

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 781

An Ordinance amending sections of MCC 11.45, the Multnomah County Land Division Ordinance.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) The Planning Director is authorized by Multnomah County Code, Chapter 11.45.830(A)(3) to recommend to the Board of County Commissioners the adoption of amendments to the Land Division Ordinance.

(B) Changes in state law regarding subdivisions, partitions, property line adjustments and other matters relating to division of land, have been adopted by the Oregon Legislative Assembly, thereby causing certain portions of the County Land Division Ordinance to be out of date.

(C) Changes in the organizational structure of various County administrative departments and divisions have resulted in the assignment of certain land division review functions to officials and departments different from those officials and departments designated in the Land Division Ordinance.

(D) Experience with the present Land Division Ordinance has shown that certain changes to the Ordinance will improve the way in which the Ordinance achieves its purpose of providing classifications and standards for dividing land in the County's unincorporated area.

(E) A 54 page Staff Report dated November 1, 1993 explains the reasons for the proposed changes and is attached as Exhibit A. The Staff Report has the title "C 7-93, Exhibit A, Findings Associated with Amending the Multnomah County Land Division Ordinance" The Staff Report is incorporated by reference, and is adopted.

1 (F) On October 4, 1993 and November 1, 1993 the Planning Commission held public hearings on
2 the proposed amendments. Hearings before the Board of County Commissioners followed on December
3 14, 1993 and December 28, 1993. At each of the hearings all interested persons were given an opportunity
4 to appear and be heard.

5

6 Section II. Amendments.

7 Multnomah County Code Chapter 11.45 is amended to read as follows:

8

9 **11.45.005 Title**

10

11 This Chapter shall be known as the Multnomah County Land Division Ordinance and may be so plead-
12 ed and referred to.

13

14 **11.45.010 Definitions**

15

16 As used in this Chapter, unless the context requires otherwise:

17

18 (A) *Accessway* means a private street which is not a part of a lot or parcel and which provides access to
19 more than one lot or parcel.

20

21 (B) *Applicant* means the record owner or owners of a unit, area or tract of land or contiguous units,
22 areas or tracts, proposing subdivision or partitioning and includes the authorized representative of
23 the record owner or owners.

24

25 (C) *Approval authority* means the Hearings [~~Council~~] Officer, Planning Commission or Planning
26 Director authorized by this Chapter to approve tentative plans or final plans for land divisions.

(D) *Board* means the Board of County Commissioners of Multnomah County.

(E) *Comprehensive Plan* means the Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan.

(F) *Cul-de-sac* means a short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

(G) *Development permit* means any permit required by this or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

(H) *Flag lot* means a parcel which includes a private driveway as a part thereof.

(I) *Frontage street* means a minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

(J) *Future street plan* means a plan approved by the Hearings [~~Council~~] Officer or Planning Commission, as appropriate, for the continuation into nearby property of any street in an Urban Area Type [F] 1 Land Division to facilitate the future division of the nearby land according to the provisions of this Chapter.

(K) *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.

(L) *Hearings [Council] Officer* means the Hearings [Council] Officer of Multnomah County.

(M) *Land Division* means a subdivision[, ~~[major partition]~~ or ~~[minor]~~ partition. For the purposes of this Chapter, land divisions are further classified as

Type[F] 1, Type [H] 2, and]Type [HH] 3, and Type 4 Land Divisions, as provided in MCC 11.45.070 through 11.45.[400]110.

(N) *Land Feasibility Study* means a Site Evaluation Report as defined in OAR 340-71-150(1) which is the first step in obtaining a construction permit for an on-site sewage disposal system.

([N]Q) *Lot* means a unit of land that is created by a subdivision of land.

~~[(O) *Major partition* means a partition which includes the creation of a street, but not the widening of an existing street.]~~

~~[(P) *Map* means a final diagram, drawing or other writing concerning a major or minor partition.]~~

~~[(Q) *Minor partition* means a partition which does not include the creation of a street, but may include the widening of an existing street.]~~

([R]P) *Parcel* means a unit of land that is created by a partitioning of land.

([S]Q) *Partition* means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

1
2 (F) *Partition land* means to divide an area or tract of land into two or three parcels within a
3 calendar year when such area or tract of land exists as a unit or contiguous units of land under sin-
4 gle ownership at the beginning of such year. *Partition land* does not include;

5
6 (1) ~~a divisions of land resulting from a lien foreclosure, foreclosure of a recorded contract for the~~
7 ~~sale of real property or the creation of cemetery lots; and "partition land" does not include any]~~

8
9 (2) ~~An~~ adjustment of a ~~[lot]~~ property line by the relocation of a common boundary where an addi-
10 tional ~~[parcel]~~ unit of land is not created and where the existing ~~[parcel]~~ unit of land reduced in
11 size by the adjustment is not reduced below the minimum lot size established by MCC 11.15;
12 or

13
14 (3) ~~Partition land does not include the~~ A sale or grant by a person to a public agency or public
15 body for state highway, county road, or other right-of-way purposes provided that such road or
16 right-of-way complies, in the case of a county road, with the Street Standards Ordinance, or, in
17 the case of other right of way, the applicable standards of the agency to which the sale or grant
18 is made. However, any property divided by the sale or grant of property for state highway or
19 county road or other right-of-way purposes shall continue to be considered a single unit of land
20 until such time as the property is further subdivided or partitioned; or

21
22 (4) the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to
23 the sale with other contiguous lots or property by a single owner.

24
25 (S) *Partition Plat* means means a final map and other writing containing all the descriptions, locations,
26 specifications, provisions and information concerning a partition.

~~([U]T)~~ *Pedestrian path and bikeway* means a right- of-way or easement for pedestrian, bicycle or other non-motorized traffic.

~~([V]U)~~ *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.

~~([W]V)~~ *Planning Commission* means the Planning Commission of Multnomah County.

~~([X]W)~~ *Planning Director* means the Director of the Division of Planning and Development or the Director's delegate.

~~([Y]X)~~ *Plat* includes a final ~~[map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision]~~ subdivision plat or partition plat.

~~([ZY])~~ *Private driveway* means a private street which is a part of and provides access only to one lot or parcel.

~~([AA]Z)~~ *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.

~~(AA)~~ *Property Line* means the division line between two units of land.

1 ~~(BB)~~ *Property Line Adjustment* means the relocation of a common property line between two
2 abutting properties.

3
4 ~~(BB)~~(CC) *Public street* means a street dedicated for public use or proposed to be dedicated for public
5 use in a land division.

6
7 ~~(CC)~~(DD) *Right-of-way* means the area between boundary lines of a public street or other area dedi-
8 cated for pedestrian or vehicular circulation.

9
10 ~~(DD)~~(EE) *Rural Area* means the unincorporated area of Multnomah County located outside of the
11 Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

12
13 ~~(EE)~~(FF) *Sale or sell* includes every disposition or transfer of land in a subdivision or partition or an
14 interest or estate therein.

15
16 ~~(FF)~~(GG) *Sidewalk* means a pedestrian walkway with all weather surfacing.

17
18 ~~(GG)~~(HH) *Street* means a public or private way that is created to provide access to one or more lots,
19 parcels, areas or tracts of land, excluding a private way that is created to provide access to such
20 land in conjunction with the use of such land for forestry, mining or agricultural purposes.

21
22 ~~(HH)~~(II) Street classifications such as *Arterial, Collector, Minor Arterial*, etc., shall have the mean-
23 ings stated in the Multnomah County Street Standards Ordinance.

24
25 ~~(II)~~(JJ) *Street lighting* means the total system of wiring, poles, arms, fixtures and lamps, including
26 all parts thereof that are necessary to light a street or pedestrian path and bikeway.

~~([JJ]KK)~~ *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.

~~([KK]LL)~~ *Subdivision* means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

~~(MM)~~ *Subdivision Plat* means means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

~~([LL]NN)~~ *Tentative plan* means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

~~([MM]OO)~~ *Urban Area* Means the unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

11.45.015 Purpose

This Chapter 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.

11.45.020 Intent

In the regulation of the division of land, it is intended that this Chapter 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.

11.45.030 Scope

This Chapter shall apply to the subdivision and partitioning of all land within the unincorporated area of Multnomah County.

11.45.040 Compliance Required

No land may be divided in the unincorporated area of Multnomah County except in accordance with this Chapter.

(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 Chapter.

(B) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, 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 Chapter.

(C) The requirements of this Chapter shall apply to the applicant for a land division and to the appli-

1 cant's successors in interest in the land division or any portion thereof.

2
3 **11.45.050 Board findings Concerning Land Division Types**

4
5 The Board of County Commissioners finds that:

6
7 (A) The Comprehensive Framework Plan, adopted in accordance with the Statewide Planning Goals,
8 classifies certain County lands as within the Urban Area and therefore suitable for intensive devel-
9 opment, and other lands as within the Rural Area and therefore suitable for agricultural, forest, nat-
10 ural resource and other non-intensive uses.

11
12 (B) Land division proposals, consisting of subdivisions, [~~major partitions~~] and [~~minor~~] partitions are
13 steps in the land development process which should be encouraged in the Urban Area where sup-
14 portive services exist, subject to review for conformance with the Comprehensive Plan and other
15 legal requirements.

16
17 (C) Procedures governing land division in the urban area should be expeditious and inexpensive while
18 protective of the public interest. The County system in effect since 1955, however, has involved
19 time-consuming and costly procedures which, in many instances, have tended to discourage other-
20 wise appropriate urban area land divisions.

21
22 (D) Under ORS 92.044 and 92.046, it is the Board's policy to delegate the review and approval func-
23 tion over certain land division proposals to the Hearings [~~Council~~] Officer or Planning
24 Commission and over certain other proposals to an administrative official, provided that decisions
25 in either instance shall be guided by the procedures and standards established by this Chapter.
26

(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 ~~[H]~~ 2 and Type ~~[HH]~~ 3 Land Division proposals, as defined in this Chapter, 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.

11.45.060 Land Division Approval Authority Delegated

Based on the findings in MCC 11.45.050, the Board hereby:

(A) Adopts the classification system of Type~~[I]~~ 1, Type [H] 2, ~~[and]~~ Type ~~[HH]~~ 3 and Type 4 Land Divisions as distinguished in MCC 11.45.070 through 11.45.100;

(B) Delegates to the Hearings ~~[Council]~~ Officer and to the Planning Commission, as appropriate, the authority to approve tentative plans for Type~~[I]~~ 1 Land Divisions;

(C) Delegates to the Hearings ~~[Council]~~ Officer 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]~~ 1 Land Division, provided that affected property owners are notified thereof, according to subsection (A) of MCC 11.45.220. 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 [H] 2 Land Divisions;

(D) Delegates to the Planning Director the authority to approve tentative plans and final plats ~~[and maps]~~ of Type [H] 2, ~~[and]~~-Type ~~[HH]~~ 3 and Type 4 Land Divisions, and to approve final plats ~~[and~~

maps] of Type[F] 1 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[F] 1 classification.

11.45.070 Land Division Types Distinguished

For the purposes of this Chapter, the land division classifications listed in sections 11.45.080 through 11.45.100 are established.

11.45.080 Type [F] 1 Land Divisions

The following proposals are designated Type[F] 1 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 Rural or Urban Area [major] partition which creates a new street, [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 subsection ~~[(C of MCC 11.45.080)]~~ (1) or (2) above is designated a Type ~~[H]~~ 2 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 MCC 11.45.200 through 11.45.280, or with a street pattern approved as an element of a Special Plan Area under MCC 11.15.6604;

(D) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC 11.15 or for a variance under this Chapter; 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.

11.45.090 Type ~~[H]~~ 2 Land Division

~~[The following proposals are designated Type II Land Divisions:]~~ A Type 2 Land Division is an Urban area subdivision of 10 lots or less, or a partition which includes the creation of a new street when:

(A) ~~[A major partition in either a Rural or Urban Area or an Urban Area subdivision of 10 lots or less, when e]~~ 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 t]~~ The proposed street layout is consistent with ~~[(1) A]~~ a street pattern adopted as part of the Comprehensive Plan; ~~[(2) W]~~ with a future street plan approved under MCC 11.45. ~~[(10) 160]~~ or ~~[(3) A]~~ a street pattern approved as an element of a Special Plan Area, under MCC 11.15.6604.

11.45.100 Type ~~[II]~~ 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Type ~~[II]~~ 3 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), Exclusive Farm Use (EFU), or Special Plan Area (SPA) under MCC 11.15.

[Amended 1990, Ord. 642 § 2]

(G) A partition resulting in the creation of a lot for which an Exception or Variance is required under MCC 11.15.

11.45.110 ~~[Minor Partitions Exempted]~~ Type 4 Land Division

~~[minor p]~~ Partitions not listed in MCC 11.45.080 to 11.45.100 are ~~[exempt from the provisions of this Chapter.]~~ designated Type 4 Land Divisions.

(A) The Planning Director may approve a Type 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located.

(B) The procedure and forms for review and approval of a Type 4 Land Divisions shall be as provided for by the Planning Director.

11.45.115 Property Line Adjustment (Lot Line Adjustment)

A property line adjustment is the relocation of a common property line between two abutting properties.

(A) The Planning Director may approve a property line adjustment between two properties, in either the Urban Area or the Rural Area, where an additional lot or parcel is not created and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.

(B) The Planning Director may approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment shall comply with any applicable zoning district standards for a Lot of Exception or Lot Line Adjustment.

(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:

(1) No additional lot or parcel shall be created from any parcel by the property line adjustment; and

(2) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

(3) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.

(4) The right-of-way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Ordinance as determined by the County Engineer.

(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.

11.45.120 Future Street Plan Requirements: 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 make redivision difficult without an overall pattern for future streets.

(B) The purposes of the future street plan requirement are to aid in determining the suitability of an Urban Area Type [F] 1 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.

11. 45.130 Future Street Plan Required

A future street plan shall be filed in conjunction with an application for an Urban Area Type [F] 1 Land Division. The plan shall show the pattern of future streets from the boundaries of the Type [F] 1 Land Division to the boundaries of those other tracts within a 40-acre area surrounding or adjacent to the Type [F] 1 Land Division which are capable of subsequent Type [H] 1 or 2 Land Division under MCC

11.45.090.

11.45.140 Exception to Future Street Plan Requirement

A future street plan shall not be required for any portion of the 40-acre area described in MCC 11.45.130 for which a proposed street layout has been established by:

(A) The Comprehensive Plan;

(B) A future street plan approved under MCC 11.45.~~140~~200 through 11.45.280; or

(C) A Special Plan Area, under MCC 11.15.6604.

11.45.150 Future Street Plan Contents

The future street plan shall show the proposed continuation of streets in the Type ~~F~~ 1 Land Division in sufficient detail to demonstrate that future division of the adjacent area in compliance with the provisions of this Chapter is reasonably possible.

11.45.160 ~~[Approval Procedures]~~ Deleted by Ord. _____

~~[A required future street plan shall be filed, reviewed and approved in the manner provided in MCC 11.45.190 through 11.45.280]~~

11.45.170 Recording and Filing

Upon final approval, a future street shall be:

(A) Recorded by the applicant with the ~~[Recording Section of the Department of Administrative Services]~~ public office responsible for public records; and

(B) Indexed and filed by the Planning Director in the offices of the Department of Environmental Services.

11.45.180 Revision of Future Street Plan

An approved future street plan may be revised by:

(A) Action by the Hearings ~~[Council]~~ Officer or Planning Commission, as appropriate, to approve a revised future street plan filed by an applicant in conjunction with a Type ~~[I]~~ 1 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 MCC 11.15.6604.

11.45.190 Type ~~[I]~~ 1 and Type 2 Tentative Plan and Future Street Plan approval procedures

~~[R]~~ Filing and review ~~[and approval]~~ of ~~[a]~~ Type ~~[I]~~ 1 or Type 2 tentative plan and a future street plan shall be in accordance with the provisions of MCC 11.45.200 through ~~[11.45.280]~~ 11.45.270.

11.45.200 Pre-Filing Conference

(A) Prior to the submission of a tentative plan for a Type ~~[F]~~ 1 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 ~~[40]~~ 25 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 business days thereof.

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

11.45.210 Filing of Type ~~[F]~~ 1 Tentative Plan and Future Street Plan

(A) Following the pre-filing conference, the applicant for a Type ~~[F]~~ 1 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 MCC 11.45.250. The tentative plan shall be accompanied by the required fee.

(B) On receipt of the completed application for a Type 1 Land Division or future street plan, the Planning Director shall set a date for the public hearing thereon before the Hearings ~~[Council]~~ Officer 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[F] 1 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.

~~[11.45.220 Public Hearing and Action, Type I Tentative Plan and Future Street Plan~~ *Renumbered to*
.285

~~(A) Notice of a hearing on a Type I tentative plan or a future street plan shall be given as required by MCC 11.15.8220, 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 MCC 11.15.8205, and shall be determined in the manner prescribed for action proceedings in MCC 11.15.8225 through .8230(C), and MCC 11.15.8235 through .8250(H).~~

~~(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 MCC 11.45.230 of this Chapter 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 MCC 11.15.8260 through .8285(E).~~

~~11.45.225 Rescheduled Hearings~~ Renumbered to .295

~~In the case of any hearing required under this Chapter which must be rescheduled at the request of or due to the neglect of the applicant, a fee in accordance with subsection (K) of MCC 11.45.810 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 requested rescheduling was due to unavoidable circumstances or that the applicant proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.~~

11.45.230 Criteria for Approval, Type ~~[I]~~ 1 and Type 2 Tentative Plan and Future Street Plan

In granting approval of a Type~~[I]~~ 1 or Type 2 tentative plan or future street plan, the approval authority shall find that:

(A) The tentative plan or future street plan is in accordance with[~~±~~

~~(1) F]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 Chapter.

(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]~~ County Surveyor 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 and designed so as to conform, within the limits of MCC 11.45.490 and 11.45.500 and 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 laid out and designed so as to conform with MCC 11.45.490 and 11.45.500 and the Street Standards Ordinance, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

(2) The discharge of matter from the system into flood waters.

[Added 1982, Ord. 324 § 2]

11.45.240 Contents of Type ~~[F]~~ 1 and Type 2 Tentative Plan

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 11.45.250 through 11.45.280.

11.45.250 Type ~~[F]~~ 1 and Type 2 Tentative Plan Map Specifications

(A) ~~[For a subdivision, t]~~ The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size approved by the Planning Director. ~~at a~~ The scale of ~~[one inch to]~~ the map shall be 10, 20, 30, 40, [fifty] 50, 60 [feet], 100 [feet] or [two hundred] 200 feet to the inch or mul-

titles of ten of any of these scales. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with the notices required by subsection (A) of MCC 11.45.220.

~~[(B) For a major partition, the sheet size and the scale of tentative plan map shall be drawn on a sheet 8.5 x 11 inches in size at a scale of one inch to fifty feet or one hundred feet.]~~

~~[(C) B]~~ A future street plan may be combined with ~~[subsection (A) or (B) of this section]~~ the tentative plan map or may be drawn on a sheet 8.5 x 11 inches or larger in size at a scale of one inch to one hundred feet.

11.45.260 Type ~~[F]~~ 1 and Type 2 Tentative Plan Map Contents

The tentative plan map shall indicate~~[d]~~ the following:

(A) General information:

(1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of MCC 11.45.230.

(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.]~~ Contour lines at two foot intervals for land inside the Urban Growth Boundary with 10% slope or less, five foot intervals for land inside the Urban Growth Boundary with slope exceeding 10%; contour lines at ten foot intervals for land outside the Urban Growth Boundary. The map shall state the source of the contour information.

(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, the location of any designated Flood Hazard District, and all areas covered by water. *[Amended*

1 1982, Ord. 324 § 3]

2
3 (9) The location of any harbor line.
4

5 (10) Scaled location and size of all existing driveways and pedestrian walkways, and the
6 ~~[S]~~scaled location and size and present use of all existing buildings or other structures, and des-
7 ignation of any existing buildings or structures proposed to remain on the property after divi-
8 sion.
9

10 (C) Proposed improvements:
11

12 (1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each
13 proposed street.
14

15 (2) Any proposed pedestrian path or bikeway.
16

17 (3) Easements: location, width and nature of all proposed easements.
18

19 (4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or
20 parcel size and, in the case of a subdivision, the proposed lot and block numbers.
21

22 (5) Water supply: the proposed domestic water supply system.
23

24 (6) Sewage disposal: the proposed method of sewage disposal.
25

26 (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.

11.45.270 Written Information; Type [H] 1 and Type 2 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 MCC 11.45.230 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.

11.45.280 Supplementary Material; Type [I] 1 and Type 2 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 provision of this Chapter.

11.45.[220] 285 Public Hearing and Action, Type [I] 1 Tentative Plan and Future Street Plan

Renumbered from >220

(A) Notice of a hearing on a Type [I]-1 tentative plan or a future street plan shall be given as required by MCC 11.15.8220, 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[F] 1 tentative plan and future street plan, if any, shall be deemed an *action* as defined in MCC 11.15.8205, and shall be determined in the manner prescribed for *action proceedings* in MCC 11.15.8225 through .8230(C), and MCC 11.15.8235 through .8250(H).

(C) The burden of the applicant for a Type[F] 1 Land Division shall be to satisfy the hearing body that the criteria for approval listed in MCC 11.45.230 of this Chapter 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[F] 1 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[F] 1 tentative plan or future street plan shall be according to the provisions of MCC 11.15.8260 through .8285(E).

~~11.45.290~~ ~~[Type II Tentative Plan Approval Procedures]~~ ~~[Repealed 199_, Ord. ___, § __]~~

~~[Review and approval of a Type II tentative plan shall be in accordance with the provisions of MCC 11.45.300 through 11.45.340.]~~

11.45.[225] 295 Rescheduled Hearings Renumbered from .225

In the case of any hearing required under this Chapter which must be rescheduled at the request of or

1 due to the neglect of the applicant, a fee in accordance with subsection (K) of MCC 11.45.810 shall be
2 assessed against the applicant. Said fee may be waived in whole or part by the Planning Director if it is
3 determined that the requested rescheduling was due to unavoidable circumstances or that the applicant
4 proceeded with all possible diligence to give adequate advance notice of the request for rescheduling.

5
6 **11.45.300 [Pre-Filing Conference *[Repealed 199_, Ord. ___, § ___]*]**

7
8 ~~[A pre filing conference shall be requested and held prior to the filing of a tentative plan for a Type II~~
9 ~~Land Division, in the manner provided in MCC 11.45.200.~~

10
11 **11.45.310 [Filing of Type II Tentative Plan]*[Repealed 199_, Ord. ___, § ___]***

12
13 ~~[(A) Following the pre filing conference the applicant for a Type II Land Division shall file with the~~
14 ~~Planning Director a completed tentative plan, including 15 copies of the tentative plan map, as pro-~~
15 ~~vided in MCC 11.45.240 through 11.25.280. The tentative plan shall be accompanied by the~~
16 ~~required fee.~~

17
18 ~~[(B) The Planning Director shall furnish copies of the tentative plan to all affected city, county, state~~
19 ~~and federal agencies and special districts with a request for their review and written comment.~~

20
21 ~~[(C) Failure of an agency or district to provide written comment to the Planning Director concerning~~
22 ~~a Type II tentative plan within 10 business days after the furnishing thereof, may be deemed a rec-~~
23 ~~ommendation of approval unless the agency or district has filed a written request for an additional~~
24 ~~review period.]~~

25
26 **11.45.320 Decision by Planning Director; Type [H] 2 Tentative Plan**

(A) Within 25 business days of the filing of a Type ~~[H]~~ 2 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 ~~[H]~~ 2 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 MCC 11.45.230.

(C) A decision by the Planning Director on a Type ~~[H]~~ 2 tentative plan application may be appealed to the Hearings ~~[Council]~~ Officer in the manner provided in MCC 11.15.8290 and .8295.

11.45.330 ~~[Criteria for Approval, Type II Tentative Plan]~~ *[Repealed 199_, Ord. ___, § __]*

~~[In granting approval of a Type II tentative plan, the Planning Director shall find that the proposal complies with the applicable criteria listed in MCC 11. 45. 230.]~~

11.45.340 ~~[Contents of Type II Tentative Plan]~~ *[Repealed 199_, Ord. ___, § __]*

~~[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 MCC 11.45.240 through 11.45.280.]~~

11.45.350 Type ~~[H]~~ 3 Tentative Plan Approval Procedures

Review and approval of a Type ~~[HH]~~ 3 tentative plan shall be in accordance with the provisions of MCC 11.45.360 through 11.45.400.

11.45.360 Pre-Filing Conference

A pre-filing conference may be requested by the applicant for a Type ~~[HH]~~ 3 Land Division or by the Planning Director. The conference shall be held in the manner provided in MCC 11.45.200.

11.45.370 Filing of Type ~~[HH]~~ 3 Tentative Plan

(A) The applicant for a Type ~~[HH]~~ 3 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 MCC 11. 45.400. 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 ~~[HH]~~ 3 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.

11.45.380 Decision by Planning Director; Type ~~[HH]~~ 3 Tentative Plan.

(A) Within 25 business days of the filing of a Type [HH] 3 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 [HH] 3 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 MCC 11.45.390.

(C) A decision by the Planning Director on a Type [HH] 3 tentative plan application may be appealed to the Hearings [Council] Officer in the manner provided in MCC 11.15.8290 and .8295.

11.45.390 Criteria for Approval, Type [HH] 3 Tentative Plan

In granting approval of a Type [HH] 3 tentative plan, the Planning Director shall find that the criteria listed in subsections [(A)], (B), (C) and (H) of MCC 11.45.230 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district and the solar access regulations in the Zoning Ordinance.

[Amended 1982, Ord. 324 § 4]

11.45.400 Contents of Type [HH] 3 Tentative Plan

A tentative plan for a Type [HH] 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Type [HH] 3 tentative plan map contents. A tentative plan map [~~drawn on a sheet 8 1/2 x 11 inch~~]

~~es in size at a scale of one inch to fifty feet or one hundred feet,] of a sheet size and scale as specified in MCC 11.45.250(A)~~ 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.

(8) The location of any designated Flood Hazard District. *[Added 1982, Ord. 324 § 5]*

(9) Contiguous property under the same ownership

(B) Written information; Type [HH] 3 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 MCC 11.45. 390 are satisfied.

(7) Statement of the improvements to be made or installed and the time schedule therefor.

(C) Supplementary material; Type ~~[III]~~ 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 11.45.240 through 11.45.280, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

11.45.410 Tentative Plan Approval Time Limits; Staged Development

The time limits for approval of tentative plans and staged development proposals shall be in accordance with MCC 11.45.420 through 11.45.440.

11.45.420 Time Limit

1
2 The final subdivision plat or final partition ~~[map]~~ plat shall be delivered to the Planning Director for
3 approval within one year following the approval of the tentative plan, and shall incorporate any modifi-
4 cation or condition required by approval of the tentative plan. The Planning Director may, upon written
5 request by the applicant, and payment of the required fee, grant an extension of the approval period, not
6 to exceed six months, upon a written finding that the facts upon which the approval was based have not
7 changed to an extent sufficient to warrant re-filing of the tentative plan.

8 9 **11.45.430 Staged Development for Subdivision**

10
11 When an applicant desires to record and develop subdivision plats covering portions of an approved ten-
12 tative plan in stages, the approval authority may authorize a time schedule for platting the various stages
13 in periods of time in excess of one year, but in no case shall the total time period for platting of all
14 stages be greater than five years without re-filing ~~[of]~~ the tentative plan. Each stage so platted and devel-
15 oped shall conform to all applicable requirements of this Chapter.

16 17 **11.45.440 Re-Approval After Expiration**

18
19 After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and
20 considered as a new application.

21 22 **11.45.450 Application of General Standards and Requirements**

23
24 Every land division proposal shall comply with the applicable provisions of MCC 11.45.460 through
25 11.45.610.

1 **11.45.460 Land Suitability**

2

3 A land division shall not be approved on land found by the approval authority to be both unsuitable and
4 incapable of being made suitable for the intended uses because of any of the following characteristics:

5

6 (A) Slopes exceeding 20%;

7

8 (B) Severe soil erosion potential;

9

10 (C) Within the 100-year flood plain;

11

12 (D) A high seasonal water table within 0–24 inches of the surface for three or more weeks of the
13 year;

14

15 (E) A fragipan or other impervious layer less than 30 inches from the surface; or

16

17 (F) Subject to slumping, earth slides or movement.

18

19 **11.45.470 Lots and Parcels**

20

21 The design of lots and parcels shall comply with the following:

22

23 (A) The size, shape, width, orientation and access shall be appropriate:

24

25 (1) To the types of development and uses contemplated;

26

(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 climactic 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, to the extent 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.

(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

(1) When a flag lot does not adjoin another flag lot, as shown in Figure .470(D)(1), the pole portion of the flag lot shall be at least 16 feet wide.

(2) Where two flag lots are placed back to back as shown in Figure .470(D)(2), the pole portion of each flag lot shall be at least 12 feet wide.

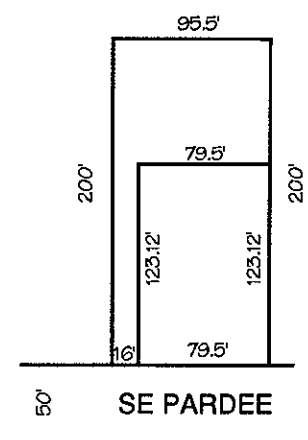


Figure .470(D)(1)

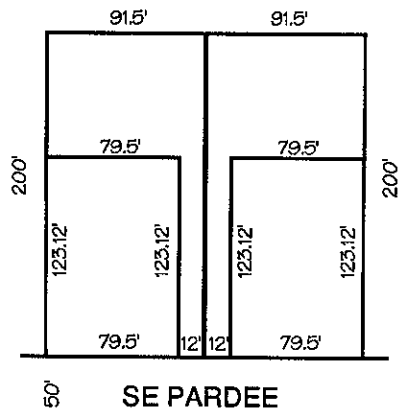


Figure .470(D)(2)

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in Figure .470(E)(1). Instead, a private accessway shall be used as shown in Figure .470(E)(1).

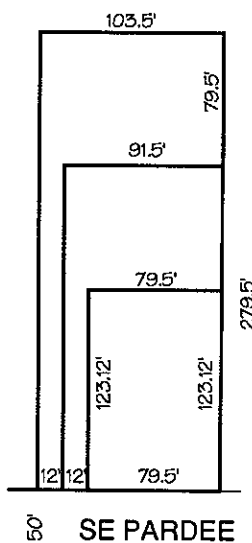


Figure .470(E)(1)

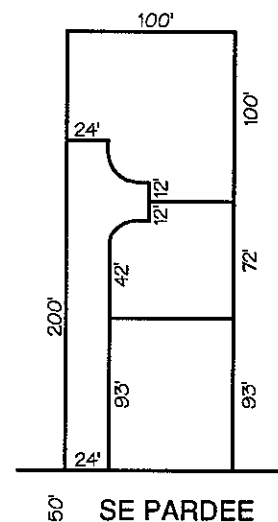


Figure .470(E)(2)

11.45.480 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.

11.45.490 Street Layout

(A) Except as otherwise provided in subsections (B) and (C) of this section, 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 MCC 11.45.160, or as an element of a Special Plan Area under MCC 11.15.6604, 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, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(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.

11.45.500 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]~~ Street Standards Ordinance,

subject to the following additional requirements:

(1) Accessways shall be designed in accordance with *Permit Requirements for Accessway Construction* published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

11.45.510 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.

11.45.520 Temporary Turnarounds

A temporary turnaround 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 MCC 11.45.450, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 11.45.680 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

11.45.530 Street Names

Names for public streets shall conform to 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.

11.45.540 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]~~ as approved by the Planning Director in accordance with the Design Review provisions of the Zoning Ordinance.

11.45.550 Easements

Easements shall be provided and designed according to the following:

(A) Easements for utilities and storm or sanitary sewers 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.

11.45.560 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 by the County Engineer 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.

11.45.570 Street Lighting

Street lighting shall be provided in all Urban Area subdivisions in accordance with the requirements of the Street Standards Ordinance.

11.45.580 Water System

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4)(a), (b), or (c) of ORS 92.090 and MCC 11.45.640 of this Chapter.

11.45.590 Sewage Disposal

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsections (5)(a), (b) or (c) of ORS 92.090 and MCC 11.45.650 of this Chapter.

11.45.600 Surface Drainage

Surface drainage and storm sewer systems shall be provided as required by section 11.45.660. 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.

11.45.610 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 impracticable 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.

11.45.620 Required Improvements

Improvements in a land division shall be made in accordance with the provisions of MCC 11.45.630 through 11.45.680.

11.45.630 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 Chapter and the Street Standards Ordinance; and

(B) In a private street — in accordance with the ~~[Site Development]~~ Street 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.

11.45.640 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]~~ as approved by the approval authority

11.45.650 Sewage Disposal

(A) Except as provided in subsection (B) of this section, 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]~~ as approved by the approval authority.

(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. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility

Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the [County Engineer] approval authority 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.

11.45.660 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 ~~[in accordance with the Site Development Standards Ordinance]~~ plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

11.45.670 Other Utilities

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and 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]~~ as approved by the approval authority.

11 45 680 Improvement Agreement

Prior to approval of a subdivision plat or partition ~~[map]~~ plat 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 Chapter 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.

11.45.690 Final Subdivision Plat or Partition ~~[Map]~~ Plat-Requirements

A final subdivision plat or ~~[a-final]~~ partition ~~[map]~~ plat shall be prepared and reviewed as provided in MCC 11.45.700 through 11.45.740, and approval shall be effective according to MCC 11.45.750.

11.45.700 Final Drawing and Prints

Two prints of the subdivision or partition plat ~~[or map]~~ shall accompany the final drawing, which shall be prepared as follows:

(A) The final subdivision ~~[plat]~~ or partition plat shall be drawn in the manner provided by ORS

92.080 and shall include an exact copy thereof, according to subsection (2) of ORS 92.120.

(B) The final subdivision or partition ~~[map]~~ plat shall be ~~[drawn in the manner provided by]~~ subject to the requirements of subsection (2) of ORS 209.250.

11.45.710 Information Required on Subdivision Plat or Partition ~~[Map]~~ Plat

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition ~~[map]~~ plat.

(A) The information required by subsections (1) and (2) of ORS 92.070 and subsections (3)(a), (b), (e) and (f) of ORS 92.090.

(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. Arc lengths shall be shown on the lines.

(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. The ownership of each private street shall be shown.

(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.]~~ [Repealed 199__]

Ord. _____, § _____

(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)]~~ (L) 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.

11.45.720 Supplemental Information with Subdivision Plat or Partition ~~[Nap]~~ Plat

The following shall accompany the subdivision plat or partition ~~[map]~~ plat, 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 coordinates 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 MCC 11.45.170(A).

~~[(F) For a partition, a metes and bounds description of each parcel being created.]~~

11.45.730 Technical Review and Approval of Subdivision Plat or Partition Plat ~~[or Map]~~

1 (A) The subdivision plat or partition ~~[map]~~ plat and all required material shall be filed with the
2 Planning Director for final approval. Within 10 business days of filing, the Planning Director shall
3 determine whether the material conforms with the approved tentative plan and with the applicable
4 requirements of this Ordinance. If the Planning Director determines that there is not such conformi-
5 ty, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat
6 ~~or map~~ is found to be in conformity, it shall be signed and dated by the Planning Director.

7
8 (B) Following review and approval of a subdivision or partition plat, the Planning Director shall:

9
10 (1) Obtain the approval signature thereon by the County ~~[Engineer]~~ Surveyor, certifying that the
11 subdivision plat complies with all applicable laws. Before so certifying, the County ~~[Engineer]~~
12 Surveyor, may cause field investigations to be made to verify that the plat survey is sufficiently
13 accurate. If it is determined that there has not been full compliance, the applicant shall be so
14 notified and afforded an opportunity to make corrections. When the plat is found to be in confor-
15 mity, it shall be signed and dated by the County ~~[Engineer]~~ Surveyor. ;

16
17 (2) As required by ORS 92.110, obtain the approval signatures thereon of the Board of Directors, or
18 Board's delegate, of an irrigation district, drainage district, water control district or district
19 improvement company, if the subdivision is within such district;

20
21 (3) ~~[Ø]~~ In the case of a subdivision, obtain the approval signatures thereon of ~~[a majority]~~ the Chair of
22 the Board of County Commissioners or the ~~[Board]~~ Chair's delegate, certifying that the plat is
23 approved;

24
25 (4) Obtain the approval signature thereon from the Division of Assessment & Taxation, certifying
26 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 ~~[Recording Section of the Department of Administrative Services]~~ public office responsible for public records 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.]~~

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

11.45.740 ~~[Appeal From Action on Final Plat or Map]~~ *[Repealed 199_, Ord. ___, § __]*

~~A decision of the Planning Director on a final subdivision plat or final partition plat may be appealed to the Hearings Council in the manner provided in MCC 11.15.8290 and .8295.]~~

11.45.750 Final Approval Effective

~~[The approval process for a s]~~ Subdivision and partition approvals shall become final upon the recording of the approved [subdivision] plats, under [subsection (1) of] ORS 92.120, ~~[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]~~ public office responsible for public records.

11.45.760 Variances

(A) A variance from the provisions of MCC 11.45.450 through 11.45.610 and MCC 11.45.620 through 11.45.670 of this Chapter may be authorized by the Hearings ~~[Council]~~ Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

(l) Special circumstances or conditions apply to the property or to the intended use that do not apply

1 to other property in the same vicinity;

2
3 (2) The variance is necessary for the preservation and enjoyment of a substantial property right of
4 the applicant and extraordinary hardship would result from strict compliance with the ordinance
5 requirements;

6
7 (3) The authorization of the variance will not be materially detrimental to the public welfare or inju-
8 rious to other property in the vicinity;

9
10 (4) The granting of the variance will not adversely affect implementation of the Comprehensive
11 Plan; and

12
13 (5) The circumstances of any hardship are not of the applicant's making.
14

15 (B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the
16 time of application for tentative plan approval. The application shall be accompanied by the required
17 fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.
18

19 (C) A variance authorized under the provisions of MCC 11.45.760 shall expire upon expiration of
20 the tentative plan approval or of the phase of an approved staged development associated therewith.
21

22 (D) A variance from the provisions of the Street Standards Ordinance [~~or the Site Development~~
23 ~~Standards Ordinance~~] may be authorized as provided therein.
24

25 **11.45.770 Appeals from Hearings [~~Council~~] Officer or Planning Commission Decision**

26 A final decision [~~on a land division proposal made~~] by the Hearings [~~Council~~] Officer or the Planning

Commission under this Chapter may be appealed to the Board of County Commissioners in the manner provided in MCC 11.15.[8260]8205 through .[8285(E)]8295.

11.45.780 Interpretation

It shall be the duty of the Planning Director to interpret the provisions of this Chapter. The provisions of this Chapter shall be held to the minimum requirements necessary for the promotion of the public health, safety, convenience and general welfare.

11.45.790 ~~[Continuation of Previous Approvals]~~ *[Repealed 199_, Ord. ___, § ___]*

~~[The provisions of this Chapter shall apply to all tentative plans for land divisions for which application is made after July 13, 1982.]~~

~~(A) An application for a preliminary subdivision or plat or for the creation of a street or road under ORS 92.014, completed and filed prior to July 13, 1982, 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 July 13, 1982, shall expire one year after said approval date.]~~

11.45.800 Enforcement

The Director of the Department of Environmental Services shall be responsible for the enforcement of the provisions of this Chapter.

11.45.810 Fee Schedule

(A) Pre-filing Conference.

(1) Type ~~[H]~~ 1 or Type ~~[H]~~ 2 Land Division \$50.00

(2) Type ~~[HH]~~ 3 and ~~[HV]~~ 4 Land Division \$50.00

(B) Type ~~[H]~~ 1 Tentative Plan.

(1)20 lots or less \$800.00

(2)More than 20 lots \$800.00 plus \$25.00 for each lot over 20.

(3) A land division which is classified as Type ~~[H]~~ 1 according to the criteria in MCC 11.45.080(D) which would otherwise be designated a Type ~~[H]~~ 2, Type ~~[HH]~~ 3, or Type ~~[HV]~~ 4 Land Division shall be assessed the lesser respective fee.

(C)Type ~~[H]~~ 2 Tentative Plan \$450.00

(D)Type ~~[HH]~~ 3 Tentative Plan \$250.00

(E)Type ~~[HV]~~ 4 Tentative Plan \$ \$125.00

(F) ~~[Lot]~~ Property Line Adjustment \$75.00

1 (F)G Final Plat [~~or Map~~] Survey Check.

2
3 (I) For subdivision as follows:

4
5 (a) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats
6 having all boundary and lot corner monuments in place on the subdivision site at the time of
7 inspection by the County Surveyor, shall be \$500 plus \$25 for each lot contained in the sub-
8 division.

9
10 (b) The fee to be paid by the applicant to the County Surveyor for checking subdivision plats
11 having all boundary angle points and all points of intersection of parcel lines with the bound-
12 ary marked by monuments at the time of inspection by the County Surveyor, but with the
13 interior parcel and roadway monuments to be delayed in accordance with ORS 92.060(5),
14 shall be \$650 plus \$35 for each lot contained within the subdivision.

15
16 (2) For partitions The fee to be paid by the applicant to the County Surveyor for checking partition
17 plats as required by ORS 92.100(3) shall be \$300.00

18
19 (3) In addition to the above fees the applicant shall pay to the County Surveyor for repeated calcula-
20 tions and review due to necessary data changes or erroneous data, and necessary repeated field
21 inspections due to omitted, erroneously placed, disturbed or destroyed monuments, an amount
22 equal to the actual cost to the Department of Environmental Services

23
24 (4) The fees to be paid by the applicant for the services of the County Surveyor described in subsec-
25 tions (1) and (2) are payable to the County Surveyor in advance of inspections, at the time the
26 final subdivision plat and/or survey map is submitted to the office of County Surveyor. Any fees

necessarily assessed for services of the County Surveyor described in subsection (3) shall be payable prior to approval of the subject plat.

(5) As used in this section, *lot* means a unit of land that is created by a subdivision of land, and a *tract* will be considered a lot, except for street plugs.

(G).....Variance [MCC 11.45.760] \$400.00

(H).....Notice Sign [MCC 11.15.9020(A)] \$5.00

(I) Time Limit Extension [MCC 11.45.420] \$75.00

(J) Appeals

(1) From administrative decisions under MCC 11.45.320(C), 11.45.380(C) [~~and 11.45.740~~] \$100.00

(2) From decisions of the Hearings [~~Council~~] Officer or Planning Commission under MCC 11.45.770..... \$300.00

Plus transcript cost per minute of hearing time \$3.50

(K) Records and Reports, per page \$0.30

(L) Rescheduled Hearing \$200.00

(M) The fees required under MCC 11.45.810 shall apply to all actions specified in this Chapter, regardless of applicant.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

11.45.820 Amendment

This Chapter may be amended according to the provisions of MCC 11.45.830 through 11.45.860.

11.45.830 Initiation of Amendment

- (A) An amendment of this Chapter 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 Chapter which relates to procedures for amendment hereof shall not apply to any amendment which relates to fees. 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.

11.45.840 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 Chapter. 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 MCC 11.05.110; and

(2) Once a week for two successive weeks prior to the hearing in a newspaper of general circulation published in Multnomah County.

11.45.850 Planning Commission Recommendation on Proposed Amendment

(A) A recommendation to approve an amendment of this Chapter 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 timely report and recommendation is made by the Planning Commission and no extension is granted by the Board, the Board may consider the amendment without recommendation of the Planning Commission thereon.

11.45.860 Board Procedure on Amendment; Notice

(A) The Board shall conduct a public hearing and take action on a proposed amendment of this Chapter 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 (B) of MCC 11.45.840.

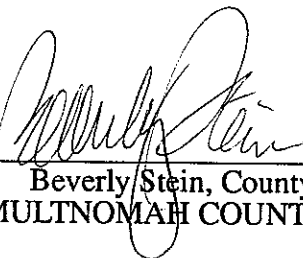
11.45.870 [~~Repeal of Subdivision Regulations~~] [~~Repealed 199~~, Ord. , § 1]

~~[The Subdivision Regulations of Multnomah County, adopted April 19, 1955, and all amendments thereto are repealed, except for the purposes of MCC 11.45.790.]~~

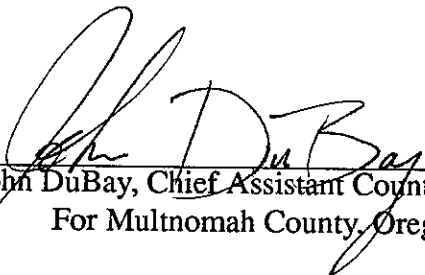
ADOPTED THIS 28th day of December, 1993, being the date of its second reading before the Board of County Commissioners of Multnomah County.



By


Beverly Stein, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:


John DuBay, Chief Assistant County Counsel
For Multnomah County, Oregon