certifying, the County Engineer may cause field investigations to be made to verify that the map survey is sufficiently accurate. If it is determined that there has not been full compliance, the applicant shall be so notified and afforded an opportunity to make corrections. When the map is found to be in conformity, it shall be signed and dated by the County Engineer and filed in accordance with ORS 209.250;
 - (2) as required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company, if the partition is within such district;

- (3) deliver the approved partition map and accompanying documents to the Recording Section of the Department of Administrative Services for recording; and
- (4) notify the applicant that the approved partition map and documents have been delivered to the Recording Section and may be offered for record.

1.505 Appeal from action on final plat or map. A decision of the Planning Director on a final subdivision plat or final partition map may be appealed to the Hearings Council in the manner provided in subsections 12.38 and 12.39 of Ordinance No. 100.

1.510 Final approval effective. The approval process for a subdivision shall become final upon the recording of the approved subdivision plat, under ORS 92.120(1), and for a partition, upon the recording of the approved partition map, any required street dedications and other required documents with the Recording Section of the Department of Administrative Services.

General Provisions.

1.600 Variances.

- A. A variance from the provisions of sections 1.400 through 1.455 and 1.460 through 1.465 of this Ordinance may be authorized by the Hearings Council or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:
 - (1) special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;
 - (2) the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;
 - (3) the authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;
 - (4) the granting of the variance will not adversely affect implementation of the Comprehensive Plan; and
 - (5) the circumstances of any hardship are not of the applicant's making.

- B. Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.
 - C. A variance authorized under the provisions of this section shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.
 - D. A variance from the provisions of the Street Standards Ordinance or the Site Development Standards Ordinance may be authorized as provided therein.
- 1.610 Appeals from Hearings Council or Planning Commission decisions. A decision on a land division proposal made by the Hearings Council or the Planning Commission under this Ordinance may be appealed to the Board of County Commissioners in the manner provided in subsections 12.31 through 12.37.5, Ordinance No. 100.
- 1.615 Interpretation. It shall be the duty of the Planning Director to interpret the provisions of this Ordinance. The provisions of this Ordinance shall be held to be the minimum requirements necessary for the promotion of the public health, safety, convenience and general welfare.
- 1.620 Continuation of previous approvals. The provisions of this Ordinance shall apply to all tentative plans for land divisions for which application is made after the effective date of this Ordinance.
- A. An application for a preliminary subdivision plat or for the creation of a street or road under ORS 92.014, completed and filed prior to the effective date of this Ordinance, shall be processed in accordance with and subject to the requirements of the pre-existing regulations.
 - B. An approval of a preliminary subdivision plat or of the creation of a street or road under ORS 92.014, which was granted prior to the effective date of this Ordinance, shall expire one year after said approval date.
- 1.630 Enforcement. The Director of the Department of Environmental Services shall be responsible for the enforcement of the provisions of this Ordinance.

1.650 Fee schedule.

A. Prefiling conference.

- (1) Type I or Type II Land Division \$25.00
- (2) Type III Land Division No Charge

B. Type I Tentative Plan.

- (1) 20 lots or less \$250.00
- (2) More than 20 lots \$50 plus \$10 per lot
- (3) Future street plan No Charge

C. Type II Tentative Plan \$125.00

D. Type III Tentative Plan \$ 50.00

- (1) With a Lot of Exception approved by the
Planning Director under Ordinance No. 100 No Charge

E. Final Plat or Map Survey Check.

- (1) For subdivision See ORS 92.100(2)
- (2) For partition (Sec. 1.504.c(1) \$ 40.00

F. Variance (Sec. 1.600) \$100.00

G. Notice sign (Sec. 12.23.4, Ord. No. 100) \$ 3.00

H. Time limit extension (Sec. 1.381) \$ 25.00

I. Appeals.

- (1) From administrative decisions under
Sections 1.303C, 1.353C, and 1.505 \$ 50.00
- (2) From decisions of the Hearings Council or
Planning Commission under Section 1.610 \$ 50.00
plus transcript cost per minute of hearing time \$ 1.00

J. Records and reports, per page \$ 0.25

K. In the case of any hearing required under this Ordinance which must be rescheduled at the request of or due to the neglect of the applicant, a fee of \$100.00 shall be assessed against the applicant. Said fee may be waived in whole or part by the Planning Director if it is determined that the

necessity for the requested rescheduling was unavoidable or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.

- L. These fees shall apply to all actions specified herein, regardless of applicant.

1.700 Amendment. This Ordinance may be amended, according to the provisions of sections 1.705 through 1.720.

1.705 Initiation of amendment.

- A. An amendment of this Ordinance may be initiated by:

- (1) Order of the Board;
- (2) Vote of a majority of the entire Planning Commission; or
- (3) Request of the Planning Director.

- B. The provisions of this section or any other provision of this Ordinance now or subsequently in effect which relate to procedures for amendment hereof, shall not apply to a change or amendment which relates to fees prescribed in section 1.650 of this Ordinance or to any other fees established in connection with matters subject to this Ordinance. The establishment of any such fees, and the amendment thereof, shall be prescribed by the Board of County Commissioners acting in accordance with Chapter V of the Charter.

1.710 Procedure for amendment; notice.

- A. A public hearing shall be held by a majority of the entire Planning Commission on a proposed amendment of this Ordinance. A proposed amendment shall be in draft form.

- B. Notice of the time, place and purpose of the hearing and a description of the land to be subject to the amendment shall be given as follows:

- (1) as required by the ordinance governing Planning Commission procedures; and
- (2) once a week for two successive weeks prior to the hearing in a newspaper of general circulation published in Multnomah County.

- 1.715 Planning Commission recommendation on proposed amendment.
- A. A recommendation to approve an amendment to this Ordinance shall be by majority vote of the entire Planning Commission. A recommendation, together with relevant information, shall be referred by the Planning Commission to the Board.
 - B. An amendment initiated by the Planning Director shall be referred to the Planning Commission for report and recommendation.
 - C. An amendment initiated by the Board shall be referred to the Planning Commission for report and recommendation by a date certain. If no report and recommendation is made by the Planning Commission by the date certain, and no extension is granted by the Board, the Board may consider the amendment without recommendation of the Planning Commission thereon.
- 1.720 Board procedure on amendment; notice.
- A. The Board shall conduct a public hearing and take action on a proposed amendment in accordance with the Charter and the rules of the Board.
 - B. The Board shall give notice of the hearing as required by the Charter and in the manner provided in subsection 1.710.B.
- 1.750 Repeal of Subdivision Regulations. The Subdivision Regulations of Multnomah County, adopted April 19, 1955, and all amendments thereto are repealed, except for the purposes of Section 1.620.
- 1.751 Saving clause.
- If any section, subsection, subdivision, phrase, clause, sentence or word in this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate the remainder of this Ordinance, but shall be confined to the section, subsection, subdivision, clause, sentence or word held invalid or constitutional.

Adoption.

This Ordinance being necessary for the health, safety and welfare of the people of Multnomah County for the immediate implementation of its purposes and replacement of the Subdivision Regulations, this Ordinance shall take effect on October 19, 1978, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 19th day of September, 1978, being the date of its
second reading before the Board of County Commissioners of Multnomah
County, Oregon.

BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By Donald S. Clark
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY, County Counsel
for Multnomah County, Oregon

By Laurence Kressel
Laurence Kressel
Deputy County Counsel