

33.670 Review of Land Divisions of Manufactured Dwelling Parks

670

Sections:

General

- 33.670.010 Purpose
- 33.670.020 Where These Regulations Apply
- 33.670.030 Application Requirements

Review of Preliminary Plan

- 33.670.110 Review Procedures
- 33.670.130 Approval Criteria

Review of Final Plat

- 33.670.210 Review Procedure
- 33.670.215 Voiding of Final Plat Application
- 33.670.220 Approval Standards

Review of Changes to an Approved Preliminary Plan

- 33.670.300 Review Procedures
- 33.670.310 Approval Criteria

Changes to Final Plat

- 33.670.400 Changes to Final Plat Before Recording
- 33.670.410 Changes to Final Plat After Recording

General

33.670.010 Purpose

These regulations assign each phase of a land division request to an appropriate procedure type for review, and establish standards for each phase and each review.

33.670.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions of manufactured dwelling parks that existed on July 1, 2001. The regulations apply in all zones. Sites with manufactured dwelling parks are eligible to use the regulations and procedures of chapter 33.660 through 33.665 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.670.030 Application Requirements

A complete application for a land division of a manufactured dwelling park under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. 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 8-1/2 by 11 inches in size, and be suitable for reproduction.

A. Preliminary Plan. An application for Preliminary Plan must include all of the following:

1. 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;

2. 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 standards are met;
 - Additional information needed to understand the proposal;
 - Names and addresses of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets
3. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 200 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
 - Streets;
 - Pedestrian and bicycle facilities and connections; and
 - Location of utilities and services;
4. 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:
 - a. Surveyed information:
 - Boundary lines of the site with dimensions and total site area;
 - Proposed lot layout with sizes, dimensions, and lot and block 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;
 - Proposed location, dimensions, and purpose of all easements;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map;
 - Stamp of surveyor;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and

- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- b. Additional information:
 - Zoning and Comprehensive Plan designations;
 - Location, dimensions, and purpose of existing easements on and abutting the site;
 - Existing and proposed services and utilities; and
 - Any information necessary to show that the approval criteria are met.
- 5. Fees. The applicable filing fees.

B. Final Plat. An application for a Final Plat must include all of the following:

1. 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:
 - a. The statements:
 - “This plat is subject to the conditions of City of Portland Case File No. LUR...”; and
 - “Additional City review is required for any changes made to this plat after the signature date of the BDS representative. Such changes may require an additional review procedure”; and
 - b. Easements and tracts, including their purpose;
2. Supplemental plan. A supplemental plan, the number determined by the Director of BDS, 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. This includes the information from the Preliminary Plan that shows the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks;
3. 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;
4. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
5. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions; and
6. Fees. The applicable filing fees.

Review of Preliminary Plan

33.670.110 Review Procedures

Review of Preliminary Plans is processed through a Type Ix procedure.

33.670.130 Approval Criteria

The Preliminary Plan for a land division of a manufactured dwelling park will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. Legal status of manufactured dwelling park.** One of the following must be met:
 - 1. The manufactured dwelling park is a legal nonconforming use; or
 - 2. The BDS Code Compliance Division has not issued a written code violation notice as of July 2, 2001.
- B. Number of lots.** The number of lots proposed is the same or less than the number of manufactured dwelling spaces previously approved or legally existing in the manufactured dwelling park.
- C. Development standards.** The Preliminary Plan does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks.
- D. Boundary.** The proposal does not change the boundary of the manufactured dwelling park.
- E. Services and utilities.**
 - 1. Areas that are used for vehicle access, such as driveways, and that serve more than four lots, must be in a tract. The tract must be shown on the Preliminary Plan;
 - 2. All other services and utilities that serve more than one lot must be in a tract or easement. Where a service or utility serves only one lot, but crosses another, it also must be in a tract or easement. The tracts and easements must be shown on the Preliminary Plan;
- F. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements, must be met.

Review of Final Plat

33.670.210 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.670.215 Voiding of Final Plat Application

A complete application for Final Plat review will be voided where:

- A.** The Director of BDS has sent written comments to the applicant, requesting additional information; and

- B. The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.

33.670.220 Approval Standards

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;
- B. **Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to Final Plat approval. All other conditions of approval remain in effect;
- C. **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;
- D. **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; and
- E. **Maintenance agreements and CC&Rs.** All maintenance agreements and Conditions, Covenants and Restrictions must be reviewed and approved by the Director of BDS 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.

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through a Type Ix procedure. The decision of the Director of BDS is final.

33.670.310 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval criteria of Section 33.670.130 have been met.

Changes to Final Plat

33.670.400 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. The revised Final Plat must undergo Final Plat review again.

33.670.410 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.

(Added by: Ord. No. 177422, effective 6/7/03. Amended by: Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13.)