

**1105 SUBDIVISIONS, PARTITIONS, REPLATS, CONDOMINIUM PLATS, AND VACATIONS OF RECORDED PLATS**

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1105.01 PURPOSE AND APPLICABILITY

Section 1105 is adopted to provide standards, criteria, and procedures under which a subdivision, partition, replat, condominium plat, or vacation of a recorded plat may be approved, except:

- A. In the EFU, TBR, and AG/F Districts, land divisions that are approved pursuant to Subsections 401.09, 406.09, or 407.08, respectively, are exempt from review pursuant to Section 1105. However, all subdivisions, as well as all partitions containing any parcel of 80 acres or smaller (based on the best available records), require completion of a final plat pursuant to Subsection 1105.07; and
- B. Subdivisions for cemetery purposes pursuant to Oregon Revised Statutes Chapter 97 are exempt from Section 1105.

1105.02 SUBMITTAL REQUIREMENTS FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a subdivision, partition, or replat shall include:

- A. Five copies of a preliminary plat for the proposed subdivision, partition, or replat. The preliminary plat shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet. If the preliminary plat is larger than 11 inches by 17 inches, five reduced-sized, legible copies of the preliminary plat shall be submitted on eight-and-one-half-inch by 14-inch or 11-inch by 17-inch paper. The following information shall be included on the preliminary plat or by separate attachment:
  - 1. Source of domestic water and location of any existing and proposed wells;
  - 2. Method of wastewater disposal and location of any existing and proposed on-site wastewater treatment systems;
  - 3. Existing and proposed utility lines and facilities;
  - 4. Calculations demonstrating that the proposed density complies with the minimum and maximum density standards of Section 1012, *Density*, or for zoning districts not subject to Section 1012, demonstrating compliance with the minimum lot size in the applicable zoning district;
  - 5. Locations, dimensions, and area of each lot, parcel, and tract;
  - 6. Date the preliminary plat was prepared;

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7. North arrow;
  8. Identification of each lot or parcel by number;
  9. Locations and widths of all roads abutting the subject property, including road names, direction of drainage, approximate grades, and whether public or private;
  10. Locations and widths of all proposed roads, including proposed names, approximate grades, radii of curves, and whether public or private;
  11. Location and width of legal access to the subdivision or partition, other than public or County roads, if applicable;
  12. Contour lines at two-foot intervals if 10 percent slope or less or five-foot intervals if exceeding 10 percent slope within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information;
  13. Locations of all seasonal and perennial drainage channels, including their names, if known, and direction of flow;
  14. Locations and widths of all existing and proposed easements, to whom they are conveyed and for what purpose;
  15. Locations and dimensions of all existing and proposed driveways and walkways;
  16. Locations and dimensions of existing structures and their setbacks from existing and proposed lot lines;
  17. Locations and dimensions of all areas to be offered for public dedication and the intended use of such areas;
  18. Boundaries and type of restricted areas identified in Subsection 1012.05 or 1012.07, as applicable;
  19. Locations of all significant vegetative areas, including, but not limited to, major wooded areas, specimen trees, and bearing trees; and
  20. For a proposed subdivision, a plat name approved by the County Surveyor pursuant to Oregon Revised Statutes 92.090;
- B. Preliminary statements of feasibility required pursuant to Section 1006, *Water Supply, Sanitary Sewer, Surface Water, and Utilities Concurrency*;

- C. For a proposed subdivision or partition that includes land designated Open Space by the Comprehensive Plan, a vicinity map showing the location of the subject property in relation to adjacent properties, roads, bikeways, pedestrian access, utility access, and manmade or natural site features that cross the boundaries of the subject property;
- D. For a proposed subdivision or partition that includes land designated Open Space by the Comprehensive Plan, an existing conditions map of the subject property showing:
1. Contour lines at two-foot intervals for slopes of 20 percent or less within an urban growth boundary; contour lines at five-foot intervals for slopes exceeding 20 percent within an urban growth boundary; contour lines at 10-foot intervals outside an urban growth boundary; source of contour information.
  2. Slope analysis designating portions of the site according to the following slope ranges and identifying the total land area in each category: zero to 20 percent, greater than 20 percent to 35 percent, greater than 35 percent to 50 percent, and greater than 50 percent;
  3. Drainage;
  4. Potential hazards to safety, including areas identified as mass movement, flood, soil, or fire hazards pursuant to Section 1003, *Hazards to Safety*;
  5. Marsh or wetland areas, underground springs, wildlife habitat areas, and surface features such as earth mounds and large rock outcroppings;
  6. Location of wooded areas, significant clumps or groves of trees, and specimen conifers, oaks, and other large deciduous trees. Where the subject property is heavily wooded, an aerial photograph, at a scale of not more than one inch equals 400 feet, may be submitted and only those trees that will be affected by the proposed development need be sited accurately;
  7. Location of any overlay zoning districts regulated by Section 700, *Special Districts*;
  8. Noise sources;
  9. Sun and wind exposure;
  10. Significant views; and
  11. Existing structures, impervious surfaces, utilities, landscaping, and easements;  
and

- E. For a proposed subdivision, a phasing plan and schedule, if the applicant proposes to have final plat review, pursuant to Subsection 1105.07, occur in two or more phases pursuant to Subsection 1105.03(D).

1105.03 APPROVAL CRITERIA FOR SUBDIVISIONS, PARTITIONS, AND REPLATS

A major subdivision requires review as a Type III application pursuant to Section 1307, *Procedures*. A minor subdivision or a partition requires review as a Type II application pursuant to Section 1307. A replat that proposes to increase the number of lots or parcels in the recorded subdivision or partition plat requires review as a Type II application pursuant to Section 1307. Otherwise, a replat requires review as a Type I application pursuant to Section 1307. A subdivision, partition, or replat shall be subject to the following standards and criteria:

- A. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Section 1000, *Development Standards*.
- B. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Chapters 11.01 and 11.02 of the County Code.
- C. The proposed subdivision, partition, or replat shall comply with the applicable provisions of Oregon Revised Statutes Chapters 92 and 209.
- D. As part of preliminary plat approval for a subdivision, approval of a phasing plan and schedule to allow final plat review to occur in two or more phases, each of which includes a portion of the subject property, may be granted in consideration of such factors as the size of the proposed subdivision, complexity of development issues, required improvements, and other factors deemed relevant. If a phasing plan and schedule is approved, such approval shall be subject to the following:
  - 1. The total number of lots in all recorded phases of the subdivision shall not exceed the maximum density allowed pursuant to Section 1012, *Density*, for the gross site area included in all such phases.
  - 2. If one or more open space tracts are required as a condition of subdivision approval, the first phase shall include all required open space tracts for the entire subdivision.
  - 3. Future phases shall be shown upon the initial and subsequent final plats as a "Tract Reserved for Future Development."
  - 4. As deemed necessary by the County or special districts, dedication of rights-of-way or easements into or through future phases may be required with the initial or subsequent phases, prior to platting of the final phase.

1105.04 ADDITIONAL APPROVAL CRITERIA FOR REPLATS

The number of lots or parcels in the replatted area shall not exceed the number previously approved for the area, unless:

- A. The gross site area of the affected plat is increased, or is of sufficient size to allow additional lots or parcels, or the zoning on the subject property has been changed since the existing plat was approved, permitting a greater density on all, or part, of the original platted area;
- B. The allowed density is recalculated pursuant to Section 1012, *Density*, on the basis of the gross site area of the original platted area and any additions to the gross site area, and, if applicable, on the basis of the new zoning;
- C. All existing lots or parcels within the plat that are not affected by the replat, including additional lots or parcels that may be created by subdivision or partition under existing zoning, are subtracted from the maximum density of the original plat area in determining allowed density for the replatted portion; and
- D. All open space requirements of the original plat, if applicable, are satisfied by the replatted subdivision or partition, or portion thereof.

1105.05 CONDOMINIUM PLATS

If condominium platting is proposed as part of a design review application pursuant to Section 1102, *Design Review*, a separate condominium plat application is not required. Otherwise, a condominium plat requires review as a Type I application pursuant to Section 1307, *Procedures*. A condominium plat shall be subject to the following standards and criteria:

- A. The proposed condominium plat shall comply with the applicable provisions of Section 1000, *Development Standards*.
- B. The proposed condominium plat shall comply with the applicable provisions of Oregon Revised Statutes Chapter 100.
- C. If a proposed condominium plat is approved, finalizing the condominium plat requires the completion of a final plat.
  - 1. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the condominium plat application have either been completed or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall signify approval by signing the plat.

2. Unless waived by the County Surveyor, after Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements.
  - a. County Assessor;
  - b. County Surveyor; and
  - c. County Road Official.
3. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent plat records of the County.

1105.06 APPROVAL PERIOD AND TIME EXTENSION

- A. Approval of a preliminary plat for a subdivision, partition, replat, or condominium is valid for four years from the date of the final decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the final plat shall be recorded with the County Clerk, or the approval will become void.
- B. If a final plat is not recorded within the initial approval period established by Subsection 1105.06(A), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.
- C. If a phasing plan and schedule are approved pursuant to Subsection 1105.03(D), the following shall apply in lieu of Subsections 1105.06(A) and (B):
  1. The phasing schedule may provide a preliminary plat approval period for the first phase not to exceed four years from the date of the final written decision. If the County's final decision is appealed, the approval period shall commence on the date of the final appellate decision.
  2. The phasing schedule may provide a preliminary plat approval period for each subsequent phase not to exceed two years from the end of the prior phase approval period.
  3. Each phase shall be recorded with the County Clerk within the applicable approval period, or the approval of that phase and all subsequent phases will become void.
  4. If a final plat for any phase is not recorded within the initial approval period for that phase, a two-year time extension for that phase and all subsequent phases may be approved pursuant to Section 1310.

5. In no case shall a phasing schedule or any time extensions permit the recording of any phase more than 10 years after the date of preliminary plat approval.

1105.07 FINAL PLAT REVIEW

If a preliminary plat for a subdivision, partition, or replat is approved, finalizing the subdivision, partition, or replat requires the completion of a final plat, except that a final plat is not required for a partition in which all parcels are larger than 80 acres. The applicant shall comply with the following:

- A. The form and content of the final plat shall comply with the County's final decision approving the subdivision or partition application and applicable provisions of Chapters 11.01 and 11.02 of the County Code, Oregon Revised Statutes (ORS) Chapter 92, and ORS 209.250.
- B. Unless waived by the County Surveyor, the final plat shall contain, at a minimum, the following information:
  1. The lines and names of all streets and other public ways, parks, playgrounds, and easements dedicated to the public or granted for the use of the owners within the plat and to whom the easement will be conveyed;
  2. The length and bearings of all straight lines, curves, radii, arcs, and the semi-tangents of all curves;
  3. All dimensions along the lot lines of each lot or parcel, to the nearest hundredth of a foot, with the true bearings and any other data necessary for the location of any lot line in the field;
  4. Suitable primary control points, approved by the County Surveyor, and description and ties to these control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred;
  5. The location and complete physical descriptions of all permanent monuments found or set, including full physical descriptions of Public Land Survey Corners (monument and accessories) shown on the plat. Record references for the found monuments shall be cited;
  6. The plat numbers and, if applicable, names of all platted subdivisions, partitions, condominiums, and cemeteries, and the legal numbers and names of all roads adjacent to the plat;
  7. The date(s) monuments were set (so identified), the date(s) the final plat was prepared (so identified), a north arrow, and graphical and engineering scales;

8. The boundary of the divided land, with the bearings, curves, and distances marked, as determined by a field survey made by an Oregon registered professional land surveyor, and to close with a linear error of closure of not more than one foot in 10,000 feet. In addition, the survey shall be performed with the reference to the Federal Geodetic Control Committee guidelines for third order class II;
  9. Any easements or notes required by the County or other public service providers and the locations, widths, and purposes of all existing easements of record, including instrument numbers; and
  10. Open space and common ownerships shall be labeled on the final plat as tracts. Labeling of tracts shall be alphabetical beginning with the letter "A", and no missing letters shall be allowed. The ownership, purpose, use, and maintenance of tracts shall be identified on the plat.
- D. All Homeowners Association Agreements, Articles, and Bylaws, and other similar items required or proposed shall be submitted with the final plat for review by the Planning Director the Office of County Counsel, and the County Surveyor (if the County Surveyor so requests).
1. The Planning Director shall not approve the final plat until the Homeowners Association Agreement, Articles, and Bylaws are approved by the County.
  2. The Homeowners Association Agreement, Articles, and Bylaws shall be consistent with ORS Chapters 92 and 94, if appropriate.
  3. A certificate of formation of a nonprofit corporation, with a state seal, for the Homeowners Association shall be submitted with the final plat for review by the Planning Director.
  4. After Planning Director approval, signed and notarized original documents of the Homeowners Association Agreement, Articles, and Bylaws and the certificate of formation described in Subsection 1105.07(D)(3) shall be submitted for recording at the same time as the final plat is submitted to the County Clerk. The final plat shall contain references to such documents.
- E. The final plat shall be submitted to the Planning Director for review. If the final plat is consistent with the approved preliminary plat and the conditions of approval included in the County's final decision on the subdivision, partition, or replat application have either been completed or guaranteed pursuant to Section 1311, *Completion of Improvements, Sureties, and Maintenance*, the Planning Director shall signify approval by signing the plat.
- F. Unless waived by the County Surveyor, after Planning Director approval, the final plat shall be submitted to the following officials for review and approval. Each official shall sign the final plat when satisfied that it meets their individual requirements.

1. County Assessor;
  2. County Surveyor;
  3. Board of County Commissioners; and
  4. County Road Official.
- G. After all officials have signed the final plat, it shall be submitted to the County Clerk for recording. When the County Clerk is satisfied with the final plat, it shall be signed, assigned a permanent file number, and placed in the permanent plat records of the County.

1105.08 VACATIONS OF RECORDED PLATS OR PORTIONS THEREOF

- A. The County may initiate proceedings to vacate public property pursuant to Oregon Revised Statutes (ORS) 92.205 through 92.245, ORS 368.326 through 368.366, or other applicable statutes.
- B. The property owner may initiate vacation proceedings of public or private property by filing with the Planning Director an application that includes the following:
  1. A description of the property proposed to be vacated, including any recorded legal descriptions or recorded plat;
  2. A recent title report on each property proposed to be vacated that was prepared under the criteria of the County Surveyor;
  3. A statement of the reasons for requesting that the plat, or portions thereof, be vacated;
  4. The complete names, addresses, and phone numbers of all persons holding any recorded right, title, or interest in or to each property proposed to be vacated;
  5. The complete names, addresses, and phone numbers of all persons owning any improvements being constructed on any public property proposed to be vacated;
  6. The complete names, addresses, and phone numbers of all persons owning any real property abutting any public property proposed to be vacated; and
  7. If the petition is for vacation of property that will be redivided in any manner, a preliminary subdivision or partition plat showing the proposed redivision.

- C. Approval of a plat vacation shall be granted only if the vacation is in the public interest. The determination of whether a vacation is in the public interest shall include, but not necessarily be limited to, the following findings:
1. Will not result in the vacation of public roads necessary to serve the area or adjacent properties;
  2. Will not interfere with the need to provide public facilities such as sewer and water; and
  3. Will not jeopardize the potential for development of other properties pursuant to the Comprehensive Plan designation for the area.
- D. Plat vacations shall be reviewed by the Planning Director if the proceedings for vacation were initiated by a petition that contains the notarized signatures of owners and contract purchasers of 100 percent of property proposed to be vacated and abutting any public property proposed to be vacated. The petition must indicate the owners' and contract purchasers' approval of the proposed vacation.
- E. Except as provided in Subsection 1105.08(D), plat vacations shall be reviewed by the Hearings Officer at a hearing conducted pursuant to Section 1307, *Procedures*.
- F. After considering vacation proceedings pursuant to Subsection 1105.08(D) or 1105.08(E), the Planning Director or Hearings Officer, respectively, shall issue a report and recommendation to the Board of County Commissioners for approving or denying the vacation of property. The report shall include an assessment of whether the vacation is in the public interest as required by Subsection 1105.08(C). Notice of the Planning Director's or Hearings Officer's recommendation shall be provided pursuant to Subsection 1307.09(A)(1) or 1307.10(E), respectively.
- G. The Board of County Commissioners shall consider the Planning Director's or Hearings Officer's recommendation to approve or deny the proposed vacation. If the Board of County Commissioners approves the proposed vacation, the Board Order shall:
1. State that the plat, or portion thereof, is vacated;
  2. Describe the exact location of each property to be vacated using a description prepared by and bearing the seal and original signature of an Oregon registered professional land surveyor or other appropriate means of description; and
  3. Authorize the County Surveyor to mark the vacation on the plat filed with the County Surveyor.

H. The Board Order vacating a plat, or portion thereof, shall be recorded with the County Clerk and certified copies of the recorded order shall be filed with the County Surveyor and the County Assessor. The order shall become effective upon recording.

1105.09 SUBDIVISIONS OF MANUFACTURED DWELLING PARKS AND MOBILE HOME PARKS

The conversion of an existing or approved manufactured dwelling park or mobile home park to a subdivision requires review as a Type I application pursuant to Section 1307, *Procedures*, and shall be subject to the submittal, review, and platting requirements of Oregon Revised Statutes (ORS) 92.830 through 92.845. Where ORS 92.830 through 92.845 conflict with the provisions of this Ordinance, ORS 92.830 through 92.845 shall take precedence.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15]