

# ARTICLE 6 LAND DIVISIONS

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### General

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#### 6.0001 Purpose and Authority

No land may be divided without first obtaining a development permit.

- A.** No land or ownerships may be divided prior to approval of a partition or subdivision in accordance with this code. Except as provided for in **6.0001(B)**, if a development permit application to divide land is submitted that does not involve other proposed development, the application shall state an intended form of future development for the resulting land parcels. This intended future development will then be processed along with the land division processing just as though the applicant were intending to proceed with the further development.
- B.** For non-residential land divisions where it is more practical to determine how public facilities will be provided in a required subsequent development permit application, the proposed land division may be approved if:
  - 1.** It is feasible to provide public facilities to each lot; and
  - 2.** Adequate public facilities are provided with further development.
- C.** A land division is processed by approving a tentative plan prior to approval of the final plat. If there is compliance with the approved tentative plan, the Manager may approve final plats for land divisions under the Type I procedure.
- D.** An application for an expedited land division will be processed in accordance with the provisions of ORS 197.360 through 197.380.

## Lot Design Standards

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### 6.0010 Lot Arrangement

The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of the Gresham Development Code.

### 6.0011 Residential District Lot and Parcel Configuration

- A. Subdivision lots and partition parcels created through the subdivision and partition process shall be rectilinear. Irregular shaped subdivision lots and partition parcels are not allowed, except at the discretion of the Manager when based upon existing parent lot shape. Exceptions shall not be granted to comply with minimum lot size requirements or minimum setback requirements for existing structures.
- B. Split-zoned lots
  - 1. When a single development site is split by two or more residential land use districts (as described in **Article 4, Section 4.0100**), the creation of lots or parcels through the subdivision and partition process or the adjustment of lots through the lot line adjustment process that have more than one land use district is not allowed unless the applicant demonstrates to the satisfaction of the Manager that a logical lotting pattern is not feasible without creating split-zoned lots or parcels.
  - 2. If the Manager determines a logical lotting pattern is not feasible, the applicant may create lots or parcels split by two or more land use districts as long as all split lots or parcels comply with the standards of the least intensive land-use district applied to the split lots. For the purposes of this section, least intense to most intense is: LDR-7, LDR-5, TR, TLDR, MDR-12, MDR-24.

### 6.0012 Lots in Excessively Sloped Areas

Development permit requests in areas exceeding 15% slope may be developed in accordance with the provisions of the underlying district and **Section 5.0200**, and if applicable, **Section 6.0300**.

### 6.0013 Lot of Record

- A. No sale or conveyance of any portion of a lot for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot area, lot dimensions, yard setbacks or result in a lot with less than the minimum buffering and screening requirements of this ordinance.
- B. The lot of record provisions do not include land divisions that were recorded with Multnomah County after December 16, 1975, where the City's approval was required but not sought and granted prior to recordation. Such land divisions are not recognized as lots of record as defined in this ordinance.

## Condominiums

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### 6.0020 Condominiums

- A. Condominium Review. A request to create condominiums shall be reviewed under the Type II Procedure as part of the Design Review or Land Division process.
- B. Plat Approval for a Condominium.
  - 1. Upon approval by the Manager, the applicant shall submit all necessary documents and final plat copies following the applicable requirements of **Section 6.0400** of this document and applicable sections of ORS 94.550 to 94.785, ORS Chapter 100, and the platting requirements of ORS Chapter 92.
  - 2. Public improvements must comply with the standards of **Appendix 5.000**.
  - 3. Plat recording shall not occur until the County Recording Officer has received a written approval from the Manager establishing compliance of the proposal with all applicable City of Gresham Development Codes.
- C. Condominium conversions must comply with **Section 10.0400**.



# SECTION 6.0100

## LOT LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

### General

- 6.0101 Lot Line Adjustments and Lot Consolidations
- 6.0111 Lot Line Adjustment - Final Survey Map
- 6.0112 Lot Consolidations

### General

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#### 6.0101 Lot Line Adjustments and Lot Consolidations

- A. Lot line adjustments and lot consolidations shall be processed under the Type I procedure and shall be approved by the Manager provided that the adjusted lots comply with the applicable requirements of the Community Development Code with the exception of **Sections 5.0100, 5.0210, 5.0300, 5.0400, 5.0500, 9.0100, and 9.0500 and Appendix 5.000-- Public Facilities Standards**. If the lot line adjustment application is processed with another development application, all the applicable requirements of the Community Development Code shall apply.
- B. Approval of a lot line adjustment or lot consolidation may be conditioned to require the abandonment of existing utility facilities if the resulting property line configuration renders them unusable or redundant.
- C. Approval of a lot line adjustment or lot consolidation may be conditioned to require any necessary easements described in **Section 9.0300** Easements.

#### 6.0111 Lot Line Adjustment - Final Survey Map

The applicant shall submit three paper copies of the final survey map and adjusted legal descriptions. Additional copies may be required if deemed necessary. The final map shall comply with the approved preliminary plan and shall comply with the applicable requirements of ORS Chapters 92 and 209. The approved final map, along with the deeds transferring ownership, must be recorded with Multnomah County Deed Records.

#### 6.0112 Lot Consolidations

Upon approval of a Type I lot consolidation by the Manager, and upon demonstrating compliance with approval conditions:

- A. For the consolidation of lots or parcels of a recorded plat, the lot consolidation shall be finalized by a replat of the subdivision or partition.
- B. The County Assessor may consolidate parcels or tracts of land that are not within a recorded plat.



# SECTION 6.0200

## PARTITIONS AND SUBDIVISIONS

### General

6.0201 Tentative Partition or Subdivision Plan

### Tentative Land Division Approval Criteria

6.0210 Criteria for Approval of Tentative Plan

6.0211 Phased Subdivision

6.0212 Duration of Exemption from Subsequently Adopted Land Use Ordinance

6.0213 Review of Lots not Lawfully Created

6.0214 Expiration of Partitions and Subdivisions

### General

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#### 6.0201 Tentative Partition or Subdivision Plan

An application for a tentative partition or subdivision plan shall be processed under the Type II procedure except a plan submitted as a Planned Development, which, pursuant to **Section 6.0300** of the Community Development Code, shall be processed under the Type III procedures.

### Tentative Land Division Approval Criteria

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#### 6.0210 Criteria for Approval of Tentative Plan

In approving a tentative land division plan, the approving authority shall find compliance with the relevant portions of the Community Development Code and the following:

- A. Development of any remainder of property under the same ownership can be accomplished in accordance with this code.
- B. Adjoining land can be developed or is provided access that will allow its development in accordance with this code.

#### 6.0211 Phased Subdivision

The approval authority may authorize a time schedule for platting a subdivision in phases. Each phase may be for a period of time in excess of one year but the total time period for all phases shall not be greater than five years without resubmission of the tentative plan. Each phase so platted and developed shall conform to the applicable requirements of this code. Portions platted after the passage of one year shall be required to have modifications if necessary to avoid conflicts with a change in the Community Development Plan.

## **6.0212 Duration of Exemption from Subsequently Adopted Land Use Ordinance**

For the purposes of ORS 92.040(2) and (3), after September 9, 1995, construction within an approved subdivision shall be subject to the City of Gresham land use laws that were in effect on the date the tentative subdivision plan application was made and shall not be subject to subsequently adopted City of Gresham land use laws. This exemption from subsequently adopted City of Gresham land use laws shall terminate 2 years from the date the City of Gresham land use decision on the tentative subdivision becomes final.

## **6.0213 Review of Lots Not Lawfully Created**

The City will consider applications to partition or subdivide lots that were not lawfully created under the following circumstances:

- A.** The property is owned by more than one owner; and
- B.** One or more of the owners applies for creation of the lots that were improperly formed without approval of the City or County, even if not all of the owners of the existing legal lot have applied for approval; and
- C.** The owners of the lot are not related by blood or marriage; and
- D.** The only business relationship among the owners is the transaction by which ownership interests in the portions of the lot were sold.

The application shall be subject to the City's land division requirements and shall meet all applicable standards.

## **6.0214 Expiration of Partitions and Subdivisions**

A tentative land division plan approval expires two (2) years from the effective date. Those tentative land division plans approved on or after September 19, 2017 shall expire one (1) year from the effective date.

# SECTION 6.0300 PLANNED DEVELOPMENTS

## General

- 6.0301 Purpose
- 6.0302 Applicability
- 6.0303 Types of Planned Developments (PDs)
- 6.0311 PD Tentative Plan Approval Criteria
- 6.0312 Modification of Tentative PD Plan Approval

## Development Standards

- 6.0320 Site Development Requirements
- 6.0321 Exception to Site Development and Zoning Standards
- 6.0322 PD Density Transfer for sites with Hillside Overlay District
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- 6.0324 Open Space Areas
- 6.0325 Streets and Access, Public or Private Status
- 6.0326 Street Trees
- 6.0327 Required Buffers and Transitioning
- 6.0328 Final PD Plat
- 6.0329 Additional Standards for Large Lot PDs

## General

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### 6.0301 Purpose

The purpose and intent of this Section is to allow an alternative to the traditional subdivision that encourages conservation of natural features by relating design to the existing landscape, efficient use of land and public services (particularly but not limited to situations where the existence of slopes, drainageways, or other natural features may preclude traditional subdivision design), and the creation of public and private common open space. A Planned Development (PD) is such a method of applying alternative development standards for residential developments.

### 6.0302 Applicability

PD's shall be permitted for residential-only partition and subdivision developments in any of the following residential zones that permit residential development: VLDR-SW, LDR-5, LDR-7, TLDR and TR. Only those housing types permitted as allowed uses in each district shall be allowed in PDs.

### 6.0303 Types of PDs

PDs may include a mix of the housing types permitted within the primary plan district (whether VLDR-SW or TLDR) or may include only one type of such housing. Subdivision lot sizes are also variable and

may consist of large, mixed size, or small lots provided the maximum density of the district is not exceeded. A “Large Lot” PD, for example, is a PD that creates larger than standard lot sizes for purposes of single-family detached housing. No maximum lot size is stipulated.

### **6.0311 PD Tentative Plan Approval Criteria**

An application for a tentative PD plan approval shall be made in conjunction with an application for Land Division under **Section 6.0200** of the Community Development Code, except that it shall be processed under the Type III procedures. In addition, PDs that include elements that require Design Review under **Article 7** shall submit for Design Review concurrent with the PD application. In approving a tentative PD plan, the approving authority shall find compliance with the applicable sections of the Community Development Code.

In addition to the above, the application shall clearly provide satisfaction to all of the following:

- A.** That the proposal needs to be processed as a PD instead of a standard subdivision or partition,
- B.** That the proposal implements the Purpose of this section (see **Section 6.0301**),
- C.** That all private open space areas have an approved conservation/maintenance plan,
- D.** That the Development Standards in this section are met, and
- E.** That the project design, building heights, bulk and scale is appropriate for this location, considering such elements as surrounding development and housing types, street system network and capacity, utility availability, and the physical and/or natural features of the site. Such project design shall include transitioning measures (lower to higher height, bulk, scale and density) or buffers, so that perimeter structures of the PD are both comparable and compatible with adjacent residential development. Note: In the case of Large Lot PDs, since the building bulks proposed for each lot may be larger and not comparable to adjacent residential development, buffering measures (such as increased vegetation and setbacks) may be required by the review body to ensure neighborhood compatibility and bulk separation.

### **6.0312 Modification of Tentative PD Plan Approval**

Modification of the tentative PD plan approval shall be made under the Type II procedures unless it involves any of the following, in which case it shall be processed under the Type III procedures used for the tentative PD plan approval:

- A.** An increase in the number of dwelling units approved as part of the tentative plan.
- B.** A change in the mix of dwelling types.
- C.** A reduction in the amount of approved open space area by 5% or more. In no case, except by Type III variance, shall the amount of land designated as open space fall below 25% of the gross land area within the PD if there is no specified Special Purpose overlay district designation; 30% of the gross land area within the PD if there is a Floodplain, Hillside Physical Constraint, Open Space, or Habitat Conservation Area Overlay District overlay designation.

## Development Standards

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### 6.0320 Site Development Requirements

- A. Site development standards of the underlying land use district, including maximum and minimum density standards, shall apply unless superseded by the standards of the PD Section or applicable Overlay District. The regulations of the PD Section shall prevail if there is a conflict.
- B. The regulations of the PD Section shall apply unless superseded by the standards of the Overlay Districts in **Article 5**. The regulations of the Overlay District(s) shall prevail if there is a conflict.
- C. Uses subject to a Special Use Review developed in conjunction with a residential PD shall be subject to the provisions of **Sections 8.0100 and 7.0000**. Such reviews would occur concurrently with the PD.
- D. Attached single-family dwellings and duplexes are not allowed in the LDR-5 or LDR-7 Districts.
- E. Single family attached dwellings are required to comply with the design review process and standards of **Section 7.0201** at the same time as the PD review.

### 6.0321 Exception to Site Development and Zoning Standards

Exceptions to the following site development standards of the underlying land use district or applicable special purpose district provisions may be approved in accordance with this Article:

- A. Design performance Standards Exemption: The Safe Neighborhood Design Performance Standards do not apply.
- B. **Table 6.0321** indicates overall limits for adjusting the underlying district dimensional standards dependent upon housing type.

**Table 6.0321 Standards Allowed for PD  
Residential Units Permitted in VLDR-SW, LDR-5, LDR-7, TLDR and TR**

|  | Detached Dwelling Unit   | Single Family Attached Dwelling Units (multiple lots) <sup>6</sup> | Duplexes <sup>7</sup>                       |
|--|--|--|---|
| <b>Standards</b>                               |  |  |   |
| Minimum Site Size                              | None   | None   | None  |
| Minimum Lot Size                               | 3500 s.f. (use underlying district standards for perimeter lots) | See underlying district  | See underlying district                     |
| Density Range <sup>1</sup>                     | See underlying district  | See underlying district  | See underlying district                     |
| Maximum Number of Attached Units Per Structure | N/A  | 4  | N/A   |
| Minimum Lot Dimensions <sup>2</sup>            | None   | None   | None  |
| Minimum Yard Setbacks – Interior Lots          | 3 feet   | 0 feet <sup>3</sup>  | 0 feet <sup>3</sup>                         |
| Minimum Yard Set-backs – Perimeter Lots        | See underlying district  | See underlying district  | See underlying district                     |
| Minimum Building Height                        | See underlying district  | See underlying district  | See underlying district                     |
| Maximum Building Height                        | 40 feet (35 feet for perimeter lots)                             | 45 feet or underlying district <sup>4</sup>                        | 45 feet or underlying district <sup>4</sup> |
| Minimum Street Frontage                        | None   | None   | None  |
| Minimum Lot Width/Depth Ratio                  | None   | None   | None  |
| Maximum Lot Coverage                           | 70%  | 70%  | 70%   |
| Building Separation                            | Per Building Code  | Per Building Code  | Per Building Code                           |
| General Lot Utility Easements <sup>5</sup>     | None   | None   | None  |

- 1 Developments subject to Overlay Districts may also be restricted in density as per those Districts.
- 2 It shall be demonstrated for each lot that there is a building area of adequate space to accommodate the proposed dwelling type.
- 3 Structures with zero lot lines and/or common wall construction are subject to appropriate building and fire code standards at the time of building permit application.
- 4 Whichever is greater.
- 5 It shall be demonstrated that general utility facilities can be accommodated and, if necessary, general utility easements shall be provided.
- 6 Single-family attached dwelling units (multiple lots) are not allowed in VLDR-SW.
- 7 Duplexes are not allowed in LDR-5 or LDR-7 as part of a PD.

### 6.0322 PD Density Transfer for Sites with Hillside Overlay District

To encourage the development of PDs in Hillside Overlay District areas, a density transfer shall be provided.

**Table 6.0322**  
**PD Density For Hillside Overlay District Property**

| In areas of the lot(s) or parcel(s) that are: | Percentage of maximum density from underlying zone: |
|---|---|
| 0% - 15% slope                                | 100%  |
| 15% - 25% slope                               | 35%   |
| 25% - 35% slope                               | 20%   |
| 35%+ slope                                    | 1 dwelling unit per acre*                           |

Note: For slope calculation method, see Hillside Physical Constraint Overlay District, **Section 5.0210(A)**, Submittal Requirements – Slope and Density Map. For sites with property within the Habitat Conservation Area Overlay District, see **Section 6.0323**.

There is no average lot size requirement. However, the total number of dwelling units proposed for the entire PD shall be no less than 80% of the minimum allowed density on those portions of the property that have slopes less than 15% in grade with the exception of large lot PDs as provided in **Section 6.0329**. Refer to the Hillside Overlay District (**Section 5.0200**) for other applicable development standards.

\*This unit must be transferred to another portion of the ownership with less than 35% slopes. No dwelling units shall be constructed on slopes over 35%, except as provided under **Section 5.0222(F)**.

### 6.0323 PD Density Credit for Habitat Conservation Area Overlay District Property

To help preserve Habitat Conservation Area, a credit of 2 units per acre is provided for any portion of the proposed PD property that is designated by the Habitat Conservation Area Overlay District. Credited units, if utilized by the development, must be transferred to non-Habitat Conservation Area designated portions of the PD property. Property areas designated Habitat Conservation Area cannot be included in the overall density calculations for the project property and may only be used in accordance with provisions of the Habitat Conservation Area Overlay District (**Section 5.0400**). The credit for Habitat Conservation Area lands is rounded down to the nearest whole unit and is added to the maximum number of units determined to be allowed for the net property area.

Note: Net density is that density that can be determined after subtracting Habitat Conservation Area designated areas from the gross property area and calculating the density of the net area remaining.

### 6.0324 Open Space Areas

The approval authority shall evaluate proposed open space areas based on the following criteria:

- A. For sites with no specified Special Purpose Overlay District designation as per **subsection (B)**, a minimum of 25% of the gross land area within the PD shall be allocated as an open space area and

shall be in public or private common ownership. Improved open spaces shall be subject to the applicable provisions of **Sections 7.0100 and 7.0200** for those PDs subject to Design Review.

- B.** For sites with a Hillside Physical Constraint, Open Space Overlay, or Habitat Conservation Area Overlay District designation, a minimum of 30% of the gross land area within the PD shall be allocated as an open space area and shall be in public or private common ownership. Open space that conserves steep slopes and/or natural areas shall allow limited access to preserve its natural features.
- C.** Proposed natural open space areas shall be located to maximize the preservation of the features identified in **subsection (G)**.
- D.** The open space areas may be either public open space or private common open space.
  - 1.** Public open space must comply with requirements of **Section 5.0500** of the Community Development Code.
  - 2.** Private open space shall comply with the following criteria:
    - a.** Open space easements transferring development rights are dedicated to the public;
    - b.** A conservation/maintenance plan is provided that maintains all natural open space areas in a natural condition with only minimal maintenance activity provided. The plan shall be approved by the City, maintained and implemented by the property owner, and kept as part of the City's site development file for the duration of the existence of the private open space area. This plan shall include:
      - i.** Identification and contact information of the party responsible for maintenance and oversight of the open space area;
      - ii.** Whether the open space area is to be actively or passively maintained and/or conserved;
      - iii.** Specific maintenance anticipated (as applicable) and timing thereof;
      - iv.** Anticipated conservation measures;
      - v.** Vegetation renewal or replacement plans, nuisance and/or dangerous vegetation removal plans; and
    - c.** There is a financial mechanism that ensures maintenance of any private open space area.
- E.** The approval authority may approve the dedication of open space areas or of open space easements in concurrence with an approved phased land division.
- F.** Open space areas that are not located in a Special Purpose Overlay District may be improved with active recreation uses or landscaping/passive recreation uses. Active recreation areas shall include, but are not limited to: swimming pools; tennis, basketball, volleyball and badminton courts; children's play areas; baseball and soccer fields, etc. Landscaping or passive recreation uses shall include, but are not limited to: picnic and barbecue facilities; reflection parks; lawn and other landscaped areas; and community gardens, etc. Active open space areas shall be of a sufficient size for the proposed active use. Active and passive open space areas shall be made accessible to all residents of the development.
- G.** Proposed open space areas shall be located so as to encourage the conservation of natural features and the protection of steep slopes. The following topographic features, natural resources and other features shall be mapped and identified as part of the application:

1. Significant natural and cultural features:
  - a. Water resources, streams, drainageways, ponds, lakes, fish habitat or wetlands;
  - b. Historically or culturally significant sites;
  - c. Ecological or scientifically significant areas, such as Hogan Cedar trees;
  - d. Significant trees and significant tree groves;
  - e. Land areas within the Habitat Conservation Area Overlay District;
  - f. Land areas with slopes greater than 35%.
2. Other natural features:
  - a. Trees with a circumference of 25 inches or greater measured at a point 4.5 feet above the ground on the upslope side of the tree;
  - b. Geologic features;
  - c. Scenic views and landscapes;
  - d. Significant wildlife habitat.

### **6.0325 Streets and Access, Public or Private Status**

All PD proposals shall include a future street/neighborhood circulation plan as per **Section 9.0700**. Streets provided within a PD shall be public streets, unless it is determined by the City that neighborhood connectivity is not necessary for the provision of access through the PD to other properties, either for purposes of public safety and/or efficiency of traffic circulation and access. Public paths and trails identified as transportation facilities in the Transportation System Plan shall be located within public rights-of-way or public access easements, unless otherwise approved by the City. Private streets may be allowed within a PD if the future street/neighborhood circulation plan demonstrates that connectivity is not necessary through the PD to other properties (as described above), and, the applicant can demonstrate how on-going maintenance of the private streets will be provided for. All streets and public paths and trails shall be designed and constructed according to applicable standards of **Appendix 5.000, Section A.5.400- Streets and the Public Works Standards** document.

### **6.0326 Street Trees**

Street trees shall be provided for all streets within a PD following the standards of **Sections 9.1023 and 9.1033** of the Community Development Code.

### **6.0327 Required Buffers and Transitioning**

PDs are not exempt from applicable buffer provisions of **Section 9.0100**. However, natural and landscaped open space areas may substitute for required buffers via the alternative buffer plan provision of **Section 9.0110(F)(3)**. The transitioning of housing types (lower to higher bulk, scale and density) is required at the perimeter of PD's regardless of whether or not a buffer is required by **Section 9.0100**. Buffer or transition variations may be considered as part of alternative buffer plan proposals.

### **6.0328 Final PD Plat**

Final plats for a PD shall follow the standards, process, and timelines of **Section 6.0400**, Land Division Final Plat Requirements.

### 6.0329 Additional Standards for Large Lot PDs

- A. Large Lot PDs are not limited to just areas covered by Physical Constraint Districts. In case of conflicts in standards, the more restrictive standards shall apply, with the exception of **subsection (D)** below, which applies in any case.
- B. When clustering and/or attached housing are not proposed and site grading will not exceed the 35% of site limit (if Hillside) as per **Section 5.0223**, the open space designation requirement is not required for Large Lot PDs. However, buffering or transition measures for compatibility purposes may be required by the review body for portions of Large Lot PDs, whether in Hillside areas or not, adjoining other developed areas.
- C. A minimum site size of 2 acres is required for establishment of a Large Lot PD.
- D. Large Lot PDs are not required to comply with minimum density or maximum lot size standards. Large Lot PDs shall, however, have a minimum average lot size that is the same or greater than at least twice the minimum density standard of the primary land use district where proposed. For example, the minimum average lot size in LDR-5 for a Large Lot PD would be 14,000 square feet per lot and in TLDR it would be 8,712 square feet per lot.
- E. All PD requirements (except as authorized above) are still in effect for Large Lot PDs.

# SECTION 6.0400

## LAND DIVISION FINAL PLAT REQUIREMENTS

### General

- 6.0401 Surveys Required
- 6.0403 Partitions and Subdivision - Final Plat
- 6.0404 Approval Signatures for Final Subdivision Plat
- 6.0405 Approval Signatures for Final Partition Plat

### Approval Timeline

- 6.0411 Reinstatement of Tentative Plan Approval Status
- 6.0412 Effective Date for Final Plat Approval

### General

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#### 6.0401 Surveys Required

All land divisions and lot line adjustments shall be surveyed and monumented in compliance with ORS Chapters 92 and 209. Parcels and tracts adjusted or created greater than 10 acres in size shall also be subject to these requirements. An applicant may submit final plat for review by the County Surveyor concurrent with City review.

#### 6.0403 Partitions and Subdivisions - Final Plat

- A. The applicant shall submit three (3) originals of the final plat on 7 mil mylar that complies with ORS Chapters 92 and 209 on a material and of a size required by the Multnomah County Surveyor. The applicant shall also submit ten paper copies of the final plat. Additional copies may be required if deemed necessary. The final plat shall comply with the Tentative Plan conditions of approval. The following data requirements, if applicable, shall also be shown on the final plat.
  - 1. All tracts of land intended to be deeded or dedicated for public use;
  - 2. Street names as approved by the Manager on the preliminary final plat copies in accordance with the City of Gresham Street Naming and Property Addressing Guidelines;
  - 3. Any non-access strips.
- B. A final subdivision or partition plat shall be submitted to the Manager for final approval under the Type I procedure prior to expiration of the tentative plan pursuant to **Section 11.0105**. Within 20 days of submission, the Manager shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this code. If the Manager determines that the material does not conform, the applicant may make corrections prior to issuance of a final decision.
- C. The Manager shall approve a final subdivision or partition plat when the plat conforms with the approved tentative plan, other applicable requirements of this code and the following are submitted:

1. Lands to be deeded or dedicated for public use are provided for on the final plat or on separate documents.
  2. An approved guarantee of completion for required public improvements that have not been completed and accepted by the City.
  3. An approved grading and drainage plan if grading is required.
  4. Approved construction drawings for required public improvements.
- D.** When the Manager determines that the plat conforms, the Manager shall sign and date the plat if the other requirements for a development permit have been fulfilled.
- E.** A final condominium plat may be approved by the Manager when all criteria of **subsection (C)** are met and when the condominium plat meets applicable ORS provisions for Condominium Platting.
- F.** Prior to City signature, all street names on the Final Plat shall conform to the City of Gresham Street Naming and Property Addressing Guidelines and the City of Gresham Development Code.

#### **6.0404 Approval Signatures for Final Subdivision Plat**

Following the review and Manager's approval of a subdivision plat, the applicant shall take the following actions:

- A.** Obtain the approval signature on the final subdivision plat of the surveyor serving the City certifying that the subdivision plat complies with applicable survey laws. Before certifying, the surveyor may make field investigations to verify that the plat survey is sufficiently accurate. If the surveyor determines that subdivision plat does not comply, the applicant shall make corrections. When the surveyor determines that the plat conforms, the surveyor shall sign and date the plat.
- B.** As required by ORS 92.090, obtain the approval signature on the final subdivision plat of the board of directors, or board's delegate, of any irrigation district, drainage district, water control district, or district improvement company if the subdivision is within such district.
- C.** Obtain the approval signatures on the final subdivision plat of the directors certifying that the plat is approved.
- D.** Obtain the approval signature on the final subdivision plat of the county assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
- E.** File a statement of water right, and if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department.
- F.** Deliver the approved subdivision plat and accompanying documents to the County Recorder for recording.
- G.** Return a mylar of the recorded plat to the City for filing.

#### **6.0405 Approval Signatures for Final Partition Plat**

Following review and Manager's approval of a final partition plat, the applicant shall take the following actions:

- A.** Obtain the approval signature on the final partition plat by the surveyor serving the City certifying that the final partition plat complies with all applicable survey laws. Before certifying, the surveyor may make field investigations to verify that the plat survey is sufficiently accurate. If the surveyor determines that the partition plat does not comply, the applicant shall make corrections. When the surveyor determines that the plat conforms, the surveyor shall sign and date the plat.

- B. File a statement of water right and, if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department.
- C. Deliver the approved final partition plat and accompanying documents to the county recorder for recording.
- D. Return a mylar of the recorded plat to the City for filing.

## **Approval Timeline**

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### **6.0411 Reinstatement of Tentative Plan Approval Status**

- A. Prior to the expiration date of a tentative plan extension the Manager may, upon written request of the applicant, assign an inactive status to the tentative plan.
- B. An inactive plan may have its tentative plan approval status reinstated, under the Type II procedure, if the plan is found to be consistent with the following criteria:
  - 1. There have been no changes in the Community Development Code that would necessitate a modification of the tentative plan;
  - 2. The facts upon which the approval was based have not changed to an extent sufficient to warrant refileing of the tentative plan; and
  - 3. There are no other development approvals that would be affected.
- C. If the tentative plan approval status is reinstated the applicant shall comply with the City's final plan technical information requirements in effect at the time of reinstatement. A land division that has been reinstated shall be recorded with Multnomah County within three years from the date the inactive plan was reinstated.

### **6.0412 Effective Date for Final Plat Approval**

A plat shall be final upon the recording with the county of the approved plat and any required document. Approved plats shall become void if not recorded within one year after approval of the final plat. Work specifically authorized following tentative approval may take place prior to issuance of the final plat development permit.

