



# LAND DIVISION INFORMATION GUIDE

## Tracts and Easements

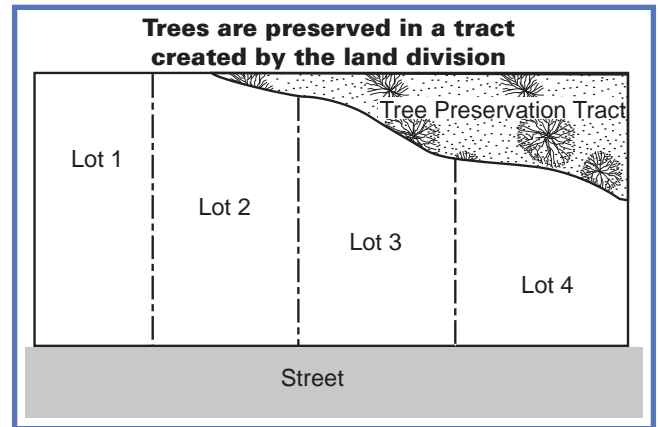
### What is a tract?

A tract is a piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right of way. Tracts are created and designated for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include:

- stormwater management tracts,
- private street or alley tracts,
- tree preservation tracts,
- environmental resource tracts, and
- open space tracts.

### What is an easement?

An easement is a right granted to a person to make limited use of another's property, or a portion of that property. For example, a reciprocal access easement can be recorded to allow two neighbors to share a single driveway along their common property line. An easement can be granted on the final plat or through a recorded easement agreement.



### When are tracts and easements used?

Depending on the characteristics of the land division proposal, tracts and/or easements may be required to designate a portion of the site for a specific purpose. The applicant may also propose special-purpose tracts or easements for purposes other than those required by the City.

### Tracts are required in the following situations:

- Private streets, common greens and shared courts (33.654.150).
- Private alleys serving more than five lots (33.654.150.B.7).
- Pedestrian connections that will not be dedicated to the public (33.654.150.B.6).
- Stormwater facilities serving a street, or serving more than five dwelling units must generally be located in a tract or in the public right-of-way (33.653.030.C).
- The City's tree preservation requirements may be met by either placing trees in a tree preservation tract or by preserving trees on individual lots (33.630.100.D).
- The floodway portion of the flood hazard area must be placed within a flood hazard tract unless river-dependent land uses and development are proposed (33.631.100.C).
- Required recreation area for land division proposals in residential zones with 40 or more dwelling units must generally be located in one or more tract (33.634).
- Streams, springs and seeps located on the site that are not within an Environmental Overlay Zone must generally be placed in a tract (33.640).
- In Environmental Overlay Zones, the resource area of the environmental protection zone and land outside of designated disturbance areas must be placed in environmental resource tracts (33.430.160 & 33.430.250).

**Easements are required in the following situations:**

- Easements are commonly required where service lines, such as sanitary sewer laterals, will cross an adjacent lot.
- Private facilities serving more than one lot, such as stormwater facilities, driveways or alleys, must be placed within an easement or tract. See tract requirements above.
- Private street tracts and pedestrian connections must include a public walkway easement that allows public access on all parts of sidewalks or pedestrian connections (33.654.150.D).
- Temporary turnarounds associated with a public street may be placed in an easement rather than a tract (33.654.150.B.4).

**What are the ownership requirements for tracts?**

Unless otherwise specified by the land use decision, tracts must be owned by one of the groups or individuals indicated in the table below:

<b>Ownership Requirements for Tracts</b>						
	In common by all owners of the land division site	property served by the tract	Homeowners Association	Public Agency	Non-Profit Organization	Individual or other group
Private street, common green or shared court tract (33.654.150)		▪	▪			
Private alley or pedestrian connection tract (33.654.150)	▪	▪	▪			
Stormwater facility tract (33.653.030)		▪	▪	▪	▪	
Recreation area tract (33.634.200)	▪		▪	▪		
Environmental resource tract (33.430.160 & 33.430.250)	▪		▪	▪	▪	
All other tracts (33.636.100)	▪	▪	▪	▪	▪	▪

**Maintenance agreements – Zoning Code Section 33.636.100**

Tracts and easements must be covered by a maintenance agreement that commits the owners or owners’ designee to maintain all elements of the tract or easement. Facilities within the tract or easement that will be maintained by a specified City agency may be covered by a separate maintenance agreement. All maintenance agreements must be submitted and approved for review during the final plat process and recorded with the Final Plat.

The land use planner can provide applicants with a template for commonly required agreements.

**Submittal requirements – Zoning Code Section 33.730.060.D**

When a land division application is submitted to the City, it must include the following information regarding tracts and easements:

- Location, dimensions and purpose of existing and proposed easements on and abutting the site.
- Proposed tract layout and the size, dimensions, purpose and name of each tract.

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

For current Portland Zoning Code visit [www.portlandoregon.gov/zoningcode](http://www.portlandoregon.gov/zoningcode)

Information is subject to change.