

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.)

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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.
- B. Exception.** For final plat applications that were submitted before December 31, 2009, the 180 day period identified in B.2, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of May 27, 2006.

Standards for Approval

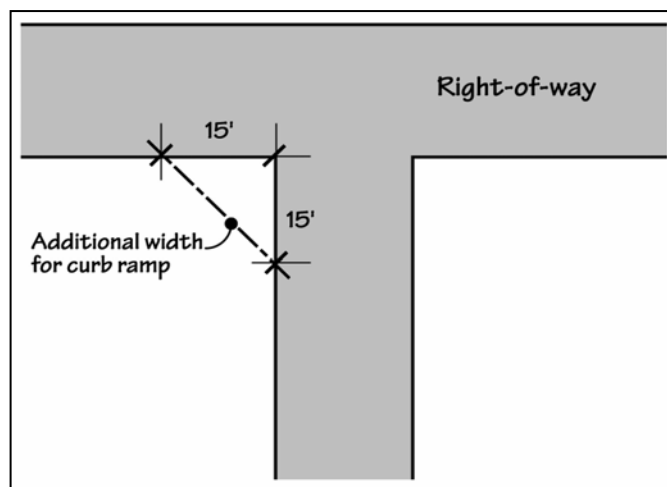
33.663.200 Approval Standards

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. Maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs).** All maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs) must be reviewed and approved by the Bureau of Development Services and the City Attorney prior to Final Plat approval and 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.** 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.

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 After Recording

After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division. However, a change to an approved tree preservation plan may be approved as set out in Chapter 33.853, Tree Review.

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09.)

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General

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that quasi-judicial reviews must be completed within 120 days of filing a complete application. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to

each quasi-judicial review in this Title. The Type I procedure is an administrative procedure.

The Type I procedure, or limited land use review, allows local decisions to be made administratively for such reviews as minor design cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

Basic Procedures

33.730.013 Expedited Land Division Procedure

The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360. The steps of this procedure are in ORS 197.365 through .375. The application requirements are listed in Section 33.730.060, below. Two additional steps are required for land division requests using the ELD Procedure:

- A. Neighborhood Contact.** The applicant must complete the steps in Section 33.700.025, Neighborhood Contact, before applying for an ELD review.
- B. Pre-application conference.** A pre-application conference is required for all land division requests processed through the ELD procedure. See 33.730.050, Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

33.730.015 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is optional. See 33.730.050, Pre-Application Conference.
- B. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor design cases.
- C. Notice of a request.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I notice of request.
- D. Processing time.** Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:
 - 1. The director of BDS will not make the decision until at least 30 days after the notice required by Subsection C is mailed; and

33.730.040 Final Council Action Required

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews

The following regulations apply to applications for more than one land use review on a site:

- A.** Applications for more than one land use review on a site may be consolidated into a single application package;
- B.** When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type Iix, Type II, and then Type I;
- C.** When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type Iix procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.
- D.** When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.
- E.** When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.050 Pre-Application Conference

- A. Purpose.** The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.
- B. Requirements.** Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.

- C. Participants.** The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.
- D. Pre-application conference recommendations.** The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Office of Transportation may require a Transportation Impact Study to be submitted with the land use application.
- E. Concurrent pre-application and application requests.** Application for a land use review other than a land division and a pre-application conference may be submitted at the same time. However, it is recommended that an application be filed after the pre-application conference so that the information obtained at the conference may be incorporated in the application submittal. Application for a land division may not be filed before the pre-application conference is held.
- F. Other pre-application advice.** An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request that would be heard by these commissions. These requests are known as "design advice requests". These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives. A fee is charged for design advice requests as stated in the Fee Schedule.
- G. Time limit.**
1. Generally. A pre-application conference is valid for one year. If more than one year has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.
 2. Exceptions.
 - a. Pre-application conferences held between April 1, 2007, and December 31, 2008 are valid through December 31, 2010. If a land use review application is not submitted by December 31, 2010, a new pre-application conference is required.
 - b. Pre-application conferences held between January 1, 2009, and December 31, 2009, are valid for two years. If more than two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.

2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
 - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;
 - b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
 - c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:
 - (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
 - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

B. Changes to applications. Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

C. Required information for land use reviews except land divisions. Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.
2. One copy of a written statement that includes the following items:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
 - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
 - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.

3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
 - All trees greater than 6 inches in diameter, measured 5 feet above the ground, in areas to be disturbed;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions;
 - Building elevations;
 - Location of adjacent buildings;
 - Distances of all existing and proposed development to property lines;
 - Types and location of vegetation, street trees, screening, fencing, and building materials;
 - Percentage of the site proposed for building coverage, and landscaping coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
 - Additional requirements of the specified land use review.
4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
5. A transportation impact study, if required by the Office of Transportation at a pre-application conference.
6. The applicable filing fees.

D. Required information for land divisions. Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:
 - a. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number,

and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;

- b. Written statement. Two copies of a written statement that includes the following:
- A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all approval criteria are met for the land division and any concurrent land use reviews;
 - Additional information needed to understand the proposal, or requested at the pre-application conference;
 - Names and address of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
 - If more than 3 lots are proposed, the proposed name of land division;
 - Proposed names of all streets;
 - A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
 - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, and Quick Vehicle Servicing;
- c. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
- Zoning and Comprehensive Plan designations;
 - Streets;
 - Transit, pedestrian, and bicycle facilities and connections; and
 - Water bodies, wetlands, flood hazard areas, and potential landslide hazard areas; and
 - Location of utilities and services;
- d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
- (1) Base map. The following information must be on all maps:
- Surveyed information:
- Boundary lines of the site with dimensions and total site area;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map
 - Stamp of surveyor; and
 - If more than 3 lots are proposed, the proposed name of land division;

Additional information:

- Proposed lot layout with sizes, dimensions, and lot numbers;
- Proposed tract layout with sizes, dimensions, purpose, and name;
- Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
- Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
- Proposed location, dimensions, and purpose of all easements;

- (2) Existing conditions map. The following existing site conditions must be shown:

Surveyed information:

- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- All trees on the site at least 6 inches in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. Trees on a Land Division site that propose to use the Tree Preservation Standard in 33.630.100.A.5 Option 5 do not have to be surveyed;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;
- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of 100-year floodplains, and FEMA Floodway boundaries. Sites that contain a water body not shown on the FEMA maps must identify the location of the flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
- Location, dimensions, and purpose of existing easements on and abutting the site;

- (3) Proposed improvements map. The following proposed improvements must be shown:

- Enough information to determine that minimum lot width requirements are met for each proposed lot including footprint of structures and locations of driveways if necessary;
- Distances of all known proposed development to proposed lot lines;
- Proposed pedestrian connections;

- If proposed lots are within a flood hazard area or landslide hazard area, proposed building locations, and
 - If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
 - Existing and proposed services and utilities; and
 - Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;
- (4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:
- Existing contours and drainage patterns;
 - Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
 - Existing trees and vegetation;
 - Areas of the site where fill has been placed;
 - Boundaries of Environmental Overlay Zones;
 - Proposed areas of clearing and grading, including grading and clearing for:
 - Rights-of-way;
 - Services and utilities; and
 - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
 - Proposed contours within areas to be cleared and graded;
 - Proposed stormwater and sedimentation control devices to be used during construction;
 - Proposed stockpile areas;
 - Proposed trees and vegetation to be preserved;
 - Proposed location and material of construction fencing for proposed tree preservation tract;
 - Proposed location and material of construction fence;
 - Proposed amount (cubic yards) of soil to be disturbed; and
 - Proposed structures necessary to construct streets or pedestrian connections;
- e. Tree map. A tree map showing the following:
- Proposed lots and tracts;
 - Surveyed location of all trees required to be surveyed by D.1.d(2);
 - Tree numbers corresponding to the arborist report;
 - Significant Trees, showing type and size, and indicating which will remain and which will be removed;
 - Heritage and Historic Landmark Trees;
 - Location, type, and size of trees to be removed;
 - Location, type, and size of trees to be preserved; and
 - Existing and proposed tree preservation tracts.

- f. Tree Report. A tree report including the following:
 - How the regulations of Chapter 33.6310, Tree Preservation, are met; and
 - An arborist's report as required in Chapter 33.630, Tree Preservation.
- g. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on the City's Potential Landslide Hazard Areas Map the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the safest part of the site in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete. The study must also include a statement of the estimated effect of the developments on stormwater and groundwater runoff as it relates to slope stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
 - Review of geologic literature or previous reports;
 - Site reconnaissance including mapping of observable geologic features or hazards;
 - Field explorations as necessary; and
 - Laboratory testing;
- h. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
 - i. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025, Neighborhood Contact;
 - j. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;
 - k. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and
1. Fees. The applicable filing fees.
 2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.
 3. Final Plat. An application for a Final Plat must include all of the following:

- a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
 - The statement: “This plat is subject to the conditions of City of Portland Case File No. LUR...”; and
 - Easements and tracts, including their purpose;
 - b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
 - c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape/ planting plans;
 - d. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
 - e. Performance Guarantees. One copy of each Performance Guarantee;
 - f. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;
 - g. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
 - h. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

A. General information on notices. The following applies to all notices.

1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed

notice. The recognized organization address is the address on the most recent list published by the Office of Neighborhood Involvement.

2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.
3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.

B. Type I notice of request. The notice of request, when processed through a Type I procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due. This date and time will be at least 30 days from the mailing date of the notice, and at least 5 days before the decision must be rendered;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;
- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

C. Type II and Type IIx notice of request. The notice of request, when processed through a Type II procedure and Type IIx procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;

- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
- A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

D. Type III and Type IV notice of request and hearing. The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal and the proposed use or uses which could be authorized;
- The land use reviews requested and other land use reviews which may be considered as an option;
- An explanation of the local decision-making process for the decision being made;
- The applicable comprehensive plan and code approval criteria;
- The date, time and location of the hearing;
- A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues
- A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
- A statement that a copy of the Director of BDS's report will be made available at least 10 days before the hearing and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

E. Notice of deferral. If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required.

The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.

F. Type I and Type IV notice of decision. The notice of decision must include the following:

- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - A description of the review body decision, the decision date, and filing date; and
-
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

G. Notice of Type II or Type IIx decision (pending appeal). The notice of Type II or Type IIx decision (pending appeal) will describe the land use request and decision. The notice will include the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- An explanation of the local decision-making process for the decision being made;
- A summary of the applicable approval criteria;
- The Director of BDS's decision, the decision date, and the filing date;
- A statement that the decision is final unless appealed;
- A description of the appeal process, time frame, the review body, and the fee for an appeal; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

H. Notice of a Type II, Type IIx, or Type III appeal hearing. If a local appeal of a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.

I. Notice of final Type II, Type IIx, or Type III decision following appeal. Where a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:

- The file number;
- The name and address of the applicant, owner, and appellant (if different);
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III or Type IV procedure. The requirements for the posting of notice are stated below.

- A. Number and location on the site.** A posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.
- B. Placing notice.** When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:
- The message that must be placed on the notice;
 - The number of notices required;
 - The latest date that the notice may be posted; and
 - A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.
- C. Standards and timing.** The applicant must prepare the notice to BDS standards and post it on the site at least 30 days before the scheduled hearing. At least 14 days before the hearing, the applicant must file with BDS a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.
- D. Removal.** The applicant may not remove the notice before the hearing. The applicant must remove the notice within 2 weeks of a final decision on the request.
- E. Content of the notice.** The posted notice must contain the following information:
- The file number;
 - The date of the hearing;
 - A summary of the key items of the request;
 - A statement that further information is available from BDS; and,
 - The phone number and address of BDS.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

- A. Decisions.** Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.
- B. Reports.** Reports must include:
 - The file number;
 - The owner's and applicant's name and address;
 - The legal description and site location;
 - A brief description of the request;
 - The review body;
 - The relevant approval criteria;
 - The findings applying the facts to the criteria;
 - The decision; and
 - Any additional information relevant to the case.
- C. The public record.** The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

- A. Rules of Procedure.** All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.
- B. Initial hearing statements.** At the beginning of each hearing, the review body must state:
 1. That testimony can only address the applicable approval criteria;
 2. The applicable approval criteria;
 3. That any party can request the record be kept open for 7 days;
 4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
 5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.
- C. Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex parte Contact

- A. Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:
1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
 2. If the communication was in written or tangible form, place a copy of the communication into the record.
- B. BDS contact.** The Director of BDS and BDS staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

- A. Expiration of unused land use approvals issued prior to 1979.** All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.
- B. When approved decisions expire.**
1. Land use approvals, except as other wise specified in this section, expire if:
 - a. Generally.
 1. Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
 2. Within 3 years of the date of the final decision the approved activity has not commenced.
 - b. Exception. Final decisions that became effective between May 27, 2006 and December 31, 2008 expire if a City permit has not been issued for approved development or the approved activity has not commenced by June 30, 2012.
 2. Zoning map and Comprehensive Plan map amendments do not expire.

3. Conditional Use Master Plans and Impact Mitigation Plans expire as specified in Chapters 33.820 and 33.848, or in the plans themselves.
4. Multiple developments.
 - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 3 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals.
 - b. Exception. On sites where the final decisions became effective between May 27, 2006 and December 31, 2008, and a City permit is not issued for all development by June 30, 2012, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exception. Final decisions on preliminary plans that became effective between May 27, 2006 and December 31, 2008 expire if an application for approval of Final Plat has not been submitted by June 30, 2012.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.
8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
 - a. Generally.
 1. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 2. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
 - b. Exception. Final decisions for Preliminary Plans that became effective May 27, 2006 and December 31, 2008 expire if an application for approval of a Final Plat for part or all of the site has not been submitted by June 30,

2012. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
 - a. Application for approval of a Final Plat for part or all of the site.
 1. Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 2. Exception. Final decisions for Preliminary Plans that became effective between May 27, 2006 and December 31, 2008 expire if an application for approval of a Final Plat for part or all of the site has not been submitted by June 30, 2012.
 - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
 - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
 - b. The final plat of the land division has not expired; and
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between May 27 2006 and December 31, 2008, the improvements must have been made by June 30, 2012.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
 - b. The PUD or PD has not expired;
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. For a PUD or PD receiving final approval between May 27, 2006 and December 31, 2008, the improvements must have been made by June 30, 2012.
12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supercede the regulations of this section.
- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).
- D. Expiration of adjustments approved prior to March 16, 2001.** Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.

33.730.140 Requests for Changes to Conditions of Approval

Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. In the case of zone change requests filed before January 1, 1981, the Type II procedure applies. In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.