

LAND DIVISION CODE
REWRITE PROJECT

FINAL REPORT

Summary and Background

ADOPTED BY ORDINANCE #175965, SEPTEMBER 26, 2001

AMENDED BY ORDINANCE, #176333, MARCH 20, 2002

EFFECTIVE JULY 1, 2002



CITY OF PORTLAND, OREGON
BUREAU OF PLANNING



Part I:

Summary

Summary

The recommendation contained in this report includes new rules that will govern how land is divided into lots and tracts in the City of Portland in the future. The recommendation governs not only the dimensions and configuration of lots and tracts, but also the creation of streets, the provision of other services such as water, sanitary sewer and stormwater management, and the protection of environmental resources during the land division process.

This report builds on an extensive planning effort that has involved property owners, land developers, builders, neighbors, interested citizen groups, and staff from many City Bureaus. At the core of today's recommendation is the Recommended Draft of the Land Division Code Rewrite Project that was approved by the Portland Planning Commission in November 1999 and reviewed by the City Council in February 2000.

In February 2000, the City Council asked the Director of the Bureau of Planning to convene a discussion group that included the participation of citizen experts, interest groups, and neighborhood organizations. This group discussed additional standards that could be added to the recommendation to ensure the protection of Portland's livability. The recommendation reflects the work done by that discussion group, and includes additional or modified standards related to the quality of design on narrow lots, street design, protection of environmental resources, relationship of the recommendation to technical decisions, and review processes.

In general, the recommendation would:

- **implement the Region 2040 growth concept** by incorporating minimum densities into the medium density residential zones and by providing more flexibility in the division of land. This flexibility makes it easier to protect environmental resources while also allowing for anticipated development. The emphasis on street connectivity also promotes Region 2040 growth concepts by reducing vehicle miles traveled and encouraging non-auto travel;
- **foster orderly and efficient provision of services** by clarifying the relationship between the land division code and technical requirements for services such as streets, sewers, and stormwater management, and by directing service bureaus to publish their guidelines for technical decisions;
- **reorganize and reformat the land division regulations** to be easier to understand. The organization of the regulations is logical, and fits into the existing organization of the Zoning Code. Wherever possible, existing regulations and procedures in the Zoning Code were used, rather than creating variations specific to land divisions;
- **provide for creative land development and promote good urban form.** The regulations allow flexible lot sizes within existing density regulations, focus on key design regulations such as the lot's relation to the street, and allow effective solutions for infill lots, especially those with constraints such as severe slopes;
- **provide for appropriate citizen participation.** By "front-loading" the process in terms of information, decision-making and citizen involvement, issues and problems can be identified early and all participants in the process have a chance to resolve conflicts while the developer is still refining the proposal;
- **clarify and coordinate the roles of the City bureaus that are responsible for reviewing land division proposals.** In addition, this recommendation was coordinated

with the Blueprint 2000 process and will foster better communication between City agencies and bureaus; and

- **require narrow lots to meet design standards** at the land division stage. These standards will mitigate the impacts of design on narrow lots to encourage development that integrates into the surrounding neighborhood.

Recommendation

The Bureau of Planning and the Portland Planning Commission recommend that the City Council:

- Repeal the existing Title 34, Land Divisions; and
- Amend Title 33, Planning and Zoning to put in place new regulations for the subdivision of land as shown in Part III of this report.

In order to implement the regulations contained in Part III of this report, it is also recommended that the City Council take the implementation actions described in Part V of this report, including:

- Direct service bureaus to document administrative practices and technical requirements *prior to the effective date* of this code;
- Direct the Portland Office of Transportation to continue work toward adoption of a Conceptual Master Street Plan Map;
- Direct the Office of Planning and Development Review to consider improvements to administrative practices related to turnaround time, process management, and staffing;
- Direct the City Attorney to head up an inter-bureau effort toward consolidation of improvement guarantee activities and regulations by project, and to complete this work *prior to the effective date* of this code;
- Direct appropriate service bureaus to update their titles for consistency with the land division code;
- Direct the Bureau of Planning and the Office of Planning and Development Review to work jointly to produce a Land Division Handbook, if feasible within the constraints of existing budget priorities; and
- Allocate a budget for and direct the Bureau of Planning to work with the Office of Planning and Development Review to undertake a two-year work-program to monitor implementation of the Land Division regulations.

Housekeeping Amendments to the Recommendation

This report reflects housekeeping amendments to the original recommendation that were adopted by the City Council on March 20, 2002.

Part II:

Background

Project Purpose and Overview
Project History

PROJECT PURPOSE

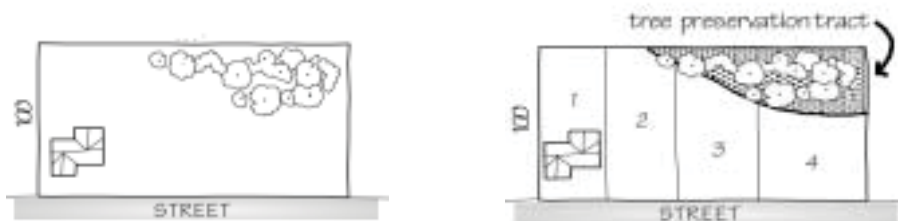
Importance of Land Division regulations

The first major step in the development process is to divide a parcel of land into lots and streets. How land is divided defines the pattern of a community, which in turn may shape its character.

Dividing land can also define traffic circulation patterns and access, dedicate rights-of-way, and reserve tracts of land to protect environmental resources, such as floodplain and landslide areas. Land division regulations help to guide development of land consistent with the goals of Portland's Comprehensive Plan. Done well, land division regulations coordinate the City's interests and responsibilities in a clear and efficient manner.

A good set of regulations for land divisions can help avoid destruction caused by floods and landslides. A good code ensures that all lots can be served by services and utilities, and that public and private costs of development are not overly burdensome. A good code ensures that stormwater generated by a development can be managed as close as possible to the site, and land uses can be carefully matched with transportation elements for all modes, including pedestrian and bicycle travel. A good code preserves natural resources. A clear and flexible set of regulations can achieve all this, and also foster a variety of housing, commercial, and industrial development.

The figures below illustrate the outcome of a simple land division, using the rules recommended in this report. In this case, the house is on a site that is zoned to allow four lots. There is enough street frontage so that no new streets are needed for the new lots. As part of the recommended land division process, a tree preservation tract is created to protect a cluster of trees. Parts III and IV of this report include new rules to guide land division proposals, such as this example.



Before the land division

After the land division (applying the code recommended in this report)

Why do we need to update the regulations?

The current Land Division Code was adopted in 1978, and has been amended many times since its adoption. At the same time, amendments to other titles of the City Code, particularly those administered by the service bureaus, have not always been well coordinated with the Land Division Code. State law has changed extensively, which means that some of the provisions of the code are not in compliance with state law. Metro's Urban Growth Management Functional Plan also requires some code changes.

The recommended land division regulations are intended to help guide growth while maintaining the livability of neighborhoods. Such guidance also supports the City's efforts to make efficient use of existing public facilities and services.

In 1994, Portland City Council decided to rewrite the Land Division Code to respond to changing conditions and values in Portland. As time goes by and development occurs, the number of sites that can be easily developed diminishes, leaving sites with constraints,

such as steep slopes or environmental resources. It has become increasingly clear during the past few years that Portland residents want to preserve environmental resources, retain large stands of trees, and avoid development that will be at risk from—or worsen—landslides and floods. These factors call for a regulatory approach to land divisions that is flexible, simple, and provides certainty. Not only is it timely to reconsider the existing land division regulations, it is critical if the City is to achieve its goals and preserve Portland's livability.

What are the goals for the project and who set them?

The City's Development Review Team initially developed the goals for the Land Division Code Rewrite Project, with assistance from planning consultants. Members of the team included managers from the six City bureaus directly involved in development permitting and two members of City Council. The goal setting process is described in the Project History section, below. The core project goals include:

1. Write and structure the Land Division Code so that:
 - Procedures are timely, clear, and easy to understand;
 - Regulations are clear and easy to understand;
 - It provides opportunities for creative land development; and
 - It promotes good urban form and design.
2. Focus on the land division procedures and regulations to foster the orderly and efficient provision of services.
3. Provide for citizen participation at appropriate times throughout both the code writing project and the land division process.
4. Use the Land Division Rewrite Project as an opportunity to identify and resolve the sometimes competing City policies related to land divisions and to identify what should be addressed in the land division regulations versus other titles of the City Code.
5. Design the land division requirements as an implementation tool for the Region 2040 growth concepts and the City of Portland goals to encourage and support infill and redevelopment.

As the project has evolved, the Planning Commission has provided additional guidance, including:

- Allow infill development on lands not constrained by flood or landslide hazard areas, areas without significant trees, and areas without environmental resources;
- Provide connections for pedestrian and bicycle travel;
- Support procedures that provide more information and more certainty earlier in the process;
- Support systems development charges (SDCs), especially for parks. (This issue has been addressed outside of the Land Division Code Rewrite. A Parks SDC is now in place to acquire additional park capacity to accommodate new development); and
- Improve enforcement of conditions of approval placed on land divisions (This issue has been addressed outside of the Land Division Code Rewrite. The Office of Planning and Development Review is currently implementing a work program to monitor and update their enforcement practices).

In addition, City Council and the Director's Discussion Group requested amendments to the recommendation that would ensure that the land division code provides for:

- Livability and sustainability of Portland's neighborhoods;
- Compatibility of new development with existing neighborhood character;
- Good site design and building design;

- Affordable housing;
- A multi-modal transportation system;
- Meaningful, constructive community involvement;
- A flexible, predictable, and efficient permit process; and
- Enforceability.

There are several “basic” City Policies to which change is not recommended:

- The public health and safety must be protected. For example, these regulations make it clear that new streets and lots cannot create or worsen landslide hazards.
- Services must be adequate—or must be made adequate—before land can be divided or developed. This proposal clarifies and reinforces the service requirements that must be met as part of the land division process.
- Land must be divided so that the lots can reasonably be developed. Requirements in this draft, such as minimum frontage and minimum lot area, ensure that new lots are buildable.
- The general process steps remain the same. In this draft, as in current practice, the first phase is review of the preliminary plan with significant public involvement. Once the preliminary plan is approved, the second phase—final plat review—focuses on the technical issues.

PROJECT OVERVIEW

The Land Division Code Rewrite Recommendation contained in this report will:

- Use a more flexible, Planned Unit Development-like approach for lot dimensional standards while continuing to require sites to comply with maximum density requirements;
- Recognize the special impacts of development on narrow lots by requiring narrow lots in single dwelling zones to meet certain design standards at the land division stage and by amending additional design-related regulations;
- Remove disincentives to building connecting streets and sidewalks;
- Add specific requirements for land subject to flood or landslide, with environmental zoning, or with seeps and springs;
- Require tree preservation, consistent with the existing tree ordinance;
- Adopt connectivity criteria that are consistent with the Metro 2000 Regional Transportation Plan and tailored to Portland’s street pattern;
- Update development review procedures to revise thresholds, modify timing, and define land use and technical decisions; and
- Clarify the relationship between the Land Division Code and technical service bureau requirements for new land divisions.

The recommendation directs certain service bureaus to publish guidelines and standards for the technical decisions that will be made as part of the land division process. The recommendation also encourages continued inter-bureau discussion related to the issue of impervious surface. Strides have been made outside the context of the Land Division Code Rewrite project to better integrate the City’s development review functions, including land division reviews. The City’s work on process management is discussed in more detail in Part V of this report.

Lots and Density

The recommendation uses a more flexible, Planned Unit Development-like approach for lot dimensional standards while still requiring sites to meet maximum and minimum density requirements. Instead of requiring relatively rigid lot dimensions, as the current regulations do, this approach separates density from lot size requirements and would allow development to be clustered on the site in smaller lots, if the overall density for the site remains within the allowable minimum and maximum for the zone. Additional flexibility in terms of development types and lot dimensions could be gained through a Planned Development Review.

Site density will be calculated differently than it is calculated today, and adjustments to site density will be prohibited under the recommendation. Portland's Comprehensive Plan and Zoning Map will continue to set the maximum density allowed in each area of the city. No land is being rezoned through the Land Division Code Rewrite project.

The approach to lot size and density recommended by this project accomplishes several things: it provides more certainty earlier in the process about the number of lots to be allowed on the site; it removes disincentives to providing street connectivity and full street amenities; and it encourages protection of environmentally sensitive land and preservation of environmental resources on the site. For more information on the number of allowed lots and dimensional requirements for these lots, see the Lots chapters in Part III of this report.

Design Standards

The recommendation includes design standards that are intended to mitigate the visual impact of development on narrow lots. At the hearing on the project before the City Council in February 2000, many testifiers expressed a desire to ensure that development on narrow lots be sensitively designed. Over the remainder of the year, the Planning Director worked with a discussion group to develop design standards that would be applied to single-dwelling development on narrow lots in the single-dwelling zones. (See Project History, below, for additional information about the discussion group process that occurred in "Phase Five" of the project.)

The design standards included in this recommendation require that narrow lots:

- preserve a minimum amount of curb space per unit for on-street parking;
- have no more than 50 percent of the façade of any structure as garage wall;
- adhere to a maximum structural height-to-width ratio to prevent structures from appearing excessively tall;
- use existing alleys for vehicle access;
- have front doors that are at or near grade (attached houses only); and
- prepare a preliminary landscape plan showing at least 60 percent of front yard landscaped (attached houses only).

Some of these standards will be applied at the land division stage, while others will be applied at the development stage. The standards will encourage narrow lots to be developed in ways that harmonize with the surrounding developed neighborhood, and that prevent the automobile from visually overwhelming and detracting from the street face of narrow lot development. A future Bureau of Planning project will build on this work to examine issues related to the design of development on infill sites in other situations throughout the City.

Resource Preservation, Environmental Protection, and Open Space

The recommendation encourages preservation of environmental resources on a site by allowing more flexibility in the creation of lots. Allowing lots to be created of varying sizes

enables environmental features to be left undisturbed on a larger lot, or protected within a special tract, while new development is clustered on smaller lots outside of the area occupied by the resource. (See Lots and Density, above). The recommendation includes special provisions for landslide hazard areas, flood hazard areas, and land in environmental overlay zones or otherwise subject to environmental review. The recommendation also includes regulations related to seeps and springs and tree preservation.

Environmental overlay zones

The recommended Land Division Code works in combination with Chapter 33.430, Environmental Zones, to protect identified environmental resources on the land division site. Sites that require environmental reviews are required to undergo the environmental review concurrently with the land division review, and are required to go through a Type III land division review procedure. During the first phase of a land division, land within an environmental protection zone on the site must be placed entirely within an environmental resource tract and cannot be developed. All land that is not within the allowed disturbance area of an environmental conservation zone must also be placed within an environmental resource tract. As is the case under the existing code, land within environmental overlay zones is not included in the calculation of minimum density for the site.

Seeps and springs

The recommendation requires the preservation of seeps and springs that are not already identified and protected by an environmental overlay zone on the site.

Landslide hazard area

As part of this recommendation, the city will be adopting a Potential Landslide Hazard Area map based on data from Metro and a Portland State University study regarding areas with landslide potential throughout the city. Under the recommendation a site containing land that is included on this map must demonstrate that the proposed layout reasonably limits the risk of landslide. This demonstration must be supported by findings that include a site-specific study prepared by a team that includes a Certified Geotechnical Engineer and a Certified Engineering Geologist. If any lots are proposed within the landslide hazard area and more than four units are being proposed, the land division proposal will be required to go through a Type III review process. Land within the landslide hazard area will not be included in the calculation of minimum density for the site.

Flood hazard area

The recommendation prohibits lots being created in the active floodway unless the site will house river-dependent uses such as a marina. The recommendation requires that lots be located outside of the flood hazard area if possible and requires that building sites be located entirely outside of the flood hazard area in most residential zones. Land within the flood hazard area will not be included in the calculation of minimum density for the site.

Required recreation area

The recommendation requires that at least ten percent of the site be dedicated for outdoor recreation use if forty or more units or lots are being proposed. This area must be placed in a tract and must meet certain standards.

Tree preservation

The recommendation requires preservation of historic landmark trees as well as preservation of at least 35% of the tree diameter on the site. Root systems of trees must be preserved from disturbance during site development. The recommended tree preservation regulations work in combination with additional tree preservation regulations that apply at the development stage.

Solar access

The recommendation requires lots to be configured in a way that maximizes solar access for the lots where practicable. These approval criteria replace cumbersome regulations in the existing code with regulations that can be more easily balanced against other public purposes, such as environmental protection and growth management.

Services

Under the existing Land Division regulations, multiple service bureaus review land division proposals as they relate to the provision of services including streets, water, sanitary sewer, and stormwater management. The decisions made by these bureaus are generally based on technical discretion and are not land use decisions. The relationship between land use decisions and technical decisions is not always clear in the existing code and has led to some uncertainty on the part of code administrators, developers, and citizens.

The recommendation clearly indicates which decisions related to services are land use decisions and which decisions are technical. Land use decisions are made by the Director of the Office of Planning and Development Review or the Hearings Officer based on the standards and approval criteria included in the Land Division regulations. Technical decisions are made based on the technical expertise of the appropriate service bureau and any applicable codes or guidelines. The recommendation directs service bureaus to publish guidelines and standards for the technical decisions that will be made as part of the land division process and requires that this work be completed in advance of the implementation date of the new code (see Part V for additional information).

Streets

The recommendation requires that certain aspects related to rights-of-way in a land division be approved through a land use decision, including the type, location, and width of the right-of-way. Service bureaus will approve the specific elements of the street and its design through a technical decision.

Connectivity, street location, and street plans

The recommendation requires land divisions to meet a certain level of minimum street connectivity that implements the requirements of the Regional Transportation Plan. The specific location of streets will be determined through a land use decision based on site characteristics. The connectivity and location criteria will be supplemented by a Conceptual Street Plan Map to be adopted as part of the City's update of the Transportation System Plan, and by specific street plans, where they exist.

Street width and type

The recommendation requires specific right-of-way widths based on characteristics and intended use of the site. While the street width will be determined through a land use decision, the street also needs to be able to accommodate any street elements required as part of the technical decision. The recommendation also allows lots to face on a green, instead of a traditional street.

Ownership, maintenance, and access

The recommendation requires that all through streets, as well as certain dead-end streets, be dedicated to the public. Where they are allowed, the recommendation requires that private streets be held in common ownership with a public access easement and be completely contained within a tract.

Water, Sewer, Stormwater

The recommendation requires that water, sanitary sewer, and stormwater systems be approved through a technical decision by the appropriate service bureau. The recommendation also requires that applicants set aside enough space for an adequate stormwater management system on the site; compliance with this criterion will be determined through a land use decision.

Emergency Services

Technical requirements related to emergency services are generally covered by specific requirements related to water service and streets.

Procedures

The recommendation includes two major procedural changes for land division reviews. First, new and enhanced procedures for land divisions are recommended throughout the report and code. These changes provide better information to applicants, earlier opportunities for public involvement (such as the Neighborhood Contact requirement), improved coordination among City bureaus, and more consistent administrative decisions. These changes are in response to concerns raised by applicants, City staff, and the public.

Second, the recommendation includes a new procedure type, the Type IIx, for land divisions that otherwise would be assigned to a Type II procedure. A land division review requires substantial coordination and information sharing between the City bureaus. The existing Type II timeline does not provide enough time to coordinate all the information prior to the issuance of a Preliminary Plan decision. The new Type IIx procedure is intended to provide more time during the Preliminary Plan review for staff and neighbors to submit comments and for the Preliminary Plan decision to be made.

The recommendation also assigns procedure types (I, IIx, and III) to a variety of land division situations. The recommended monitoring program will be able to evaluate the effectiveness of the Type IIx procedure and the procedure assignments.

The recommendation includes special procedural provisions for land divisions on industrial-zoned sites. Often an applicant will not know the needs of a potential industrial land user until the sale or lease of property is imminent. The Planning Commission recommended an innovative method for large sites in industrial zones. This option, to phase in lots during Final Plat, will be available to large industrially-zoned sites because the requirements of the industrial land users vary widely in terms of the configuration and size of lots. While this was not one of the issues originally identified by the consultants, the Columbia Corridor Association and Port of Portland raised it at the Planning Commission hearing on February 24, 1998. For more information on new industrial zone features, see the Reviews and Procedures chapters in Part III of this report.

For more information on other new process features, see the Reviews and Procedures Chapters in Part III of this report.

Changes from the November 1999 Recommended Draft

The April 2, 2001 Recommended Draft and September 26, 2001 As-Adopted Report reflects changes that have been made to the recommendation based on the work of the Director's Discussion group as well as minor technical refinements based on the input of implementation staff. (See Project History, below, for additional information about the discussion group process.) Major amendments from the earlier draft include:

- Increase minimum required lot area for standard lots in all residential zones from 1999 recommendations;
- Recognize the special impacts of development on narrow lots by requiring narrow lots in single dwelling zones to meet certain design standards at the land division stage and by amending additional design-related regulations;
- Require Type III review for projects that propose alternative housing types and create compatibility criteria for these reviews;
- Decrease the threshold for Recreation Area Requirement to 40 units;
- Add criteria for the solar orientation of lots;
- Allow lots to front onto a common green space;
- Protect springs and seeps that may have been inadvertently left out of the environmental zones; and
- Provide more specific guidance for development on landslide prone sites; and
- Replace land use approval criteria for certain service-related decisions with language requiring compliance with the technical requirements of the appropriate service bureau—service bureaus would be required to publish technical manuals and guides before the land division rules go into effect.
- Explore several additional issues as part of a future City work program, including, creating technical standards for streets according to their use and function rather than ownership; creating criteria for when streets should be public and when they can be private; and creating narrow street standards that can accommodate infill sites.

PROJECT HISTORY

There have been five phases of the Land Division Code Rewrite Project. Each phase has set the stage for more specific work, from identifying issues to drafting code concepts, to proposing code language, to refining code language to take into account design and service bureau accountability. The Development Review Team was the steering committee for Phases Two and Three. In Phase Four, the Planning Commission guided the project. Phase Five has been guided by the City Council with input from a citizen and city staff discussion group facilitated by the Planning Director. The process towards adoption of a new Land Division Code Rewrite has remained flexible to new ideas and taken on new challenges over time. Throughout the process the public has been invited to participate in shaping the recommendation.

Phase One/Scoping

At the direction of City Council, the Bureau of Planning hired a consultant team in August 1994 to identify strengths and weaknesses of the existing Land Division Code. The consultant team solicited comments from over 70 people at 20 meetings. Participants in this process included a cross-section of stakeholders representing City bureaus, neighborhood associations, professional developers, development consultants, business and civic groups, land use lawyers, state and county agencies, and special interest groups. Neighborhood associations and neighborhood coalitions from around the City participated in the meetings, including: Southwest Neighborhoods, Inc., Centennial, Hazelwood, Pleasant Valley, Forest Park, Northwest District Association, and Arlington Heights.

The consultant team compiled the responses into issues and problem statements. In general, the participants said the existing land division code was unclear about certain standards and procedures, and was outdated. Based on this and other responses, the consultant team recommended a comprehensive overhaul of the land division code, and prioritized issues for the Development Review Team to consider in the next phase of the project.

Phase Two/Code Concepts

This phase began with the Development Review Team adopting five project goals. These goals served as a framework to discuss issues and prepare alternatives.

Assisted by a consultant team, the Bureau of Planning formed a broad-based Project Advisory Committee (PAC) to serve as a sounding board for the consultants' work on the issues and alternatives. The committee's 31 members included developers, neighbors, representatives of other community interests, and City staff (see back inside cover of this report for a full list of committee members). The committee met seven times over six months to review draft issue papers, discuss regulatory options, and vote on the options. Given the diversity of interests on the PAC, no consensus was reached on many of the issues. During this time, five public workshops were also held to solicit comments from a broader audience.

The consultant team prepared a report on these issues, alternatives and recommended approaches. The report is entitled "Final Project Report for Land Division Code Rewrite Project, November 4, 1996." It was intended to serve as a guide to actual code writing by the Bureau of Planning.

In November 1996 and January 1997, the Planning Commission held public hearings on this report. Thirteen people testified in person, and 13 comment letters were received. Most of the testimony came from neighborhood associations, but business and agency interests were also represented.

The commissioners commented on the public testimony and the consultant's report and directed staff to prepare a code proposal built on this foundation. Staff consolidated the discussion that came out of the Planning Commission hearing into the five general themes that with the original goals formed the framework for the Proposed Draft of the Land Division Code.

Phase Three/Proposed Code

Early in this phase, the Bureau of Planning began converting code concepts and comments into code language, in a format based on that of Title 33, Planning and Zoning. A subcommittee of the Development Review Team met several times to review draft code language. A number of City bureaus participated on that subcommittee. Staff also held two open houses to discuss draft code language, and attended neighborhood meetings, including the Citywide Land Use Forum, Southwest Neighborhoods, Inc. Land Use Chairs, Columbia Corridor Association, and Irvington Community Association.

In February 1998, the Planning Commission held a public hearing on the Proposed Draft, dated January 23, 1998. This report was staff's first cut at code language, with numerous placeholders noted for future work. The report served to frame ideas for review and comment by the Planning Commission and the public. Comments from the public hearing would give staff direction for the next draft.

As before, much of the testimony was from residents. Several business and organizational representatives also submitted testimony. The Port of Portland testified that industrial land

divisions needed to be more flexible and allow for market-driven lot configurations that could meet the varying needs of different industrial tenants; the Port warned that the inflexibility of the existing and proposed review processes discouraged industries from locating or relocating in the city. In developing the Second Proposed Draft, staff tried wherever possible to address key concerns raised in the testimony.

For the next eight months, the Bureau of Planning refined and replaced gaps in the proposed code. Staff reviewed draft code with a subcommittee of the Planning Commission and other City staff. In September 1998, staff issued the Second Proposed Draft, held two open houses, and met with various neighborhood and business groups. Staff met several times with the Columbia Corridor Association and the Port of Portland to discuss a new approach to industrial land divisions.

Phase Four/Recommended Code

The Planning Commission held a public hearing on the Second Proposed Draft on October 27, 1998.

In terms of code standards, neighbors voiced concern that the proposal would allow development that is not compatible with the existing neighborhood character. The proposed lot calculation formula and flexible lot rules were seen as overly permissive. Several residents wanted the new land division regulations to look more like the existing Planned Unit Development chapter.

After the close of testimony, individual commissioners proposed amendments for consideration by the full Planning Commission. The Planning Commission identified, at this time, 111 amendments and asked the Bureau of Planning to respond to them over a series of work sessions.

The Planning Commission deliberated at length on these amendments. On key issues, City staff met with a subcommittee of the Planning Commission to test staff responses before they were presented to the full commission (see Special Committees, below). In addition to clarifications, the Planning Commission modified the Second Proposed Draft to accommodate 49 of the amendments. Staff incorporated all these changes into an internal Working Draft, dated September 16, 1999.

In addition to the text of the Working Draft (representing all input from three rounds of public testimony), the Planning Commission added an errata list (dated October 19) and four recommendations of the Planning Commission Subcommittee to their recommendation to City Council. The subcommittee recommendations from its October 11 meeting include:

- Making connectivity language slightly more discretionary;
- Adding the West Portland Town Center connectivity map to the recommendation package;
- Requiring land in environmental zones in large site industrial land divisions to be in the first phase of platting; and
- Providing a cross-reference to Urban Forestry rules on Heritage Trees.

The Planning Commission also added a few implementation-related recommendations including allocating funds for two-year work program to monitor the new Land Division Regulations. On October 19, 1999, the Planning Commission voted to forward their Recommended Draft on new land division regulations for consideration by City Council. The Recommended Draft was available for review on November 29, 2000.

Phase Five/Discussion Group Refinements to Recommended Code

On February 16, 2000, the City Council held its first hearing on the Land Division Code Rewrite Project. At this hearing the Council received considerable testimony suggesting changes to the recommendation. In particular, testimony centered on administration of the service requirements, including street standards, protection of environmental resources, and the regulation of design on narrow lots.

At the close of this hearing, the Planning Director offered to seek advice from community representatives on key policy and technical issues of concern, and report back to the City Council with strategic changes to the original recommendation.

Between April and October 2000, the Planning Director met with a discussion group that included representation from the development community, citizens, and city staff, as well as delegates from other organizations with an interest in the outcome of the process.

On November 30, 2000 the Planning Director gave a report to the City Council on the outcome of the discussion group work. In that report, the Planning Director recommended a package of changes to the Planning Commission's recommendation. The City Council voted to accept this report with several amendments and directed the Bureau of Planning to prepare a revised recommendation based on the changes suggested by the Director's Report. The Director met with the discussion group one additional time in January to seek input on some of the design-related revisions being developed. The final result is the *April 2, 2001 Recommended Draft of the Land Division Code Rewrite Project*.

On May 16, 2001, June 27, 2001, and September 19, 2001, the City Council held hearings on the recommendation and approved amendments to the recommendation. All City Council-approved amendments are reflected in the *September 26, 2001 As-Adopted Report*.

On February 20, 2002, March 14, 2002, and March 20, 2002, the City Council held hearings on a series of implementation-related housekeeping amendments. *The Final Report* reflects these amendments.

PUBLIC INVOLVEMENT

The Land Division Code Rewrite Project has involved extensive public involvement throughout the process.

Involvement in scoping and concept development

In the fall of 1994, project staff and consultants solicited comments from over 70 people at 20 meetings. The consultants invited a cross-section of participants: City bureaus, neighborhood associations, professional developers, development consultants, business and civic groups, land use lawyers, state and county agencies, and special interest groups. Neighborhoods from around the city participated in the meetings, including: Southwest Neighborhoods, Inc., Centennial, Hazelwood, Pleasant Valley, Forest Park, Northwest District Association, and Arlington Heights. A consultant report summarized those interviews. The report called for a comprehensive overhaul of the Land Division Regulations and identified issues to review in that process.

Between September 1995 and February 1996, the 31 members of the PAC met to advise project staff and consultants on 27 issues identified by the Development Review Team (DRT). The PAC's members included developers, neighbors, representatives of other community interests, and City staff. The PAC met seven times over six months to review draft issue papers and discuss regulatory options to address each issue. Results of the

PAC discussions and votes on preferred options are in a document available for review at the Bureau of Planning.

The City sponsored five public workshops to solicit comments on the 27 issues. Many PAC members also participated in at least one public workshop.

In November 1996 and January 1997, the Planning Commission held public hearings on the consultants' final report. Thirteen people gave oral testimony, and 13 comment letters were received.

Proposed draft review and Planning Commission hearings

Notices of Planning Commission hearings and open houses were mailed to all neighborhood and business associations and other interested persons requesting such notice. For the Planning Commission hearing of October 27, 1998, staff mailed notice to over 900 persons.

After publication of the first proposed draft, staff held two public open houses. In addition, staff attended meetings of the Citywide Land Use Forum, Southwest Neighborhoods, Inc. (SWNI) Land Use Chairs, Columbia Corridor Association, and Irvington Community Association. In February 1998, the Planning Commission held a public hearing on the proposal contained in the first *Proposed Draft*.

After publication of the second proposed draft, staff held two public open houses and met twice with the Citywide Land Use Forum and once with a representative of the Home Builders of Metropolitan Portland. Staff also met several times with the Columbia Corridor Association and the Port of Portland regarding special needs of industrial sites in the land division process. The Planning Commission held a hearing on the Second Proposed Draft on October 27, 1998. Thirty-five people testified in person, and 27 comment letters were submitted for review by the Planning Commission.

Recommended draft review and City Council hearings

Notices of the City Council hearing and open houses were mailed to 800 persons including everyone who participated in the October 27 Planning Commission hearing and all others who requested such notice.

A report to the City Council from the Planning Commission titled *Land Division Code Rewrite Project, Recommended Draft* was available on November 29, 1999. In December 1999, staff held three open houses and attended additional public meetings to explain the recommendations contained in the report. The City Council held a public hearing on February 16, 1999, and received oral testimony from 45 persons and 36 comment letters.

A discussion group that included city staff and 22 representatives from the development community, neighborhood associations, and other community and environmental organizations met 13 times between February 2000 and November 2000. The Planning Director presented amendments recommended by this group at a City Council hearing on November 30, 2000.

An Open House was held to introduce the April 2, 2001 Recommended Draft to citizens. Staff was also available to answer questions at upcoming workshops for the Southwest Community Plan and attended additional meetings as requested by the public to answer questions and discuss the report. City Council held public hearings on the recommendation and amendments to it on May 16, 2001, June 27, 2001, and September 19, 2001. Notices of the City Council hearing and open house on this recommendation were mailed to everyone who has expressed interest in the Land Division Code Rewrite Project and all others who requested such notice.