

# ARTICLE 6 LAND DIVISIONS

## Section 6.0000 Introductory Provisions

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### GENERAL

#### 6.0001 PURPOSE AND AUTHORITY

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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

### 6.0010 LOT ARRANGEMENT

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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

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- 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. This standard does not apply to lots or parcels created through a Middle Housing Land Division **Section 6.0500**.
- 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 ENVIRONMENTAL OVERLAY DISTRICTS

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Development permit requests in Floodplain Overlay District, Hillside and Geologic Overlay, Natural Resource Overlay may be developed in accordance with the provisions of the underlying district the relevant sections of Article V, and if applicable, **Section 6.0300**.

### 6.0013 LOT OF RECORD

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- 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.

### 6.0014 LAND DIVISION WITH LEFTOVER PARCEL

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- A. Applicability.** This provision applies within the LDR-7, LDR-5, TLDR, TR, LDR-PV, MDR-PV, and LDR-SW subdistricts, or on lots where there is an existing single detached or middle housing unit which will be on the left-over parcel in the HDR-PV, TC-PV, MUE-PV, EC-PV, and THR-SW sub-districts.

- B. Conditions.** An application for a land division may have a maximum of two “leftover” parcels, or portions of the property which are capable of further development and which are not included as part of a phased subdivision if the following conditions are met:
1. In the HDR-PV, TC-PV, MUE-PV, EC-PV, and THR-SW sub-districts, the parent parcel has an existing habitable home on it built on or before April 6, 2018.
  2. The leftover parcel(s) must be capable of further development.
  3. The land division will not preclude ultimate buildout of the parent parcel per an adopted or submitted and approved Master Plan, as applicable.
  4. The area of up to two leftover parcels may be excluded from the average lot size calculation provided that a future development plan is submitted which demonstrates that the parcel(s) can be developed consistent with applicable standards.
  5. As required per **Section 10.0120(C)** and **Section 10.0203(F)(2)**, when a land division places the primary residence on a separate parcel than an accessory structure or an accessory dwelling, the accessory structure or dwelling must be:
    - a. Removed upon transfer of ownership of either parcel; or
    - b. An accessory dwelling be converted to a conforming primary dwelling as part of the land division application.
- C. Development of Leftover Parcels.** Parcels created under this provision may not be developed until:
1. Lots are created pursuant to Article 6 – Land Divisions and to the Master Plan, where applicable. Lots shall be consistent with the standards of the applicable underlying sub-district(s) and other applicable provisions of the Community Development Code; or
  2. The development is approved through the Special Use Review process found in **Section 8.0100**.
- D. Submittal Requirements.** The following must be provided with submittal for the land division:
1. Payment-in-lieu of required future improvements along the existing street frontage(s) of the leftover parcel(s).
  2. In the LDR-PV, MDR-PV, HDR-PV, TC-PV, MUE-PV, and EC-PV sub-districts, dedication or all perimeter right(s)-of-way of the created leftover parcel(s). Dedications shall be in compliance with the Master Plan, where applicable.
  3. A deed restriction requiring removal of any applicable accessory structure or accessory dwelling pursuant to **Section 6.0014(B)(5)** above upon transfer of ownership of either parcel.
  4. A site plan shall be provided showing the minimum density build-out of the leftover parcel(s). In applicable Pleasant Valley and Springwater sub-districts the site plan shall be per the approved, or submitted and approved, Master Plan. Site plans shall include the following:
    - a. For single detached dwelling and middle housing developments;
      - i. A conceptual plot plan.
      - ii. Access and street layout, as applicable.
      - iii. Plan requirements of other applicable provisions of the Community Development Code.
    - b. For all other uses, including but not limited to multifamily, commercial, mixed-use, and Special use Reviews:
      - i. A conceptual plot plan.
      - ii. Future uses.
      - iii. Building footprints.

- iv. Parking areas.
- v. Access and street layout (as applicable).
- vi. Plan requirements of other applicable provisions of the Community Development Code.

## CONDOMINIUMS

### 6.0020 CONDOMINIUMS

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- 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.