

Section 6.0200 Partitions and Subdivisions

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GENERAL

6.0201 TENTATIVE PARTITION OR SUBDIVISION PLAN

An application for a tentative partition or subdivision plan shall be processed under the Type II procedure except a plan submitted as a Planned Development, which, pursuant to **Section 6.0300** of the Community Development Code, shall be processed under the Type III procedures.

TENTATIVE LAND DIVISION APPROVAL CRITERIA

6.0210 CRITERIA FOR APPROVAL OF TENTATIVE PLAN

In approving a tentative land division plan, the approving authority shall find compliance with the relevant portions of the Community Development Code and the following:

- A. Development of any remainder of property under the same ownership can be accomplished in accordance with this code.
- B. Adjoining land can be developed or is provided access that will allow its development in accordance with this code.

6.0211 PHASED SUBDIVISION

The approval authority may authorize a time schedule for platting a subdivision in phases. Each phase may be for a period of time in excess of one year but the total time period for all phases shall not be greater than five years without resubmission of the tentative plan. Each phase so platted and developed shall conform to the applicable requirements of this code.

If a phased development or subdivision is proposed for a development that includes townhouses, the first phase shall conform to density requirements without consideration of subsequent phases. Later phases shall conform to density requirements in a cumulative fashion, taking into account previous phases and while

continuing to meet density standards at each phase. This is calculated by adding the number of lots for the current phase and all previous phases and dividing by the acreage of the current phase (taking into account subtractions in the “Net Density” definition) and all previous phases. The result shall meet the applicable density standard.

6.0212 DURATION OF EXEMPTION FROM SUBSEQUENTLY ADOPTED LAND USE ORDINANCE

For the purposes of ORS 92.040(2) and (3), after September 9, 1995, construction within an approved subdivision shall at the Applicant’s discretion be subject to the City of Gresham land use laws that were in effect on the date the tentative subdivision plan application was made and shall not be subject to subsequently adopted City of Gresham land use laws. This exemption from subsequently adopted City of Gresham land use laws shall terminate 3 years from the date of the recording of the final plat. In no instance shall this exemption extend beyond 10 years from tentative plan approval.

6.0213 REVIEW OF LOTS NOT LAWFULLY CREATED

The City will consider applications to partition or subdivide lots that were not lawfully created under the following circumstances:

- A. The property is owned by more than one owner; and
- B. One or more of the owners applies for creation of the lots that were improperly formed without approval of the City or County, even if not all of the owners of the existing legal lot have applied for approval; and
- C. The owners of the lot are not related by blood or marriage; and
- D. The only business relationship among the owners is the transaction by which ownership interests in the portions of the lot were sold.

The application shall be subject to the City’s land division requirements and shall meet all applicable standards.

6.0214 EXPIRATION OF PARTITIONS AND SUBDIVISIONS

A tentative land division plan approval expires two (2) years from the effective date. Those tentative land division plans approved on or after September 19, 2017 shall expire one (1) year from the effective date.