



# LAND DIVISION

## INFORMATION GUIDE

### Overview of the Land Division Process

#### When is a land division required?

Any time you want to divide an existing property to create additional lots, parcels or tracts, a land division is required. Land divisions are commonly requested to divide a large residential lot into 2 or 3 lots. Once the land division is complete, new houses can be built on the additional lots. A land division may also be required to legalize a lot that was created outside of the legal process. If you simply want to move a lot line between existing legal lots, a land division is not needed in most cases. A property line adjustment allows for minor changes to the location of existing property lines.

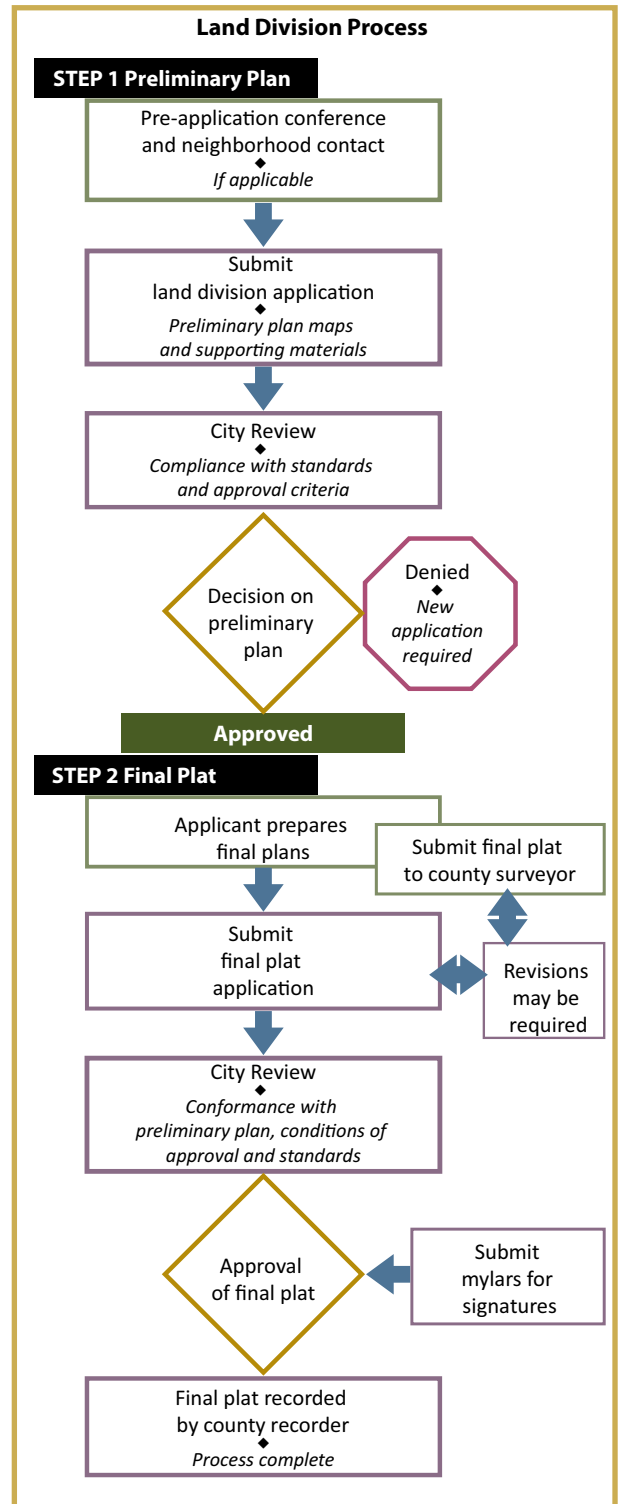
#### Land division – it’s a two step process

All land divisions require two steps:

1. Review and approval of the preliminary plan and
2. Review and approval of the final plat. The flowchart to the right is a simplified illustration of the process. As the flowchart shows, there are multiple small steps within each larger stage of the land division process.

#### Step 1 - Preliminary Plan

The first step is review and approval of a preliminary plan. The initial application for a land division includes preliminary plan maps and other supporting materials showing that the proposal meets all applicable City standards. The preliminary plan is reviewed by planners for zoning compliance, as well as other City departments and agencies to ensure that it meets standards for services and utilities, such as water, sewer, stormwater management and streets. A tree preservation plan and preliminary clearing and grading plan are also reviewed to ensure compliance with restrictions on the amount of the site that is disturbed in the development process. This review process results in a decision on the preliminary plan, which completes the first step in the land division process. An approval of a preliminary plan often includes conditions that must be met before final plat approval can be granted. Preliminary Plan approval is good for 3 years. It will expire if an application for final plat is not made within that time period.



**Step 2 - Final Plat**

The second step in the land division process is review and approval of the final plat, which is the final surveyed layout of the land division. Between the approval of the preliminary plan and the application for final plat review, details are worked out, such as exactly where utilities will be located and the final design of street improvements. The final plat is reviewed by the same City departments that reviewed the preliminary plan to make sure that the final plat is substantially the same as the preliminary plan, all conditions of approval are met and the final plat meets City standards. Minor modifications to the layout of the land division are allowed between the approval of the preliminary plan and the final plat, however if the modifications exceed the set guidelines established in the regulations, an additional review process will be required to allow variation from the preliminary plan. Before the final plat is approved, any required maintenance agreements and performance guarantees for improvements must also be provided. The final plat must also be reviewed and approved by the County Surveyor. **To save time, it is recommended that the applicant submit the final plat to the County Surveyor at the same time it is submitted to the City.** Once the final plat is approved by the City, it is the applicant’s responsibility to have the final plat recorded with the County Assessor and Recording Office. The final plat must be submitted to the County for recording within 90 days of City approval. Once the final plat is recorded, the land division process is complete.

**Review procedures and timelines or preliminary plan approval**

Land divisions are processed under three different land use review procedure types. As shown in the table below, the procedure type for a proposal depends on the number of lots proposed and other characteristics, such as encroachments on Flood Hazard or Landslide Hazard Areas. Final plats are processed as an administrative procedure. The entire process (preliminary plan review and final plat review) can take six to nine months, but may be longer for more complex projects.

	Type III Procedure	Type IIx Procedure	Type Ix Procedure
	<ul style="list-style-type: none"> <li>• Pre-application &amp; neighborhood contact required</li> <li>• Public hearing required</li> <li>• Decision by Hearings Officer</li> <li>• Appeal to City Council</li> <li>• Decision made within 68 days from time application deemed complete*</li> </ul>	<ul style="list-style-type: none"> <li>• Neighborhood contact required</li> <li>• Decision made by staff</li> <li>• Appeal to Hearings Officer</li> <li>• Decision made 30 to 42 days from time application deemed complete*</li> </ul>	<ul style="list-style-type: none"> <li>• Decision made by staff</li> <li>• No local appeal</li> <li>• Decision made 30 to 45 days from time of complete application*</li> </ul>
Zones			
<b>Open Space &amp; Residential Zones</b>	<ul style="list-style-type: none"> <li>• 11 or more proposed lots</li> <li>• 4 or more lots &amp; portion of lots utilities or services are proposed within a Potential Landslide a Hazard Area</li> <li>• Environmental review required for land division</li> <li>• Phased land division proposed</li> <li>• Any portion of site in the Open Space (OS) zone</li> </ul>	<ul style="list-style-type: none"> <li>• 4 to 10 proposed lots</li> <li>• 2 or 3 lots &amp; portion of lots utilities or services are proposed within a Potential Landslide Hazard Area</li> <li>• Lots, utilities or services proposed within a Flood Hazard Area</li> <li>• Concurrent land use review of Type Ix, II or IIx (except Environmental Review)</li> </ul>	<ul style="list-style-type: none"> <li>• All other land divisions that do not require a Type III or Type IIx procedure</li> </ul>
<b>Commercial, Employment &amp; Industrial Zones</b>	<ul style="list-style-type: none"> <li>• 11 or more lots</li> <li>• 4 or more lots &amp; portion of lots utilities or services are proposed within a Potential Landslide Hazard Area</li> <li>• Environmental Review required for the land division</li> <li>• Large Industrial Site provisions used</li> </ul>	<ul style="list-style-type: none"> <li>• 4 to 10 lots</li> <li>• 2 or 3 lots &amp; portion of lots utilities or services are proposed within a Potential Landslide Hazard Area</li> <li>• Lots, utilities or services proposed within a Flood Hazard Area</li> <li>• Concurrent land use review of Type Ix, II or IIx (except Environmental Review)</li> </ul>	<ul style="list-style-type: none"> <li>• All other land divisions that do not require a Type III or Type IIx procedure</li> </ul>

\* Timeline may be extended. The 120 day limit may be extended a maximum of 245 days if the applicant chooses to put the application on hold in order to provide additional information.

## Pre-application and neighborhood contact requirements

If the land division proposal requires a Type III review procedure, you must attend a pre-application conference. If the land division proposal requires a Type IIx or Type III review you must fulfill the neighborhood contact requirement prior to submitting the application.

**A pre-application conference** is a meeting between City staff and the applicant in which the proposal is discussed. City staff will provide feedback on the proposal and inform the applicant of standards and requirements. The meeting is also a chance for the applicant to ask questions of staff. After the meeting, a summary of the discussion will be provided to the applicant. These notes should be submitted with your land division application. A pre-application conference is valid for one year. If an application for land division is not made within that time period, a new pre-application conference is required. It may take four to five weeks to schedule a pre-application conference.

**The neighborhood contact requirement** provides opportunity for neighborhood residents to comment on the proposal before the application is submitted. The applicant must contact the applicable neighborhood association and district coalition by certified or registered mail to request a meeting with the group. The neighborhood association must respond within 14 days and schedule a meeting to discuss the proposal within 45 days. The applicant must attend the meeting if it is held. After the meeting, the applicant must send a letter to the neighborhood association explaining changes, if any, were made to the proposal. Copies of both letters and copies of the certified or registered mail receipts must be submitted with the land division application. If the neighborhood association does not respond or hold the meeting within the specified time, the applicant may proceed with the application. Contact the Development Services Center to find out the applicable neighborhood association and district coalition for your proposal.

## What should I do to begin the process?

### Research your site

To begin the land division process, you should do some basic research about the site you want to divide. This will let you know what is possible and the type of review procedure that will be required. You should explore the following topics:

- **Property and zoning information:** What is the square footage of the property? What is the zoning? What is the maximum number of lots allowed and the minimum number of lots required? (See the Informational Guide on Density and Lot dimensions for more information).
- **Site constraints:** Are there any site constraints that could affect your proposal, such as Environmental Overlay Zones (p or c zone) on the site, Flood Hazard Areas, Potential Landslide Hazard Area or water features (streams, springs, seeps, or wetlands)? Properties with these constraints have special standards and approval criteria that must be met.
- **Utilities and Services:** Are there adequate utilities and services available at the site, such as water, sewer, stormwater and streets?
- The Resource/Records Counter in the Development Services Center is a good source of information about existing services, as well as visiting the Portland Maps Web site at [www.portlandmaps.com](http://www.portlandmaps.com).

### Contact a Professional

At a minimum, you will need to work with a surveyor to prepare your land division application and final plat survey. If the land division is relatively simple and you have experience with preparing site development plans, you may be able to prepare the remainder of the required maps and information. However, you may find that working with a professional engineer, planner or architect will save you time and money in the long run. If you would like feedback on the feasibility of your proposal before working with a professional, bring a sketch of your proposal into the Development Services Center.

*For more information visit or call the Planning and Zoning staff at the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526  
Information is subject to change. For current Portland Zoning Code visit [www.portlandoregon.gov/zoningcode](http://www.portlandoregon.gov/zoningcode)*