

ORDINANCE NO. 153107

An ordinance amending Title 34, Subdivision and Partitioning Regulations, of the Municipal Code of the City of Portland, Oregon, to provide amendments to the procedures found in Chapter 34.30, Steps To Approval of a Minor Partition Map, and declaring an emergency.

The City of Portland ordains:

Section 1. The Council finds:

1. That Title 34, Subdivision and Partitioning Regulations, requires that lands being partitioned into two or three parcels and not including the creation of a street shall be reviewed as a minor partition.
2. That Chapter 34.30, Steps To Approval of a Minor Partition Map, of Title 34, provides for procedures or steps to be taken for an approval of minor partition maps.
3. That the procedures of Chapter 34.30 do not require an applicant for a minor partition to provide a survey of the property being divided showing the parcels to be created and showing the location of the existing buildings in relation to the parcels being created. This information is necessary to enable the Bureau of Planning to determine whether the land division meets the code requirements of Title 33, Planning and Zoning.
4. That this lack of a survey has led to inaccuracies in many of the minor land divisions both in the location of existing buildings to remain and the size of the parcels being created, and has caused problems for the new owners of the parcels and the lending agencies involved.
5. That Chapter 34.30 does not require that an applicant prepare or have prepared legal descriptions of the parcels being created by a minor partition.
6. That the code does require that the approved minor partition map be recorded by Multnomah County or the county in which the property is located.
7. That Multnomah County will not accept a minor partition map for recording without an accompanying legal description of the parcels because the legal descriptions are used to alter county tax records and to transfer ownership of the parcels.

8. That some of the legal descriptions submitted to the county to meet their requirements have not been consistent with the minor partition map approved by the city.
9. That, therefore, it is necessary to amend Title 34 to require an applicant for a minor partition to submit a final partition map and legal descriptions prepared by a licensed surveyor prior to final approval of a minor partition.
10. On February 2, 1982, after notice as required by Oregon Revised Statutes 92.048, the City Planning Commission reviewed this amendment to Title 34 and recommended approval.

NOW, THEREFORE, the Council directs:

- a. Chapter 34.30, Steps To Approval of a Minor Partition Map, of Title 34, Subdivision and Partitioning Regulations, of the Municipal Code of the City of Portland, Oregon is hereby amended to read as follows:

Section 34.30.010 Scope of Regulations.*** (no change)

Section 34.30.020 Submission of Tentative Plan.

The tentative plan of a minor partition shall be submitted to the Bureau of Planning with written application, upon forms prescribed for that purpose, accompanied by a fee as specified in Chapter 34.12 of this title. Any person may submit a tentative plan for minor partitioning; however, the official application must be signed by the owner of the property to be partitioned, as defined in this title.

The application shall be accompanied by four copies of the tentative plan and the copies shall be of good quality, with sharp contrast and without excessive dark background, drawn on a sheet no less than 8 1/2 inches by 11 inches and no larger than 11 inches by 17 inches at an engineering map scale, ranging from 1 inch to 20 feet for a small tract of land, to 1 inch to 200 feet for a large tract of land. If a reduction of a larger map is submitted for the four copies, the above sheet size and quality shall be met and one copy of the original map shall be submitted for scaling purposes. The tentative plan shall contain the following information:

- (A) The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned including street address of buildings on site.

- (B) The name and address of the record owner and of the person who prepared the tentative plan, if other than the owner.
- (C) The outline, location, height and use of existing buildings to remain in place noting any buildings to be removed, and showing distance to proposed parcel boundaries.
- (D) The proposed parcel layout showing size, area and relationship to existing streets and existing or proposed utility easements.
- (E) The plan shall also show location of natural features, water courses or areas covered by water.

Section 34.30.030 Approval Procedure.

- (A) The planning director or his/her delegate shall review the tentative plan and shall approve the proposed minor partition within 15 working days of submission of a complete application, provided he/she finds affirmatively on each of the following:
 - (1) It is in conformance with the comprehensive plan.
 - (2) It is in conformance with the principles of land suitability specified in Section 34.50.090 of this title.
 - (3) It is in conformance with the design standards for lots and parcels specified in Section 34.60.030 of this title.
 - (4) The continuation of existing principal streets in surrounding areas will not be blocked or made impractical.
 - (5) Access to adjacent property will not be eliminated or made impractical.
 - (6) Adequate required water, sanitary sewer or approved subsurface disposal systems and drainage facilities are available or can be provided.
 - (7) The City Engineer has no objection.
- (B) Should the planning director or his delegate fail to find affirmatively on any of the above, he shall either:

- (1) Instruct the applicant as to the modifications required for resubmission and approval of the final minor partition plan, including the requirement that it be resubmitted as a tentative plan for a major partition if necessary to secure the purposes of this title.
 - (2) Deny the proposed minor partition. If the planning director or his delegate does not approve the plan, he shall express his disapproval and the reasons therefor, in writing, to the applicant.
- (C) Should the planning director or delegate find affirmatively on each of the seven items in (A) above or require modification of the plan in order to so find, the applicant will be so advised and directed to submit a final minor partition map for approval. The copies of the final partition map shall meet the size and quality specified in Section 34.30.020. The final partition map submitted by the applicant shall be made under the direction of a licensed surveyor. Five copies are needed.

In addition to the information required on the tentative partition map in Section 34.30.020, the following information shall be shown on the final partition map:

- (1) Tract and parcel boundary lines and bordering street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii arcs, points of curvature and tangent bearings. Distances shall be shown to the nearest 0.01 feet. All curve data, including length of chord and chord bearing, shall be shown in tabular form.
- (2) Recording numbers of existing surveys which are identified, related to the map by distances and bearings, and related to a field book or map by any of the following:
 - (a) Stakes, monuments or evidence found on the ground and used to determine the boundaries of the land division;
 - (b) Corners of adjoining subdivisions or partitions;
or,
 - (c) Other monuments found or established in making the survey or required to be set by law.

- (3) Normal floodplain or high water line for any creek or other minor body of water or natural drainageway and the 100-year flood line of any major water body. If a storm drainage reserve is required, such drainageway shall be with sufficient ties to locate the drainageway with respect to the land division and with proper notation as to intended purpose, and noted that the storm drainage reserve shall remain in natural topographic condition. No private structures, culverts, excavations or fills shall be constructed within the drainage reserve unless authorized by the City Engineer.
- (4) Easements shall be clearly identified as to intended purpose. Book and page numbers shall be provided for any easement of record. If an easement is not of record, a description of the nature of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the land division shall be shown.
- (5) Building setback lines, other than yard requirements, identified as such, which are to be made a part of the partition restrictions.
- (6) Location of sewer and water service branches serving the property and note approximate distances to property lines or parcel lines of the parcels being created.
- (7) Location of existing sewage disposal system, if other than by public sewer, and note approximate distances to property lines or parcel lines of the parcels being created.
- (8) The final partition map shall contain a certificate with the seal of and signed by a registered land surveyor attesting that the surveyor surveyed or caused the survey to be made under his supervision, that he has inspected the property in question, and that the map is a true representation of fact from a careful inspection of the property.
- (9) Also, the surveyor shall prepare legal descriptions for each of the parcels being created out of the total tract and referenced to the parcels shown on the partition map. Five copies shall be furnished along with the maps. The sheet size shall be 8 1/2 inches by 11 inches, and more than one description may be placed on a sheet when the legals are short; however, space must be reserved on each page for

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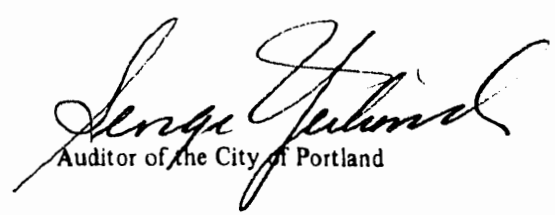
departmental validation stamps. The legal description shall be validated by the record manager or delegate of the division of assessment and taxation of the county in which it is located, as to whether it will be in compliance with ORS 380.240 and constitutes a true legal description of the parcels being created, prior to approval of the minor partition. When a parcel(s) in the minor partition is sold or transferred to another owner, it must conform to the map and written legal description approved by the Bureau of Planning.

- (D) The planning director or delegate shall indicate approval of a minor partition by inscribing on the face of five prints of the final partition maps his/her signature and the date, and the planning director or delegate shall also indicate approval of a minor partition by inscribing on the face of the legal descriptions his/her signature and date. Two sets of signed copies of the final partition, legal descriptions, and copies of minor partition application form shall be returned to the applicant, one set of signed map and legals to the surveyor, one set to the county assessor's office, and one set shall be retained in the Bureau of Planning files. The surveyor shall then record his survey and other materials as required with the county surveyor as required by law.
- (E) Approval of a minor partition shall be null and void if the application, map and legal descriptions are not recorded by the applicant with the county deed records within 90 days following approval by the planning director.

Section 2. The Council declares that an emergency exists because these amendments are needed to ensure that minor partitions are accurately processed and recorded; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, APR 15 1982
Commissioner Schwab
R. Austin/jlu
February 19, 1982

Attest:


Auditor of the City of Portland

Calendar No. **1000**

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Title

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THURSDAY

Time for hearing fixed at 2 P.M. APR 15 1982

THE COMMISSIONERS VOTED AS FOLLOWS:		
	Yeas	Nays
JORDAN	1	
LINDBERG	1	
SCHWAB	1	
STRACHAN	1	
IVANCIE	1	

4

FOUR-FIFTHS CALENDAR	
JORDAN	
LINDBERG	
SCHWAB	
STRACHAN	
IVANCIE	

Filed MAR 10 1982

GEORGE YERKOVICH
Auditor of the CITY OF PORTLAND

BY *George Yerkovich*

Deputy

INTRODUCED BY
Commissioner Schwab

NOTED BY THE COMMISSIONER
Affairs <i>[Signature]</i>
Finance and Administration
Safety
Utilities
Works

BUREAU APPROVAL	
Bureau: Planning	
Prepared By: R. Austin/jlu	Date: 2-19-82
Budget Impact Review:	
<input type="checkbox"/> Completed <input type="checkbox"/> Not required	
Bureau Head: <i>Terry Sandblast</i> Terry Sandblast	

CALENDAR	
Consent	Regular <input checked="" type="checkbox"/>

NOTED BY
City Attorney <i>KS Beaumont</i>
City Auditor
City Engineer