



# LAND DIVISION

## INFORMATIONAL GUIDE

### Amending Land Division Decisions

#### Amendment procedures

Partition Amendments and Subdivision Amendments are review procedures used to change a land division decision after it has already received Preliminary Plan approval or Final Plat approval. The amendment procedure varies, depending on the nature of the amendment, and when the change is requested. The Land Use Reviews Fee Schedule uses the term “Land Division Amendment Review”. This is a general term referring to the various procedures described in this guide (Partition Amendment and Subdivision Amendments).

#### Changes before recording the Final Plat

If the Final Plat Review has not started, or is still in progress, changes are allowed as follows:

- If the change falls within specified limits, then it may be made as part of the Final Plat Review. See 33.660.220.A and 33.662.220.A for a list of changes that are considered to be in substantial conformance with the Preliminary Plan.
- If the changes are different or exceed the limits specified in 33.660.220.A and 33.662.220.A, then a separate **Partition Amendment or Subdivision Amendment** may be required to amend the Preliminary Plan. See 33.660.300 and 33.662.300 for more information about that separate amendment procedure. These amendments can be processed concurrently with the Final Plat Review.

In the event that the City’s review of the final plat is complete, but the plat has not been recorded at the County, then changes are allowed as follows:

- Within specified limits, some changes may be made by revising the Final Plat decision. A re-notification fee will be charged. See 33.660.220.A and 33.662.220.A for a list of changes that are considered to be in substantial conformance with the Preliminary Plan. Contact the planner assigned to the Final Plat review to initiate this process.
- If the changes are different or exceed the limits specified in 33.660.220.A and 33.662.220.A, then a **Partition Amendment or Subdivision Amendment**, and a new **Final Plat Review** may be required. See 33.660.300 and 33.662.300 for more information about this amendment procedure. In this case, a new Final Plat and Subdivision or Partition Amendment application must be submitted at the Development Services Center.

#### Changes after recording the Final Plat

If the lots and parcels already exist (are already recorded with the County, and have received tax account numbers), then the changes are processed as follows:

- If the change involves relocating a common property line between two abutting lots, and the change does not affect compliance with other Title 33 requirements, alter availability of services, or violate conditions of approval, then a **Property Line Adjustment (PLA)** may be requested. Property line Adjustments are processed as administrative decisions. See Chapter 33.667 and the Property Line Adjustment handout for more information.
  - If the change is limited to the dedication of additional public street width, or vacating some or all of a dedicated public street, then the **Street Dedication or Street Vacation** process may apply. Contact the Portland Office of Transportation for more information.
  - With the exception of Property Line Adjustments, Street Dedications, and Street Vacations, other changes after the plat has been recorded will follow one of two procedures, depending on whether the change involves making a change to the recorded plat.
1. Changing the location of lot lines or lot dimensions will require changing the official plat recorded at the county. These kind of changes require a **new Land Division Review** and a new **Final Plat Review** <sup>1</sup>.
  2. Changes may be processed as a **Partition Amendment or Subdivision Amendment**, if the amendment request does not

involve making any changes to the recorded plat filed with the county. Examples of this kind of change might include changing conditions of approval, changing the preliminary or final grading plans, or changing other supplemental plans referenced by conditions of approval. These kind of changes generally do not require a new Final Plat Review. Sections 33.660.300 and 33.662.300 outline the procedures for approving Changes to an Approved Preliminary Plan. 33.660.310.B and 33.662.310.B provide a list of changes that require review under the same procedure that was used for review of the original Preliminary Plan (Type Ix, Type IIx, or Type III). Changes not identified under 33.660.310.B and 33.662.310.B can be processed as a Type Ix review.

## Changes to an approved tree preservation plan

Changes to an approved Tree Preservation Plan may be requested through a **Tree Review**. Tree Reviews are generally processed as Type II land use reviews, except for violations of a Tree Preservation Plan, which may also be processed as Type III reviews. See Chapter 33.853 and the Tree Review handout ([www.portlandoregon.gov/bds/article/72615](http://www.portlandoregon.gov/bds/article/72615)) for more information.

Note: Changes to a tree preservation plan approved as part of an environmental, greenway or Pleasant Valley Resource review require approval through the same review type.

## Changes to other concurrent reviews

If the original Preliminary Plan required other concurrent land use reviews to be approved, then the amendment request may need to address those concurrent reviews. For example, if the original Preliminary Plan required Environmental Review, then any new review to amend that plan may also need to include a concurrent Environmental Review. If the original Preliminary Plan was processed with other concurrent land use reviews, a planner in Development Services Center can help you determine how to proceed with an amendment request.

## Changes to building design on certain lots in the “a” Overlay Zone

Some land divisions in the “a” overlay zone require concurrent **Design Review** or compliance with the **Community Design Standards** at the time of the land division Preliminary Plan review (see Chapter 33.405 for more information). This process results in a specific building design being approved for each lot. If your lot was originally approved in this manner, and you wish to change the building design to something other than what was approved with the original Preliminary Plan, the procedure is as follows:

- If both the original design and the new design meet the Community Design Standards, then the change may be made administratively, as part of the building permit procedure;
- If the original design met the Community Design Standards, but the new design does not, then a Design Review will be required before a building permit can be issued for the new plans;
- If the original design was approved through Design Review, then changes to that plan will require a new Design Review;
- A concurrent land division review (Partition Amendment or Subdivision Amendment) is not required, as long as the new design does not require changes to the plat (see 33.405.060.d).

## Changes to a Planned Unit Development (PUD) or Industrial Park

Planned Unit Developments and Industrial Parks are land use reviews that no longer exist in the Zoning Code. However, existing PUDs and Industrial parks may be amended through the provisions of Chapter 33.668 and 33.669.

## Frequently Asked Questions

**Q My Preliminary Plan approval has expired. Can I amend the original decision to extend the expiration date?**

**A No. If the preliminary plan expires, and you have not submitted a Final Plat application, you must submit a new Preliminary Plan application (processed as a Partition or Subdivision Review) .**

<sup>1</sup> Property Line Adjustments (PLAs), Street Dedications, and Street Vacations are exceptions. Some changes listed here, such as changing lot width or depth, could occur through a PLA, Street Dedication, or Street Vacation, without going through a land division review or land division amendment.

*For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Ave, Suite 1500, 503-823-7526*

Information is subject to change, for current Portland Zoning Code visit [www.portlandoregon.gov/zoningcode](http://www.portlandoregon.gov/zoningcode).