

CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE

PART 9: PARCELS, LOTS, PROPERTY LINES AND LAND DIVISIONS

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9.A – PURPOSE, SCOPE AND TYPES OF LAND DIVISIONS

§ 39.9000- TITLE

Subparts A thru G of this Part shall be known as the Multnomah County Land Division Ordinance (Ordinance) and may be so pleaded and referred to.

§ 39.9005 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.

§ 39.9010 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.

§ 39.9015 SCOPE

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

§ 39.9020 COMPLIANCE REQUIRED

No land may be divided in the area of unincorporated 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 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.

§ 39.9025 BOARD FINDINGS CONCERNING LAND DIVISION CLASSIFICATIONS

The Board of County Commissioners finds that:

(A) The Comprehensive 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, and 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) 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 Officer 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.

(D) 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. Category 3 and 4 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.

§ 39.9030 LAND DIVISION CATEGORIES DISTINGUISHED

For the purposes of this Ordinance, the land division classifications listed in sections MCC 39.9035 through MCC 39.9050 are established.

§ 39.9035 CATEGORY 1 LAND DIVISIONS

The following proposals are designated Category 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) below, a Rural or Urban Area partition which creates a new street, 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 (1) or (2) above is designated a Category 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 or with a future street plan approved under MCC 39.9400 through 39.9470.

(D) A subdivision or partition associated with an application affecting the same property for any action requiring a public hearing 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, landslides or other existing or potential hazards.

§ 39.9040 CATEGORY 2 LAND DIVISIONS

A Category 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) 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) 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 39.9450..

§ 39.9045 CATEGORY 3 LAND DIVISIONS

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

(A) A partition located at the end of a street;

(B) A 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 Road Rules and Design and Construction Manual;

(C) A partition which will result in a flag lot;

(D) A partition which will result in one or more parcels with a depth-to-width ratio exceeding 2.5 to 1;

(E) A 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 partition of land located within the Significant Environmental Concern Overlay (SEC), Willamette River Greenway Overlay (WRG), Flood Hazard Overlay, **or** Exclusive Farm Use (EFU) base zone.

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of this Chapter.

§ 39.9050 CATEGORY 4 LAND DIVISIONS

Partitions not listed in MCC 39.9035 to 39.9045 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on a finding that the proposed parcels comply with the area and dimensional requirements of the base zone in which the land division site is located and the tentative plan complies with the following approval criteria:

(1) MCC 39.9505 Land Suitability, 39.9510 Lots and Parcels, 39.9550 Sidewalks, Pedestrian Paths and Bikeways, 39.9555 Easements, 39.9570 Water System, 39.9575 Sewage Disposal, 39.9580 Surface Drainage, and 39.9585 Electrical and Other Wires;

(B) Notwithstanding Subsection (A) of this Section, compliance with the area and dimensional requirements of the base zone is not required to approve a lot or parcel that was unlawfully divided prior to January 27, 1994, as provided in MCC 39.9700(A). The applicable approval criteria are those listed in MCC 39.9700(A) and MCC 39.9555 Easements, MCC 39.9570 Water System, MCC 39.9575 Sewage Disposal, and MCC 39.9580 Surface Drainage.

(C) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan in MCC 39.9435 that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria.

§ 39.9055 DEFINITIONS

As used in this Part, unless the context re-quires otherwise, the following words and their derivations shall have the meanings provided below.

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.

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.

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

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.

Land Division means a subdivision or partition. For the purposes of this Part, land divisions are further classified as Category 1, Category 3, and Category 4 Land Divisions.

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.

Lot, as used in this land division section, means a unit of land that is created by a sub-division of land.

Parcel means a unit of land that is created by a partitioning of land.

Partition means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

Partition land means to divide an area or tract of land into not more than 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:

- (1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by the base zone; or

(3) A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies, in the case of a county road, with the Street Standards Code and Rules, or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state high-way or county road or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) 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.
Partition Plat means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Pedestrian path and bikeway means a right- of-way or easement for pedestrian, bicycle or other non-motorized traffic.

Person means a natural person, firm, partner-ship, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Plat includes a final subdivision plat or partition plat.

Private driveway means a private means of access to a public road or private road which is part of and provides access only to one lot or parcel.

Private Road means a private accessway built on a separate lot from the lots it serves, connecting more than one property to the local public road system and each lot using the private road for access has an undivided interest in the private road.

Private street —See private road.

Property Line means the division line between two units of land.

Property Line Adjustment means the relocation of a common property line between two abutting properties.

Public Road means a road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Public street—See public road.

Right-of-way means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.

Road means the entire right-of-way of any public or private way that provides ingress to, or egress from property by vehicles or other means, or provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways, or alleys;
- (b) Road-related structures, such as tunnels, culverts, or similar structures, that are in the right-of-way; and
- (c) Structures such as bridges that provide for continuity of the right-of-way.

Rural Area means the unincorporated area of Multnomah County located outside of the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

Sale or sell includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

Sidewalk means a pedestrian walkway with all weather surfacing.

Street—See road.

Street classifications such as Arterial, Collector, Minor Arterial, etc., shall have the meanings stated in the Multnomah County Street Standards Code and Rules.

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.

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.

Subdivision means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

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

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.

Urban Area means the unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

Utility Easement means an easement for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

9B – CONSOLIDATION OF LOTS

§ 39.9200 CONSOLIDATION OF PARCELS AND LOTS

(A) This section sets forth the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

(B) Consolidation of parcels and lots may be approved under the applicable descriptions and approval criteria given in Subsection (C) of this Section for parcels created by “metes and bounds” deed descriptions and Subsection (D) of this Section for parcels and lots that were created by a Partition or Subdivision Plat.

(C) Consolidation of parcels created by “metes and bounds” deed descriptions may be approved under the standards of either Subsections (1) or (2) of this Subsection as follows:

(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the “minor partitions exempted” section 1.224 of Ord. 174 and MCC 39.9050, then the following shall apply:

(a) Under a Type I Permit Review , an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);

(b) The Planning Director shall verify the following in a written report:

1. The subject parcels are in the same ownership and there are no ownership or financing obstacles to completing the consolidation;

2. The parcels to be consolidated are either existing Lots of Record or the act of consolidation will correct a past unlawful land division;

(c) The applicant shall submit to the Planning Director a copy of an unrecorded deed that conforms to the requirements of the Director’s report; and

(d) The applicant shall record the approved deed that accurately reflects the approved parcel consolidation.

(2) If the subject parcels proposed for consolidation include a parcel created by deed instrument as described in Subsection (C)(1) of this Section and include a parcel created by Partition Plat or lot within a Subdivision Plat, then the following shall apply:

(a) The application and Planning Director verification requirements are those given in Subsection (C)(1)(a) and (b) of this Section;

(b) Before submittal to the County Surveyor, the applicant shall submit to the Planning Director a copy of a “one parcel” Partition Plat that accurately reflects the requirements of the Director’s report; and

(c) The “one parcel” Partition Plat shall meet the technical requirements of ORS Chapter 92 before it is recorded with the County Recorder.

(D) Consolidation of parcels within a Partition Plat or lots within a Subdivision Plat (Parcel and Lot Line Vacation) may be approved with a replat.

9.C – PROPERTY LINE ADJUSTMENTS

§ 39.9300 PROPERTY LINE ADJUSTMENT

A property line adjustment is the relocation of a common property line between two abutting properties. The Planning Director may approve a property line adjustment based upon findings that the following standards are met:

- (A) No additional lot or parcel shall be created from any parcel by the property line adjustment; and
- (B) 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
- (C) The adjusted properties shall meet the approval criteria for a property line adjustment as given in the base zone; and
- (D) The procedure and forms shall be submitted for obtaining approval of a property line adjustment as provided for by the Planning Director.

9.D – LAND DIVISIONS

§ 39.9400 CRITERIA FOR APPROVAL, CATEGORY 1 AND CATEGORY 2 TENTATIVE PLAN AND FUTURE STREET PLAN

In granting approval of a Category 1 or Category 2 tentative plan, the approval authority shall find that:

(A) The tentative plan or future street plan is in accordance with the applicable elements of the Comprehensive Plan;

(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 Code or a proposed change thereto associated with the tentative plan proposal;

(E) If a subdivision, the proposed name has been approved by the 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 39.9520 and 39.9525 and the Multnomah County Road Rules and Design and Construction Manual, to the plats of subdivisions and maps of 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 39.9520 and 39.9525 and the Multnomah County Road Rules and Design and Construction Manual, 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.

§ 39.9405 CONTENTS OF CATEGORY 1 AND CATEGORY 2 TENTATIVE PLAN

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 39.9510 through 39.9425.

§ 39.9410 CATEGORY 1 AND CATEGORY 2 TENTATIVE PLAN MAP SPECIFICATIONS

(A) 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. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples 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 required notices.

(B) A future street plan may be combined with 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.

§ 39.9415 CATEGORY 1 AND CATEGORY 2 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 (E) of MCC 39.9400.

(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) 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 Overlay (FH), and all areas covered by water.

(9) The location of any harbor line.

(10) Scaled location and size of all existing driveways and pedestrian walkways, and the scaled location and size 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.

§ 39.9420 WRITTEN INFORMATION: CATEGORY 1 AND CATEGORY 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 39.9400 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.

§ 39.9425 SUPPLEMENTARY MATERIAL: CATEGORY 1 AND CATEGORY 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 Ordinance.

§ 39.9430 CRITERIA FOR APPROVAL, CATEGORY 3 TENTATIVE PLAN

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in Subsections (B), (C) and (H) of MCC 39.9400 are satisfied and that the tentative plan complies with the area and dimensional requirements of the base zone.

§ 39.9435 CONTENTS OF CATEGORY 3 TENTATIVE PLAN

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

(A) Category 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 39.9410 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) Contiguous property under the same ownership.

(B) Written information; Category 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 39.9430 are satisfied.

(7) Statement of the improvements to be made or installed and the time scheduled therefore.

(C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 39.9405 through 39.9425, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Ordinance.

§ 39.9440 TENTATIVE PLAN APPROVAL TIME LIMITS; STAGED DEVELOPMENT

Tentative plan approval expiration and extension shall be in accordance with MCC 39.1185 through 39.1195.

§ 39.9445 [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 Category 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.

§ 39.9450 [11.45.130] Future Street Plan Required

A future street plan shall be filed in conjunction with an application for an Urban Area Category 1 Land Division. The plan shall show the pattern of future streets from the boundaries of the Category 1 Land Division to the boundaries of those other tracts within a 40-acre area surrounding or adjacent to the Category 1 Land Division which are capable of subsequent Category 1 or 2 Land Division under MCC 39.9040.

§ 39.9455 [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 39.9450 for which a proposed street layout has been established by:

(A) The Comprehensive Plan; **or**

(B) A future street plan approved under MCC 39.9400 through 39.9470. § 39.9460 [11.45.150] Future Street Plan Contents

The future street plan shall show the proposed continuation of streets in the Category 1 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.

§ 39.9465 [11.45.170] Recording and Filing

Upon final approval, a future street shall be:

Multnomah County Code Chapter 39 Land Use and Zoning Ordinance

- (A) Recorded by the applicant with the public office responsible for public records; and
- (B) Indexed and filed by the Planning Director in the offices of the Department of Environmental Services.

§ 39.9470 [11.45.180] Revision of Future Street Plan

An approved future street plan may be revised by:

- (A) Action by the Hearings Officer or Planning Commission, as appropriate, to approve a revised future street plan filed by an applicant in conjunction with a Category 1 Land Division; or
- (B) Action by the Board to approve a revised future street plan **or** to approve an alternative street pattern as part of the Comprehensive Plan. .

9.E – STANDARDS FOR LAND DIVISIONS

§ 39.9500 APPLICATION OF GENERAL STANDARDS AND REQUIREMENTS

Every land division proposal shall comply with the applicable provisions of MCC 39.9505 through 39.9585.

§ 39.9505 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;
- (F) Subject to slumping, earth slides or movement;

(G) Pre-existing field drains or other subsurface drainage systems.

§ 39.9510 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:

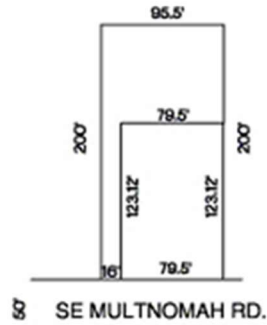
- (1) To the types of development and uses contemplated;
- (2) To the nature of existing or potential development on adjacent tracts;
- (3) For the maximum preservation of existing slopes, vegetation and natural drainage;
- (4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and
- (5) To the 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 base zone, subject to the following:

- (1) When a flag lot does not adjoin another flag lot, as shown in MCC 39.9510 Figure 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 MCC 39.9510 Figure 2, the pole portion of each flag lot shall be be at least 12 feet wide.

Figure 2.



(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 39.9510 Figure 3. Instead, a private accessway shall be used as shown in MCC 39.9510 Figure 4.

Figures 3.

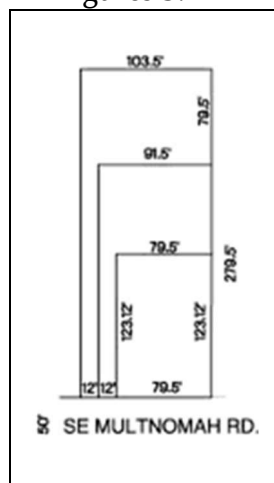
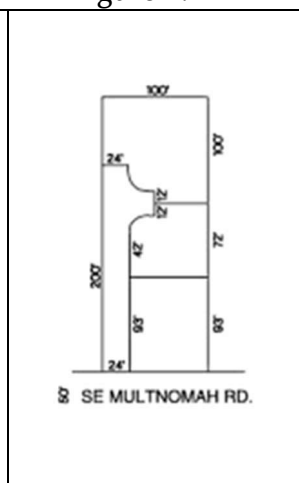


Figure 4.



§ 39.9515 ACREAGE TRACTS

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any 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.

§ 39.9520 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,, 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.

§ 39.9525 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 Multnomah County Road Rules and Design and Construction Manual; and

(B) For a private street, in accordance with the Multnomah County Road Rules and Design and Construction Manual, 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 Community Services Transportation Division. 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.

§ 39.9530 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.

§ 39.9535 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.

§ 39.9540 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.

§ 39.9545 REQUIRED IMPROVEMENTS

Improvements in a land division shall be made in accordance with the provisions of MCC 39.9550 through 39.9590 and 39.9600.

§ 39.9550 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS

(A) Sidewalks shall be required in Urban Area public streets in accordance with the provisions of the Multnomah County Road Rules and Design and Construction Manual.

(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 standards, as follows:

(1) In a public right-of-way, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and

(2) On private property, as approved by the Planning Director in accordance with the Design Review provisions of this Chapter.

(G) Any street, pedestrian path or bikeway shall be improved as follows:

(1) In a public street, in accordance with this Chapter and the Multnomah County Road Rules and Design and Construction Manual; and

(2) In a private street, in accordance with the this Chapter and the Multnomah County Road Rules and Design and Construction Manual;

(H) 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.

§ 39.9555 EASEMENTS

Easements shall be provided and designed according to the following:

(A) Along the front property line abutting a street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

(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.

§ 39.9560 STREET TREES

Street trees shall be planted by the applicant according 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.

§ 39.9565 STREET LIGHTING

Street lighting shall be provided in all Urban Area subdivisions in accordance with the requirements of the Multnomah County Road Rules and Design and Construction Manual.

§ 39.9570 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 the following:

(A) Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and

(2) In a private street, as approved by the approval authority.

§ 39.9575 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 the following:

(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 Multnomah County Road Rules and Design and Construction Manual; and

(2) In a private street, as approved by the approval authority.

(B) Where sanitary sewer is not available to the site or where 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 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.

(C) Where a private subsurface sewage disposal system is used, the parcel or lot shall contain adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems.

§ 39.9580 SURFACE DRAINAGE AND STORM WATER SYSTEMS

Surface drainage and storm water control systems shall be provided as required by this section .

(A) On-site water disposal or retention facilities shall be adequate to insure that surface runoff rate or volume from the new parcels after development is no greater than that before development.

(B) Drainage facilities shall be constructed as follows:

(1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and

(2) In a private street and on lots or parcels, in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

§ 39.9585 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.

§ 39.9587 REQUIRED IMPROVEMENTS

Improvements in a land division shall be made in accordance with the provisions of MCC 39.9587 through 39.9590 and 39.9600.

§ 39.9588 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS, WATER SYSTEM, SEWAGE DISPOSAL, SURFACE DRAINAGE AND STORM WATER SYSTEMS

(A) Any street, pedestrian path or bikeway shall be improved as follows:

(1) In a public street — in accordance with this Chapter and the Street Standards Code and Rules; and,

(2) In a private street — in accordance with the Street Standards Code and Rules.

(3) Underground utilities and street lighting facilities, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

(B) Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(1) In a public street — in accordance with the Street Standards Code and Rules; and

(2) In a private street — as approved by the approval authority.

(C) A sewage disposal system approved by the State Department of Environmental Quality, 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 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.

(D) Drainage facilities shall be constructed as follows:

(1) In a public street — in accordance with the Street Standards Code and Rules; and

(2) In a private street and on lots or parcels — in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

§ 39.9590 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 Multnomah County Road Rules and Design and Construction Manual; and

(B) In a private street, as approved by the approval authority.

§ 39.9595 ADJUSTMENTS AND VARIANCES

An adjustment or variance from certain dimensional requirements in MCC 39.9500 through 39.9590 of this Ordinance may be authorized by the Approval Authority under the provisions of MCC 39.8200 through 39.8215.

§ 39.9600 IMPROVEMENT AGREEMENT

Prior to approval of a subdivision plat or partition 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 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 Attorney, 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.

§ 39.9605 FINAL DRAWING AND PRINTS

- (A) Two prints of the subdivision or partition plat shall accompany the final drawing, conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS), Chapters 92 and 209.
- (B) Notwithstanding optional provisions in ORS Chapter 92, all parcels created shall be surveyed, monumented and platted, regardless of parcel area.

§ 39.9610 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION 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 plat:

- (A) Corners of adjoining subdivisions or partitions.
- (B) The location, width and centerline of streets and easements abutting the boundaries of the land division.

(C) Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.

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

(E) Other certifications required by law.

§ 39.9615 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT

The following shall accompany the subdivision plat or partition plat, as appropriate:

(A) A copy of any deed restrictions applicable to the subdivision or partition.

(B) A copy of any dedication requiring separate documents.

(C) A copy of the future street plan, when required, as recorded according to MCC 39.9465(A).

(D) 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.

(E) A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5005.

§ 39.9620 TECHNICAL REVIEW AND APPROVAL OF SUBDIVISION PLAT OR PARTITION PLAT

(A) The subdivision plat or partition plat 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 is found to be in conformity, it shall be signed and dated by the Planning Director.

(B) On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify that the plat is approved.

(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.

§ 39.9625 FINAL APPROVAL EFFECTIVE

Subdivision and partition approvals shall become final upon the recording of the approved plats, under ORS 92.120, any required street dedications and other required documents with the public office responsible for public records.

9.F – REPLATS

§ 39.9650 REPLATTING OF PARTITION AND SUBDIVISION PLATS

(A) This Section sets forth the procedures and requirements for reconfiguring parcels, lots, and public easements within a recorded plat as described in ORS 92.180 through 92.190 (2006). This provision shall be utilized only in those base zones in which replatting is a Review Use. Nothing in this Section is intended to prevent the utilization of other vacation actions in ORS chapters 271 or 368.

(B) As used in this Section, “replat” and “replatting” shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

(C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

(1) An application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are

determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

(2) Reconfiguration of the parcels or lots shall not result in an increase in the number of “buildable parcels or lots” over that which exist prior to reconfiguration. “Buildable parcels or lots,” as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of “buildable parcels or lots” shall be reviewed as a land division as defined in MCC 39.2000 and this Ordinance;

(3) Parcels or lots that do not meet the minimum lot size of the base zone shall not be further reduced in lot area in the proposed replat;

(4) The proposed reconfiguration shall meet the approval criteria in MCC 39.9555, MCC 39.9570, MCC 39.9575, and MCC 39.9580;

(5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each base zone; and

(6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.

9.G – LEGALIZATION OF LOTS AND PARCELS THAT WERE UNLAWFULLY DIVIDED

§ 39.9700 LEGALIZATION OF LOTS AND PARCELS THAT WERE PREVIOUSLY UNLAWFULLY DIVIDED

This Section provides the mechanism to review and, based upon findings of compliance with specific approval criteria, to approve certain unlawfully divided lots or parcels. The review mechanism to correct an unlawfully divided unit of land differs according to the date the unlawful lot or parcel was divided as provided in Subsections (A) and (B) of this Section, or under Subsection (C) of this Section if a land use permit was issued for a primary use. For the purposes of this section, an “unlawfully divided” lot or parcel means a lot or parcel that, when divided, did not satisfy all applicable zoning and land division laws.

(A) An application to create a legal lot or parcel from an unlawfully divided unit of land divided before January 27, 1994 (eff. date of Mult. Co. Ord. 781) shall be a Category 4 Land

Division and be reviewed as a Type II process. In addition to the applicable Category 4 Land Division requirements, the application shall satisfy the following approval criteria:

(1) The lot or parcel either:

(a) Conforms to current dimensional, access and area standards,

(b) Conforms to the dimensional, access and density standards in effect when the lot or parcel was unlawfully divided, or

(c) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property and the base zone on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or base zone boundary intersects a parcel of land. The base zones and effective dates that apply to this provision are as follows:

1. The Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) base zones on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before January 27, 1994;

2. The Multiple Use Forest-20 (MUF-20) base zone on or after October 6, 1977 (eff. date of Mult. Co. Ord. 148) and before August 14, 1980 (eff. date of Mult. Co. Ord. 236); and

3. The Multiple Use Forest-19 (MUF-19) and Multiple Use Forest- 38 (MUF-38) base zones on or after August 14, 1980 (eff. date of Mult. Co. Ord. 236) and before January 7, 1993 (eff. date of Mult. Co. Ord. 743).

(2) The owner or applicant demonstrates that the resulting lot or parcel can physically accommodate a use allowed in the zone, including necessary facilities and utilities, in compliance with all applicable siting standards of this zoning code.

(3) Practical physical access to the site currently exists from a public road or can be provided through an irrevocable easement or equivalent means. Practical physical access at a minimum must meet the standards of MCC 29.004 and allow emergency vehicle access to the building site.

(4) The application shall include a tentative plan consisting of maps, written information and supplementary material adequate to provide the information required for a Category 4 land division.

(B) An application to create legal lots or parcels from an unlawfully divided unit of land divided on or after January 27, 1994 (effective date of Mult. Co. Ord. 781) to January 1, 2007, shall be subject to current review procedures for a land division. The application shall satisfy the following approval criteria:

(1) The lot or parcel conforms to current zoning requirements, or

(2) An unlawfully divided lot or parcel may be approved notwithstanding the required dimensional, access, and area requirements, subject to the following:

(a) The lot or parcel has a property line that is contiguous to a road, street or zone boundary that intersected the property; and

(b) The applicable base zone on the date the lot or parcel was unlawfully divided allowed a land division when a County-maintained road, street or base zone boundary intersects a parcel of land. The base zones and effective dates that apply to this provision are the Rural Center (RC), Rural Residential (RR), and Multiple Use Agriculture-20 (MUA-20) base zones on or after January 27, 1994 (eff. date of Mult. Co. Ord. 781) and before October 4, 2000 (eff. date of “Rural Residential” amendments to OAR 660-004-0040).

(C) A lot legalization application to create a lot or parcel may be made through a Type I application process when the County issued a land use permit prior to January 1, 2007 for a dwelling or other building on an unlawfully established unit of land, provided the following criteria are met:

(1) The land use permit was issued after the sale of the unlawfully established unit of land to a new property owner; and

(2) There is a clear property description on the permit for the unlawfully established unit of land for which the building or placement permit was issued. The description may be confirmed by tax lot references, tax lot maps, site plans, or deeds recorded at the time; and

(3) The land use permit was for a building for a new principle use, such as a new dwelling, commercial, industrial, community service, or conditional use; and

(4) There is a copy of the land use permit in the records of Multnomah County or its authorized agents and the land use permit indicates that the proposed development on the unlawfully established unit of land complied with zoning and land division requirements; and

(5) If the approved land use permit was for a dwelling, the building currently qualifies as a habitable dwelling as defined in MCC 39.2000; and

(6) The building was constructed under a valid building permit and the building remains on the unlawfully established unit of land described in Subsection (2) of this Subsection (C).

(a) A County building permit was issued at the time and does not include plumbing, mechanical, electrical or other type of trade permit. An exempt farm structure approval is not a building permit.

(D) Within 90 days of a final decision being approved under Subsection (A), (B) or (C) of this Section, the property owner(s) shall record a partition plat or subdivision plat, as appropriate, in accordance with the requirements of ORS Chapter 92.

(E) If an application to legalize a unit of land is approved under Subsection (A), (B) or (C) of this Section, the date of creation of the legalized parcel or lot shall be the date the partition or subdivision plat is recorded.

(F) Development of a parcel or lot approved pursuant to this section shall be subject to the laws in effect at the time of the development application pursuant to ORS 215.427(3)(a). No retroactive use of land use laws is authorized by this code provision once the parcel or lot is lawfully created.

(G) From January 5, 1966 to December 31, 2000, the County's zoning ordinance specified that in cases where a building permit is required under the Multnomah County Building Code, such building permit shall be deemed to be a land use permit. When reviewing a lot legalization application under Subsection (C) of this Section, building permits during this time period shall constitute a land use permit.

(H) The following do not qualify to legalize a lot or parcel under this Section:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest;
- (3) A mortgage lot.
- (4) An area of land created by court decree.

9.H – CONDOMINIUMS

§ 39.9800 APPROVAL OF DECLARATION, PLAT AND FLOOR PLANS FOR CONDOMINIUMS

Before the declaration, plat and floor plans for a condominium, or an amendment, may be recorded, it must be approved by the county surveyor that it complies with ORS 92.080 and 94.042.

9.I – Street Naming and Property Numbers

§ 39.9905 [37.1505] - POLICY AND PURPOSE

In order to provide a uniform street naming and property numbering system of benefit to all the citizens of the County, it is the policy of Multnomah County to extend the property numbering system and street naming pattern established by the City of Portland to all unincorporated areas of the County, except for those areas identified as being within the Gresham Urban Service Boundary; retain, restore and extend the historical road-naming system for all rural County areas; and to apply the City of Gresham Street Naming and Property Addressing Guidelines, where appropriate, within the Gresham Urban Service Boundary.

§ 39.9910 [37.1510] - SCOPE

The provisions of this Subpart shall apply to the naming of streets and the numbering of property in the unincorporated areas of Multnomah County.

§ 39.9915 [37.1512] - APPLICATION OF CITY OF PORTLAND SYSTEM

The street naming and property numbering system set forth in MCC 39.9915 through 39.9980 shall be utilized within all unincorporated areas of the county except that areas

within the City of Gresham's Urban Service Area may utilize the City of Gresham Street Naming and Property Addressing Guidelines where appropriate pursuant to MCC 39.9985.

§ 39.9920 [37.1515] - DIRECTIONAL DESIGNATIONS, URBAN AREA

For the purpose of this Subpart, the urban area of Multnomah County, except areas inside the Urban Service Boundary of the City of Gresham utilizing the City of Gresham Street Naming and Property Addressing Guidelines, is hereby divided into five sections having the directional designations, abbreviations and dividing lines as listed herein,

The name or number of a public or private street within a section shall be preceded by the abbreviated directional designation of that section. The five sections are:

- (A) "North," abbreviated "N.," consisting of the areas between N. Williams Avenue and its northerly extension and the Willamette River channel from the Burnside Bridge to the river mouth;
- (B) "Northeast," abbreviated "N.E.," consisting of the area east of N. Williams Avenue and its northerly extension and north of E. Burnside Street and its easterly extension;
- (C) "Northwest," abbreviated "N.W.," consisting of the area between the Willamette River channel downstream from the Burnside Bridge and W. Burnside Road;
- (D) "Southeast," abbreviated "S.E.," consisting of the area south of E. Burnside Street and its easterly extension and east of the Willamette River channel; and
- (E) "Southwest," abbreviated "S.W.," consisting of the area west of the Willamette River channel and south of W. Burnside Road.

§ 39.9925 [37.1520] - STREET NAMING AND PROPERTY NUMBERING GRID

A street naming and property numbering grid is hereby established.

- (A) The grid shall consist of parallel lines spaced 264 feet apart and centered as follows:
 - (1) The north-south center gridline shall be N. Williams Avenue and its northerly and southerly extension; and
 - (2) The east-west center gridline shall be W. Burnside Road and E. Burnside Street and its easterly extension.

(B) For urban area streets there shall be 20 names or numbers provided per mile, centered on the gridlines.

(C) For urban and rural area property numbering there shall be 100 numbers provided between each two gridlines. Except as provided in MCC 39.9965(B), the numbers shall start with the number "1" at the center gridlines described in Subsection (A) of this Section, and continue in consecutive hundreds at each gridline.

§ 39.9930 [37.1525] - NORTH-SOUTH STREET NUMBERING SYSTEM, URBAN AREA

A north-south street number system is hereby established for the urban area.

(A) An urban area street having an alignment generally north and south shall be identified by a number according to the system established in the City of Portland and in practice in unincorporated Multnomah County on the effective date of this subpart. There shall be 20 numbers per mile which shall increase in magnitude to the east and to the west of the N. Williams Avenue centerline.

(B) A numbered street on or close to a gridline established under MCC 39.9925 shall be designated "Avenue."

(C) A numbered street located midway between two gridlines established under MCC 39.9925 shall be designated "Place" and shall have the lesser number of the two adjacent gridlines.

§ 39.9935 [37.1530] - EAST-WEST STREET NAMING SYSTEM, URBAN AREA

An east-west street naming system is hereby established for the urban area as follows:

(A) An urban area street having an alignment generally east and west shall be identified by a name according to the pattern of names established in the City of Portland and in practice in unincorporated Multnomah County on the effective date of this subpart.

(B) A named street on or close to a gridline established by MCC 39.9925 shall be designated "Street."

(C) A named street located midway between two gridlines established under MCC 39.9925 shall be designated "Court" and shall have the same name as that of the preceding street on the gridline nearest to the Burnside center gridline.

§ 39.9940 [37.1535] -STREET NAMING SYSTEM, RURAL AREA

A rural area street naming system is hereby established as follows:

(A) The existing pattern of street names shown on County Assessor's maps or as designated by a County decision, is hereby established as the street naming system for the rural area of Multnomah County. Said map is herein incorporated by reference to the same force and effect as if set forth fully herein.

(B) Except as established pursuant to subsection (A) of this section on the County Assessor's maps, or as may be established under MCC 39.9945(D), a rural area street shall be designated as "Road."

(C) An extension of a rural area street shall continue the name of that street.

(D) The name for a new rural area street shall be designated under the provisions of MCC 39.9955.

(E) To the extent feasible, the directional designation grid established in MCC 39.9920 shall be extended throughout the rural areas of unincorporated Multnomah County.

§ 39.9945 [37.1540] - OTHER DESIGNATIONS FOR STREETS

The following additional street naming and numbering provisions are hereby established as follows:

(A) A named or numbered urban area street which crosses two or more gridlines of the same direction as the street shall be designated "Drive."

(B) A named or numbered urban area street which forms a loop having two intersections with one other street shall be designated "Circle."

(C) The designation of a street as "Boulevard," "Highway," "Lane," "Parkway," "Road," "Terrace," "Way" or similar term, established prior to the effective date of Chapter, is hereby adopted and shall be continued for any extension of that street.

(D) A designation listed in Subsection (C) of this Section, or a similar term, may be included in the naming of a new street or the renaming of an existing street upon a finding that another designation otherwise authorized by this Subpart is inappropriate to the circumstances or inconsistent with the policy and purpose stated in MCC 39.9905.

§ 39.9950 [37.1545] - NAMING AND NUMBERING OF PRIVATE STREETS

A naming and numbering system for private streets is hereby established as follows:

(A) The name or number of a private street having a length greater than 250 feet shall conform with the naming or numbering system established under MCC 39.9930 through MCC 39.9945 as appropriate.

(B) The name or number of a private street having a length of 250 feet or less shall be the same as the name or number of the connecting public street.

§ 39.9955 [37.1550] - NAMING OF A NEW RURAL AREA STREET; RENAMING OF AN EXISTING URBAN OR RURAL AREA STREET: PROCEDURE

Action to name a new rural area street or to rename an existing urban or rural area street shall be subject to the following:

(A) A proposed naming or renaming shall be initiated by:

(1) Resolution of the Board of County Commissioners;

(2) Resolution of the Planning Commission;

(3) A petition filed with the Director, signed by 20 percent or more of the owners of property abutting an existing street to be renamed;

(4) A petition filed with the Director, signed by the owners of 51 percent or more of the property abutting a new street to be named as part of a proposed land division; or

(5) Administrative order of the Director, Department of Community Services or **their** designee.

(B) A copy of the resolution, petition or order shall be filed with the Clerk of the Board.

(C) The Hearings Officer shall conduct a public hearing and make a decision on the proposed naming or renaming.

(D) In addition to the provisions of this section, the provisions of MCC 39.1100 through MCC 39.1240 for Hearings Officer decision shall apply in the consideration and action on a naming or renaming proposal.

(E) First class mailed notice of the proposal shall be given at least ten days prior to the hearing to:

- (1) The owners of all property abutting on the street,
- (2) The rural fire protection district,
- (3) The Postmaster having jurisdiction,
- (4) The Office of City-County Emergency Communication Service.
- (5) Parties of the hearing.

(F) Factors for the selection of a rural area street name are:

- (1) Factors of historical significance related to persons, circumstances or events,
- (2) Factors of geographical significance,
- (3) Factors of street location, function or direction,
- (4) Common usage of a name for the street or in the area,
- (5) Prior use of the name for the street,
- (6) Name consistency for a continuous route, and
- (7) Nonduplication of another rural area street name.

§ 39.9960 [37.1555] - STREET NAME SIGNS

Standards and requirements for street name signs are hereby established as follows:

(A) A street name sign shall have the name of the street as designated under the provisions of this subpart.

(B) A name sign for a public street shall be designed, installed and maintained in accord with requirements established by the Oregon Department of Transportation.

(C) A private street name sign to be located in the connecting public street right-of-way shall be installed by the County at the expense of the property owner or land division applicant and thereafter shall be maintained by the County.

(D) Exception: Approval of a planned development or other land development program may include alternate provisions for the installation and maintenance of a private street sign.

(E) A private street sign shall be designed and located according to standards approved by the Director of the Department of Community Services.

§ 39.9965 [37.1560] - NUMBERING OF PROPERTY, RURAL AND URBAN AREAS

The Director shall assign address numbers for buildings or property and shall maintain records thereof according to the following:

(A) One hundred numbers shall be provided between each two gridlines established under MCC 39.9925. The numbers shall start with the number "1" at the centerlines described in MCC 39.9925(A) and (B). The numbers shall continue in consecutive hundreds at each gridline.

(B) Address numbers on east-west streets between the extended alignment of S.W. Viewpoint Terrace and the Willamette River shall be preceded by "0".

(C) Odd numbers shall apply to properties or buildings on the northerly or westerly sides of a public street or a private street greater than 250 feet in length.

(D) Even numbers shall apply to properties or buildings on the southerly or easterly sides of a public street or a private street greater than 250 feet in length.

(E) Numbering of properties or buildings served by a private street having a length of 250 feet or less shall be by consecutive odd or even numbers consistent with those on the same side of the connecting public street.

(F) An address number shall be assigned for each property or building in separate ownership, possession or occupancy.

(G) In the event the building address number sequence exceeds the available numbers, a suffix "A," "B," "C," etc. may be assigned by the Director.

(H) An address number or numbers shall be assigned by the Director in conjunction with the application for a building or land use permit, a land division or upon the written request of the property owner.

§ 39.9970 [37.1565] - RENUMBERING OF PROPERTY; NOTICE

When the Director reassigns a property or building address number, under the provisions of MCC 39.9965, to a property or building, the following notification is required:

(A) First class mailed notice of an address number reassignment shall be given to the property owner by the Director.

(B) Notice of an address number reassignment shall also be given to:

(1) The rural fire protection district,

(2) The Postmaster having jurisdiction,

(3) The Office of City-County Emergency Communication Service.

§ 39.9975 [37.1570] - PLACEMENT OF ADDRESS NUMBERS

(A) The property owner or owner's agent shall place the address number assigned by the Director on the building or property at the earliest practical time in one or more of the following locations:

(1) On the building,

(2) On a sign on the property,

(3) On a mailbox adjacent to the street, or

(4) In such other location as to be legible from the street or access drive.

(B) Address numbers shall be permanently affixed, of a size, design and placement as to be legible from the street or access drive serving the property, and shall comply with zoning or other ordinance standards for signs.

(C) Failure to place an assigned address number or the placement of an address number other than one consistent with the provisions of this subpart shall be deemed a violation.

§ 39.9980 [37.1575] - ADMINISTRATION; POWERS OF THE DIRECTOR

(A) The Director shall be responsible for the administration and enforcement of this subpart.

(B) The Director shall have the authority to do the following:

(1) Determine standards of design and location for private street signs,

(2) Place and maintain street name signs in public street rights-of-way, as described in this subpart,

(3) Assign property and building address numbers, give notice thereof and keep a record of the number assignment,

(4) Initiate a new street name or the renaming of an existing street under the provisions of MCC 39.9955, and

(5) Exercise such other powers as are necessary to carry out the provisions of this subpart.

§ 39.9985 [37.1610] - APPLICATION OF CITY OF GRESHAM STREET NAMING AND PROPERTY ADDRESSING GUIDELINES

The street naming and property numbering system set forth in the City of Gresham Street Naming and Property Addressing Guidelines, Sections I through VII, as amended, may be utilized, within the unincorporated areas of Multnomah County within the City of Gresham's Urban Service Area insofar as the applications of the Guidelines do not conflict with the administration and procedures set forth in this Subpart.