

## CHAPTER 154

### Subdivisions

#### 154.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*EXPEDITED LAND DIVISION. A division of land that includes land that is zoned for residential uses, is solely for the purpose of residential use, including recreational or open space uses accessory to residential use, and meeting all requirements of ORS 197.360.*

FLAG LOT. A lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg of land.

LOT. A unit of land that is created by a subdivision of land. A lot line or boundary line adjustment is a minor modification to a boundary line between two individual lots or parcels of land. No new lots or parcels are created in a boundary line adjustment. The revised lots or parcels meet the requirements of the city zoning code. The procedure for a lot line or boundary line adjustment is an administrative one through the city staff.

MAJOR PARTITION. A partition which includes the creation of a road or street.

MAP. A final diagram, drawing or other writing concerning a major partition.

*MIDDLE HOUSING LAND DIVISION. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A-420(2) or (3).*

MINOR PARTITION. A partition that does not include the creation of a road or street but is subject to approval by the city.

PARCEL. A unit of land that is created by a partitioning of land.

PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION LAND. To divide land into two or three parcels of land within a calendar year but does not include:

- (1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning provision; or
- (3) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the Comprehensive Plan and ORS [215.213](#) (2)(q) through (s).

PARTITION PLAT. A final map, other writing containing all descriptions, locations, specifications, revisions, and information concerning a major or minor partition.

PLAT. A final subdivision plat, replat or partition plat.

REPLAT. A final map of reconfiguration of lots and easements of a recorded subdivision or recorded plat and other writings containing all the descriptions, locations, specifications, dedications, and provisions and information concerning a recorded subdivision.

STREET or ALLEY. A public way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

SUBDIVIDE LAND. To divide an area or tract of land into four or more lots within a calendar year when an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of the year.

SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

SUBDIVISION PLAT. A final map and other writings containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

ZERO LOT LINE LOT. A lot lacking the requisite minimum size and/or width for the underlying zone which is intended for common wall or zero lot line attached housing.

#### **154.73 EXPEDITED LAND DIVISIONS.**

*(A) The expedited land division procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the process if the land division request meets all of the elements specified in ORS 197.360.*

*(B) An expedited land division process may be used for residential minor and major partitions, residential subdivision, and residential subdivision replat applications.*

*(C) The submittal requirements for an expedited land division application shall be congruent with the submittal requirements for a partition or subdivision. On receipt of a complete application, the City shall notice and review the expedited land division in accordance with the requirements of ORS 197.365.*

- 1) Written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site.*
- 2) There shall be a 14-day period to allow for submission of written comments prior to the director's decision.*
- 3) There shall be no public hearing on the application.*
- 4) The director's decision shall be based on applicable elements of the zoning ordinance and comprehensive plan.*
- 5) The director's decision may be appealed within 14 days of the mailing of the decision notice and the appeal shall be based solely on allegations as listed in ORS [197.375\(1\)\(c\)\(A\)](#) through [\(1\)\(c\)\(D\)](#) and shall be accompanied by an appeal application and fee set by resolution of the city council which is refundable if the appellant prevails.*
- 6) The director shall appoint a referee to decide the appeal decision and the appointed referee shall comply with ORS [197.375\(3\)](#) through [\(6\)](#) when issuing a decision.*

#### **154.74 MIDDLE HOUSING LAND DIVISIONS.**

*(A) The City shall approve a tentative plan for a middle housing land division if the application includes:*

- 1) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420 (5);*
- 2) Separate utilities for each dwelling unit;*
- 3) Proposed easements necessary for each dwelling unit on the plan for:*
  - a. Locating, accessing, replacing and servicing all utilities;*
  - b. Pedestrian access from each dwelling unit to a private or public road;*
  - c. Any common use areas or shared building elements;*
  - d. Any dedicated driveways or parking; and*
  - e. Any dedicated common area;*
- 4) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and*
- 5) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code*

*(B) The City shall add conditions to the approval of a tentative plan for a middle housing land division to:*

- 1) Prohibit the further division of the resulting lots or parcels.*
- 2) Require that a notation appear on the final plat indicating that the approval was given under ORS 92.031.*

*(C) In reviewing an application for a middle housing land division, the City:*

- 1) Shall apply the procedures under ORS 197.360 to 197.380 for expedited land divisions.*
- 2) Shall require street frontage improvements where a resulting lot or parcel abuts the street consistent with §157.160 through §157.166.*
- 3) Shall not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.*
- 4) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*
- 5) May require the dedication of right of way if the original parcel did not previously provide a dedication.*

*(D) Notwithstanding ORS 197A.425 (1), the City is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*

*(E) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits the City from requiring a final plat before issuing building permits.*

*(F) Notwithstanding the provisions of ORS 92.010 to 92.192, within the same calendar year as an original partition, the City may allow the resulting vacant parcels to be further divided into not more than three parcels through a middle housing land division, provided that:*

- 1) The original partition was not a middle housing land division; and*
- 2) The original parcel or parcels not divided will not be part of the resulting partition plat for the middle housing land division.*

*(G) Applications for middle housing land division shall be accompanied by an application form and fee set by resolution of the city council.*