CHAPTER 33.663
FINAL PLATS

(Added by: Ord. No. 179980, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 184524, effective 7/1/11; Ord, No. 185333, effective 5/16/12)

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General

33.663.010 Purpose

These regulations ensure that Final Plats are processed with the appropriate level of city review. This chapter contains clear procedures and approval standards for Final Plats.

33.663.020 Where These Regulations Apply

A. Generally. The regulations of this chapter apply to proposals for Final Plats in all zones, except those listed in Subsection B and C.

B. Final Plats of Manufactured Dwelling Parks. The regulations for the review of Final Plats of Manufactured Dwelling Parks are in Chapter 33.670, Review of Land Divisions of Manufactured Dwelling Parks.

C. Final Plats for Large Sites in Industrial Zones. The regulations for the review of Final Plats for Large Sites in Industrial Zones are in Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones.

Review of Final Plats

33.663.100 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final and is indicated through a signature on the Final Plat.

33.663.110 Voiding of Final Plat Application

A. Generally. An application for Final Plat review will be voided where:

1. The Director of BDS has sent written comments to the applicant, requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval; and

2. The final plat review has remained inactive for 180 days from the date the Director's letter was mailed. The plat is considered inactive if the applicant has not provided any of the requested information, or completed steps toward meeting any of the outstanding requirements for final plat approval; or

3. It has been more than three years from the date the Director's written comments were mailed, even if the plat has been active. This paragraph applies to applications for Final Plat Review submitted after May 16, 2012.

B. Exception. For final plat applications that were submitted before December 31, 2009, the 180 day period identified in A.2, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of May 27, 2009.

Standards for Approval

33.663.200 Approval Standards

These approval standards apply to land divisions where the Preliminary Plan was reviewed under the regulations of Chapter 33.660 or Chapter 33.662. The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

A. Conformance with Preliminary Plan. The Final Plat must conform to the approved Preliminary Plan. The Preliminary Plan approval, through its conditions of approval, may provide for a specific range of variations to occur with the Final Plat. If the Preliminary Plan does not state otherwise, and the regulations of this Title continue to be met, variations within the following limits are allowed and are considered to be in conformance with the Preliminary Plan. Allowed variations are:

1. A decrease in the number of lots by one, if minimum density requirements continue to be met;

2. An increase or decrease in the width or depth of any lot by less than 5 percent;

3. A decrease in the area of any lot by less than 5 percent**;**

4. An increase in the area of any lot;

5. An increase or decrease of up to 5 percent in the area of a stormwater tract;

6. An increase of up to 5 percent in the area of a shared parking tract;

7. An increase in the area of the following tracts or easements:

a. Environmental resource tracts;

b. Tree preservation tracts;

c. Flood hazard easements or tracts;

d. Landslide hazard easements or tracts; and

e. Recreation area tracts.

8. Moving a public or private right-of-way if approved by the appropriate service bureau;

9. Changes to a stormwater facility if approved by the appropriate service bureau;

10. An increase of up to 5 percent in the area approved for clearing and grading.

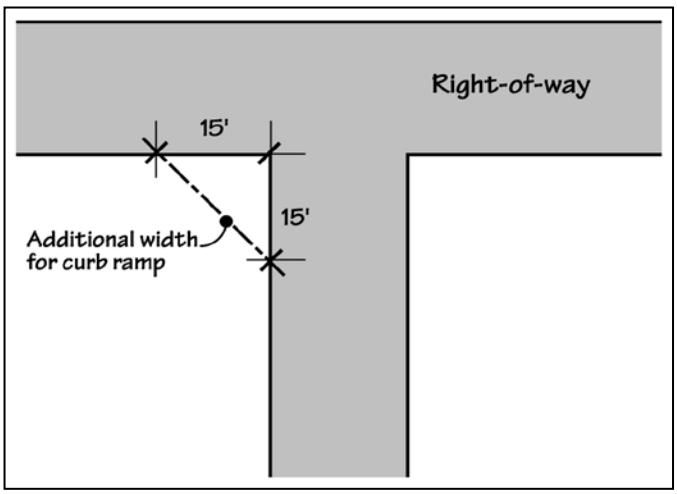
11. A decrease in the area approved for clearing and grading.

12. Increasing the width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 663-1.

13. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and

14. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

Figure 663-1
Allowed Increase to Right-of-Way Width



B. Conditions of approval. The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions of approval remain in effect;

C. Services. All services must meet the requirements of the City Code;

D. Dedications, tracts, and easements.

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and

2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;

E. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval;

F. Legal documents. Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval; and

G. Variations beyond the limits allowed in this Section.

1. Generally. If the Final Plat contains variations that exceed the limits listed in this section and that were not specifically allowed under the Preliminary Plan approval, the land division is subject to a review of changes to an approved preliminary plan stated in Section 33.660.300 for land divisions in Open Space and Residential zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones. If a Land Use Review is required for the changes to the approved preliminary plan, the revised Final Plat must also undergo a Final Plat Review.

2. Changes to tree preservation requirements. If the only changes proposed are to tree preservation requirements, the changes are processed as described in Chapter 33.853, Tree Review.

33.663.210 Staged Final Plat

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Staged Final Plats are defined in Chapter 33.633, Phased Land Divisions and Staged Final Plats. Each stage must meet the all of the Final Plat approval standards of Section 33.663.200.

Changes to Final Plat

33.663.310 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. Where a land use review of the changes is required by Section 33.660.300 for land divisions in Open Space and Residential Zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, the revised Final Plat must undergo Final Plat review again.

33.663.320 Changes to Final Plat Survey After Recording

After the Final Plat Survey has been recorded with the County Recorder and Surveyor, changes are processed as a new land division or alternative process, such as a Property Line Adjustment under Chapter 33.667 or Lot Consolidation under Chapter 33.675, if allowed.