



LAND DIVISION CODE UPDATE

*Planning Commission
Briefing – March 26, 2024*

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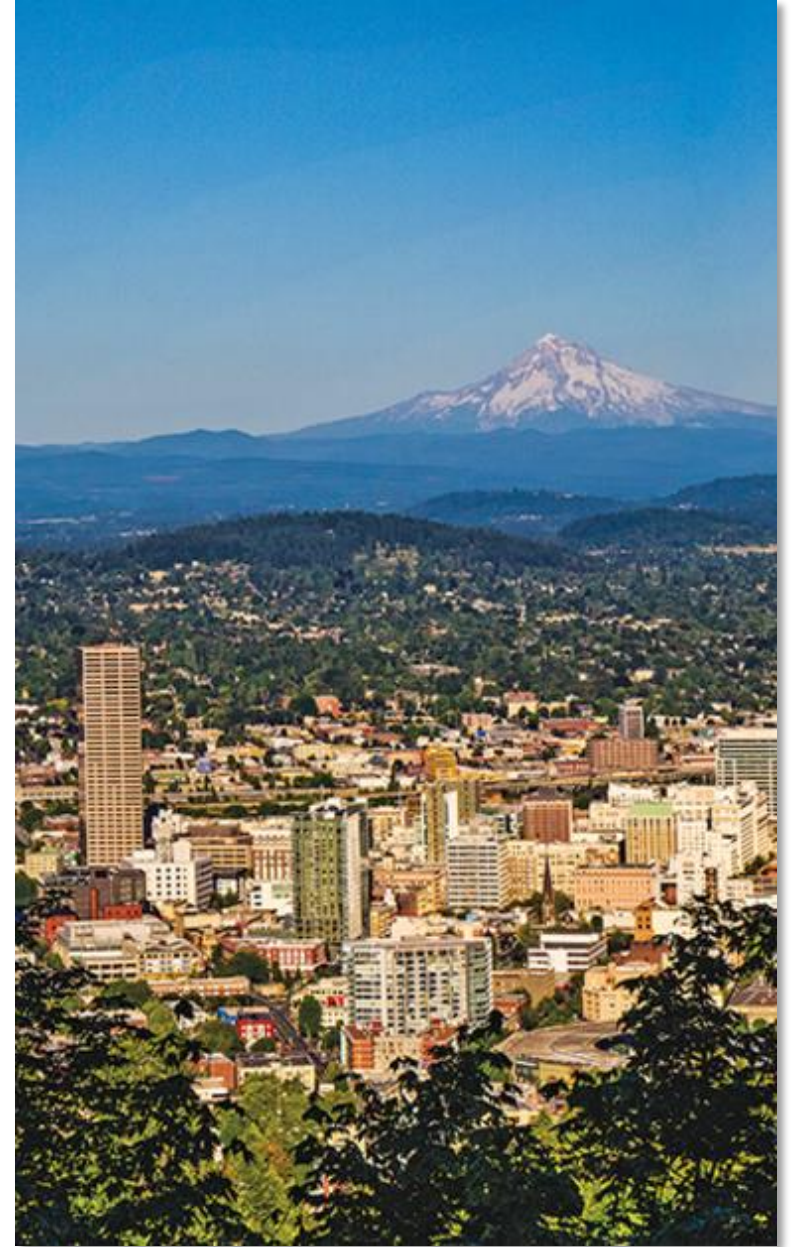


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This briefing will provide:

- Project background
- Intro to Land Divisions
- Land division case activity
- Overview of project proposals

Public Hearing / Testimony





Project background

- Council Resolution #37593 – streamline regulations to increase housing production
- ORS 197A.400 – Clear and objective standards for needed housing
- Previous comprehensive update to land division code was completed in 2002
- Many requirements not tailored to smaller land divisions



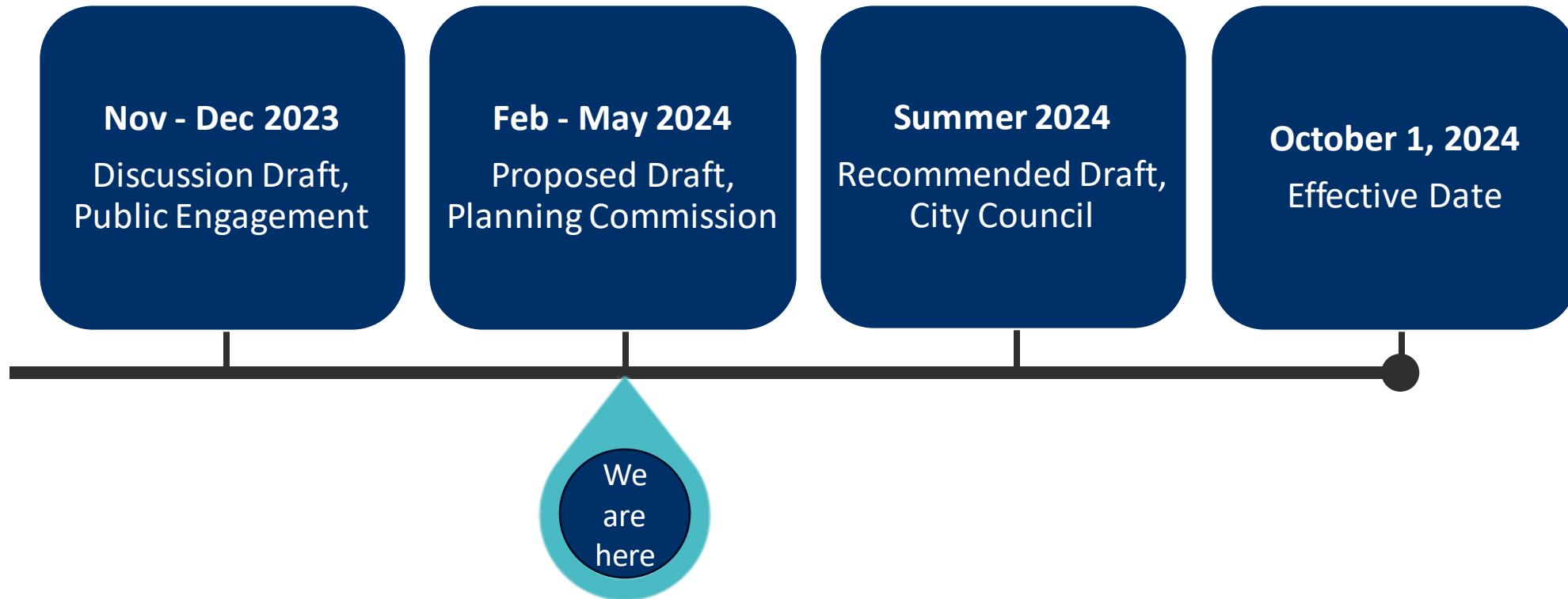
Technical Advisors

- Bureau of Transportation
- Bureau of Environmental Services
- Water Bureau
- Parks Bureau/Urban Forestry
- Fire Bureau
- Development Services
 - Land division planners
 - Site development/Geotech
- Planning and Sustainability

Public Involvement

- Applicants/Stakeholders
- Community Organizations
- Advisory Committees (CIC, DRAC, UFC)
- Neighborhood groups (SEUL, EPAP, SWLU&T, NPNS, NECN, CNN)
- M56 ~5,500 notices to affected property owners
- Legislative notice ~ 300 contacts

Project Timeline



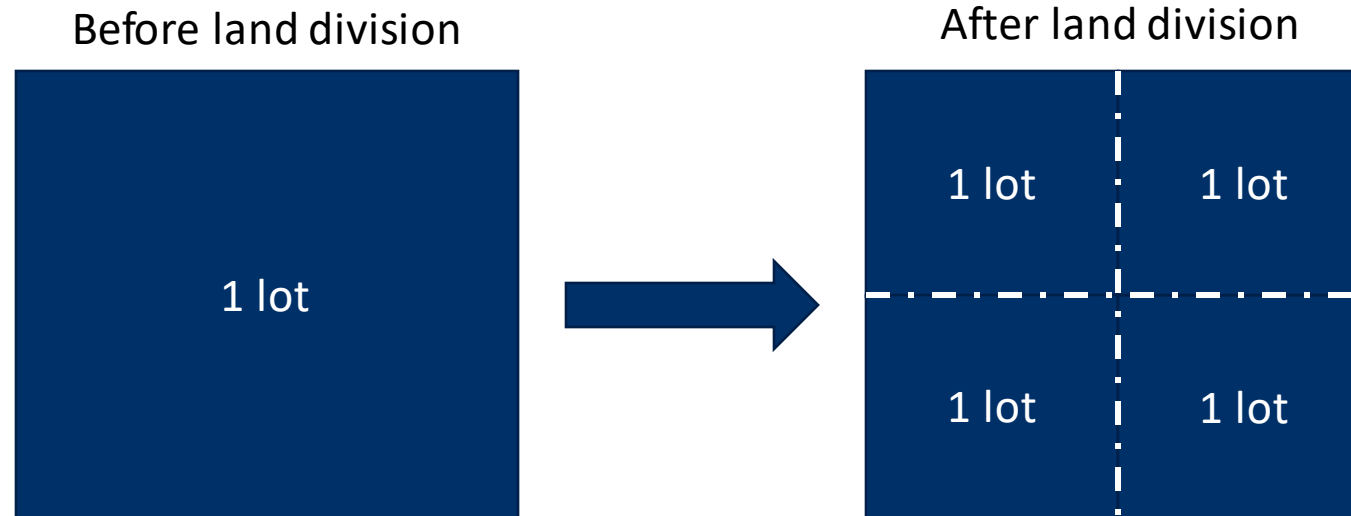


Intro to Land Divisions

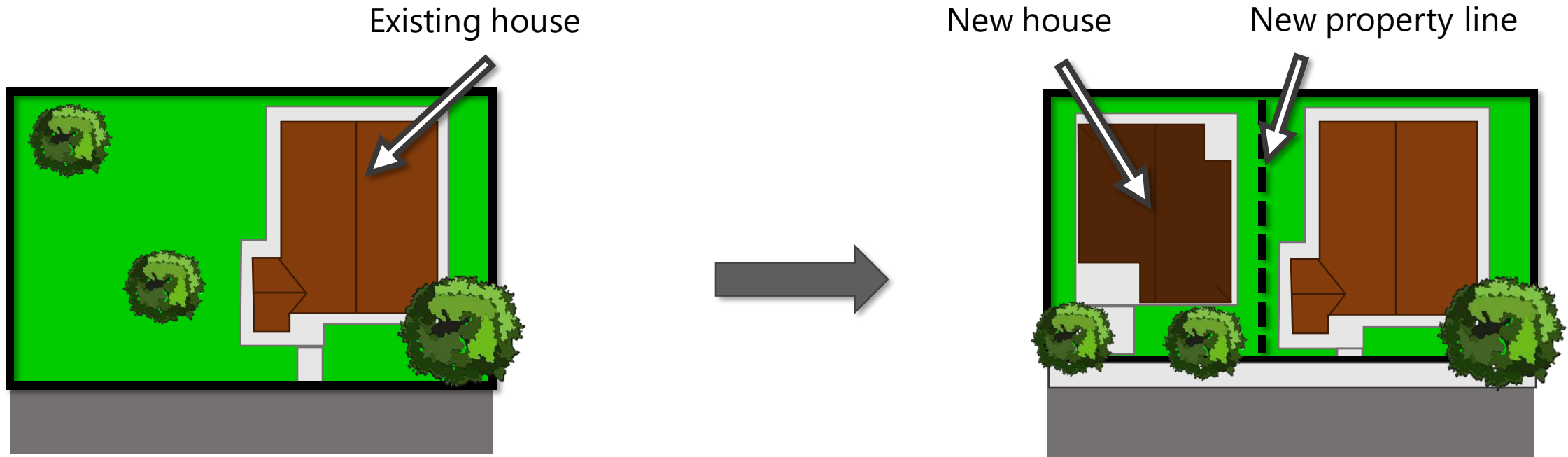


What are land divisions?

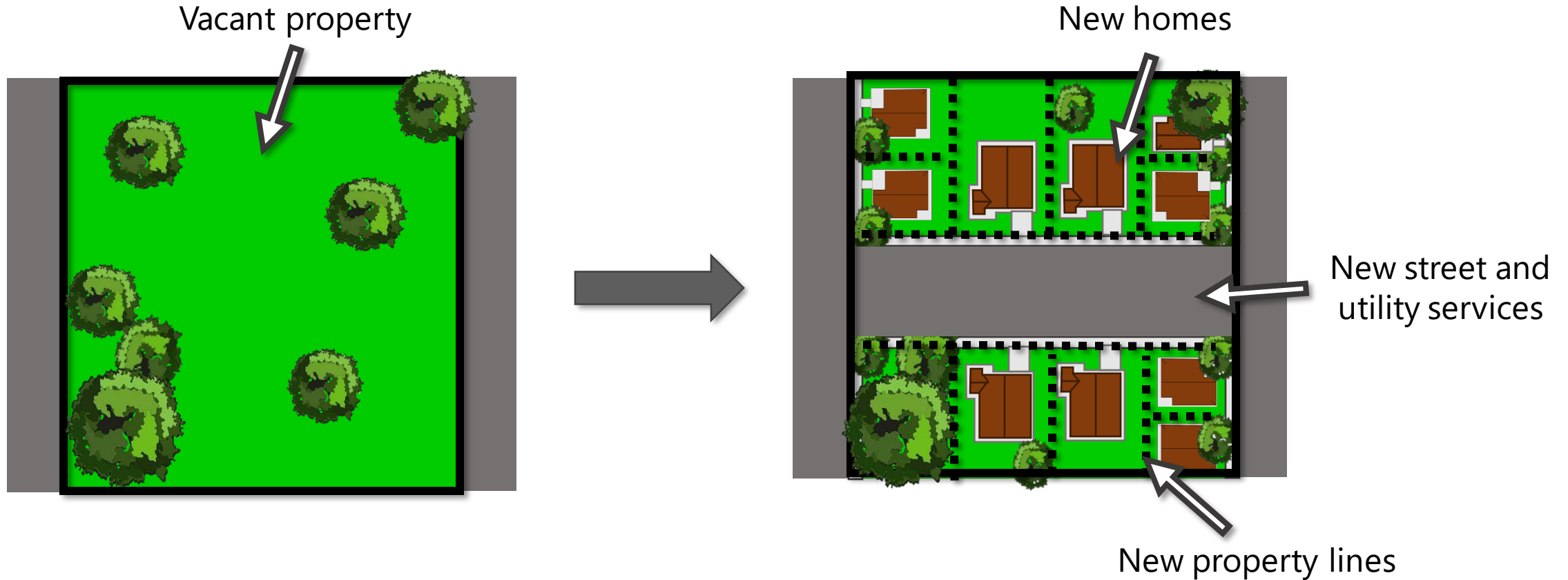
The process where one property can be split into smaller pieces



Land divisions can vary in size and complexity:

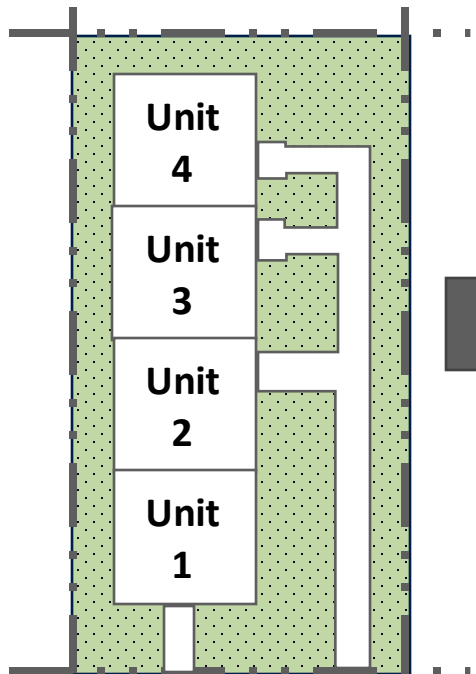


Land divisions can vary in size and complexity:

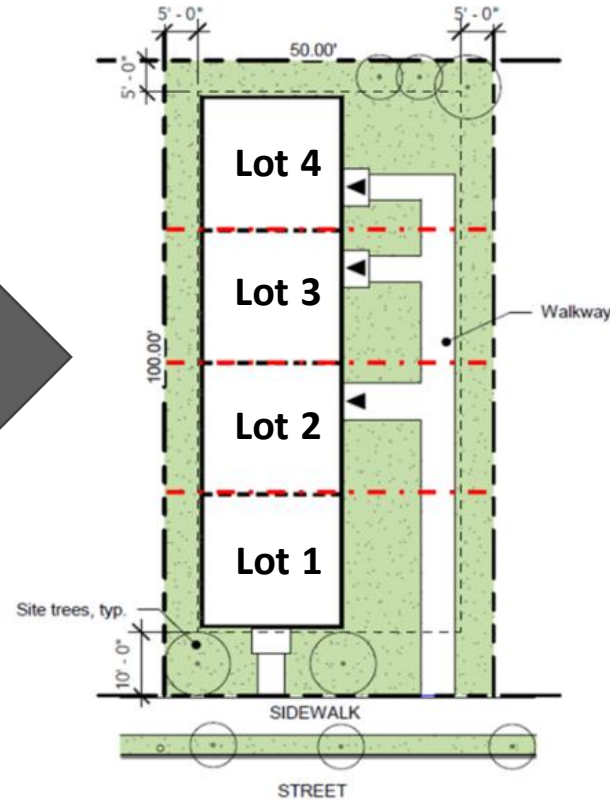


Middle Housing Land Divisions (MHLD)

Fourplex on single lot



New middle housing lots



- MHLDs allow units in structures like duplexes, triplexes, and fourplexes can be divided onto individual lots
- This project does **not** affect the requirements for MHLDs



Why do we have a land division process?



Lot Dimensions
and Density



Flood hazards



Landslide hazards



Water/Sewer Service



Transportation
Impacts



Clearing and
Grading



Tracts and
easements



Tree Preservation



Streams/Wetlands



Recreational Areas



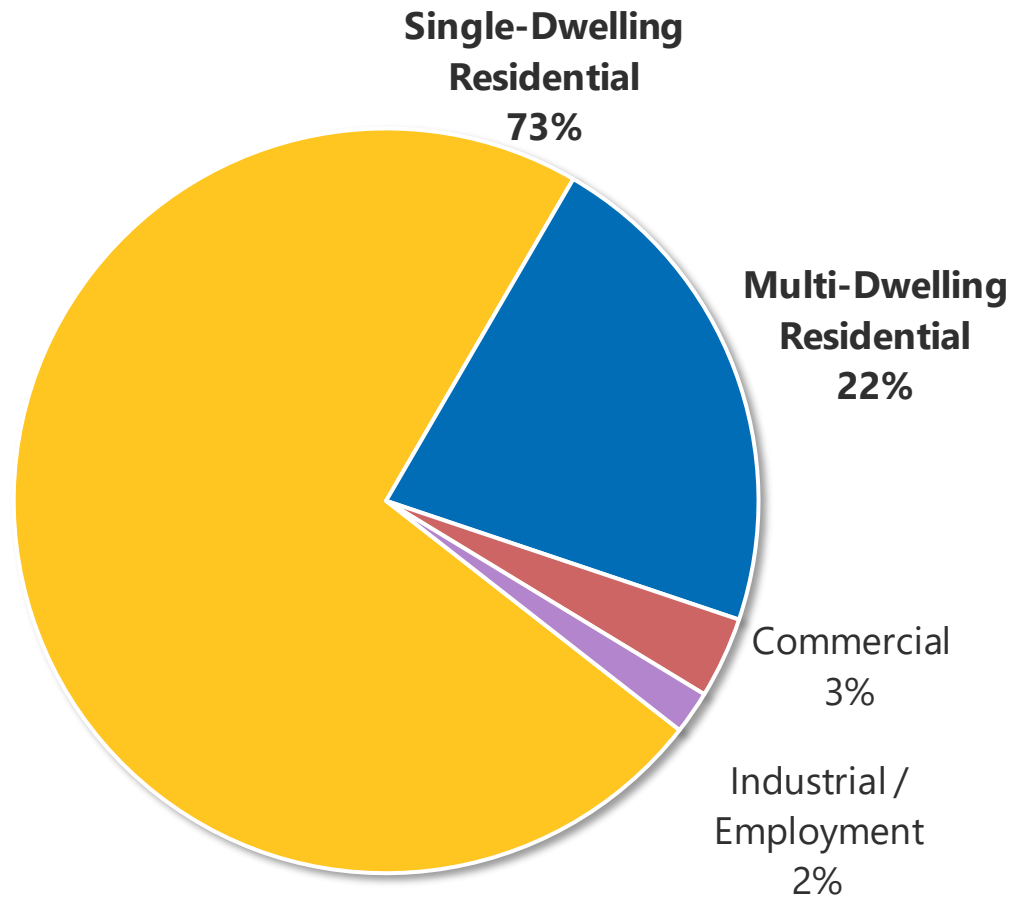
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Overview of Land Division Activity



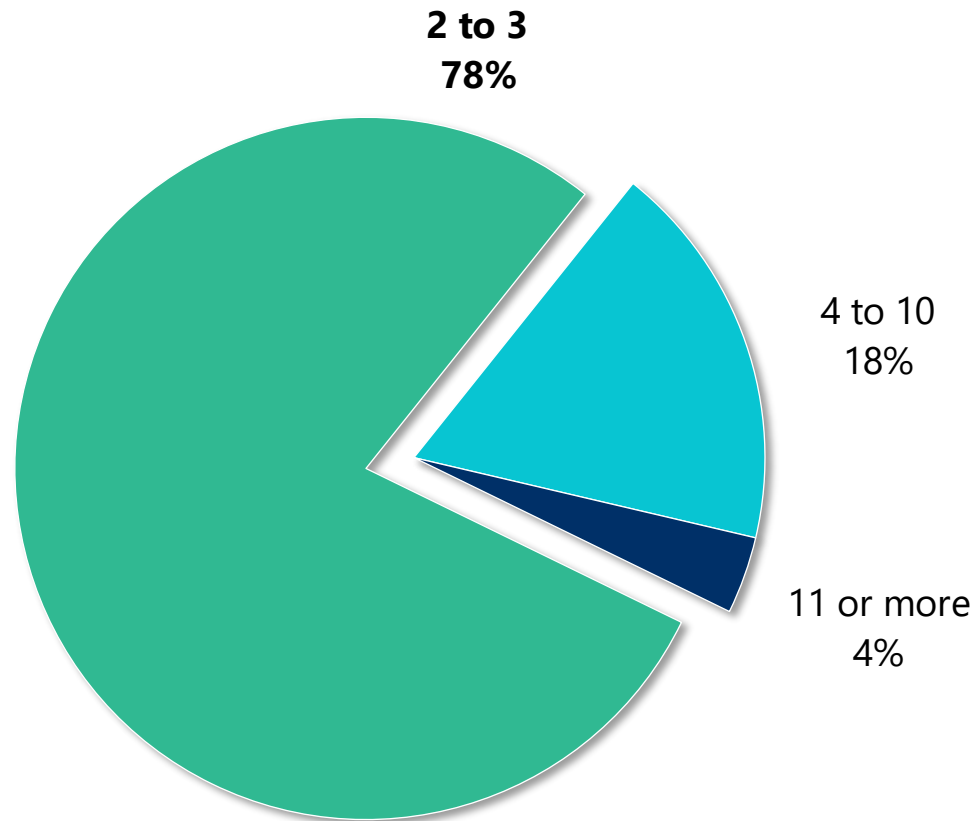
Zoning of Land Division Applications (2003 – 2022)



Key Takeaway:

95% of land divisions are in residential zones

Number of Lots in Land Division Applications (2003 – 2022)



Key Takeaway:

Most land divisions propose 2 or 3 lots. Very few are large land divisions.

Land Divisions Applications, (2003 – 2022)



Key Takeaway:

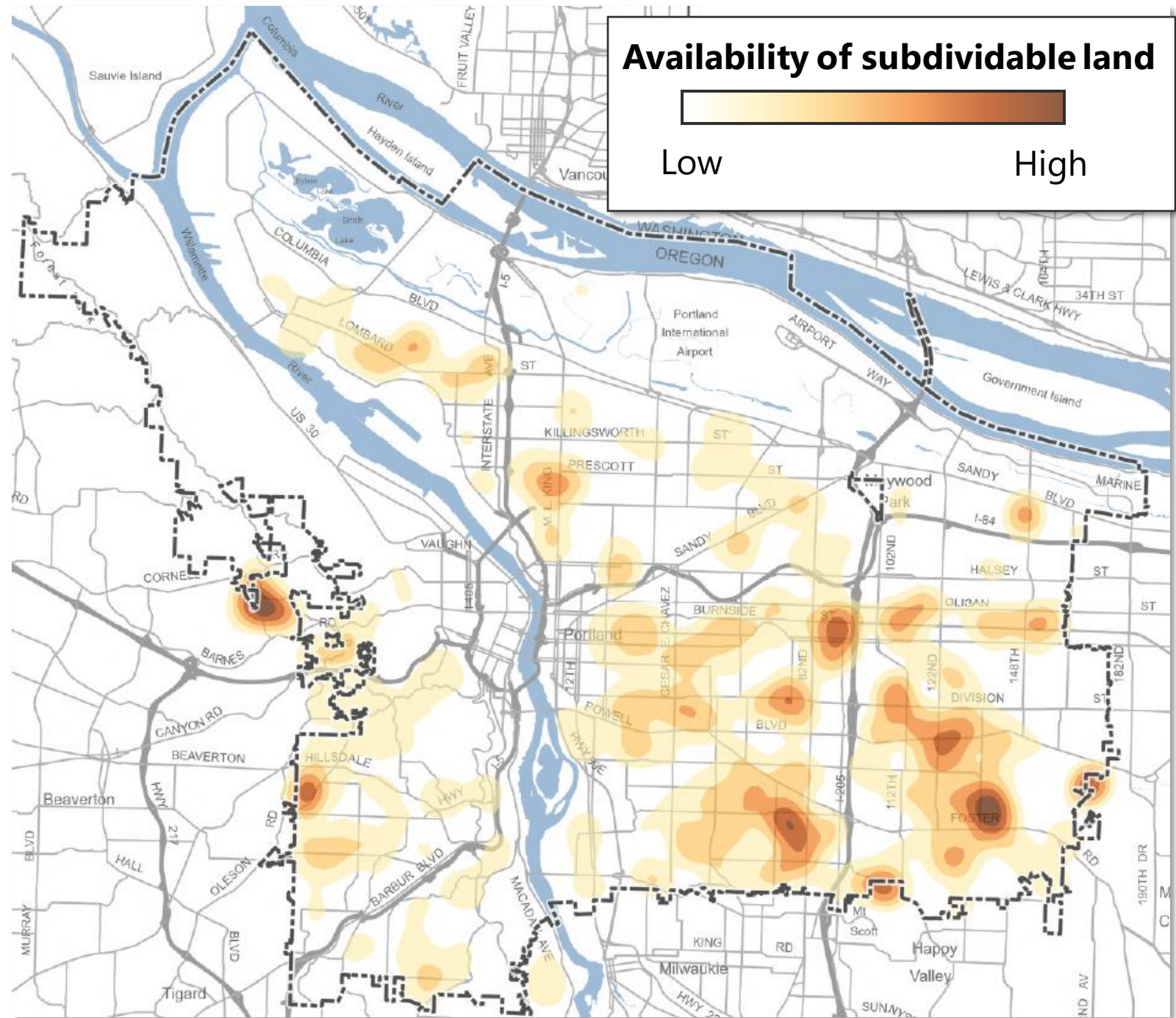
Land division applications have declined over time



Concentrations of Subdividable Residential Land

Key Takeaway:

Subdividable land can still be found throughout the City, but is more common in East Portland





Overview of the project proposals



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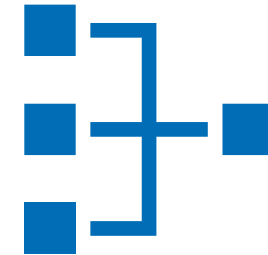
Proposals of Land Division Code Update



1. Create a clear and objective set of standards



2. Update the landslide map



3. Recalibrate standards, thresholds, and review procedures

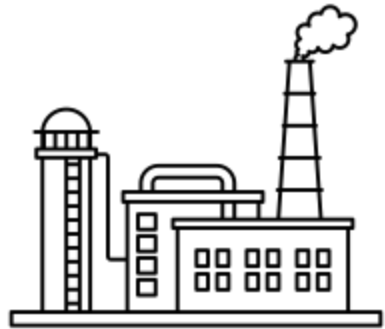


Proposal #1: Create Clear and Objective Standards

- Requirements are specific and well-defined.
Often measurable (e.g. distances, percentages)
- Don't require discretion during review
- Not as flexible as discretionary criteria
- State law requires clear and objective standards for housing development but allows for discretionary option.



Example: Land Suitability



Discretionary Criteria

Where historic uses indicate that a hazard may exist, applicant must show the proposed land division will result in lots that are suitable for development

Clear and Objective Standard

For residential development, there are no records of the following prior uses on the site:

1. Industrial uses
2. Quick Vehicle Servicing; or
3. Outdoor firing range.

Typical “two track” system

E.g. design or environmental overlay zones

Clear and Objective Standards

- Plan check
- Meet standards -> get permit
- If not -> land use review



Discretionary Criteria

- Land use application
- Notice, staff report, conditions
- Meet criteria -> get approved
- If not -> project denied

Land Divisions - always a land use review

ORS 197.015 defines a “limited land use decision” as including:
A final decision ...that concerns the **approval or denial of a tentative subdivision or partition plan.**

- Even if the decision is made using only clear and objective standards.

Mix and match system

Key Takeaway:

Applicants can choose either certainty (standards) or flexibility (criteria) as they move through the land division requirements



Single Dwelling Zone Land Division Regulation	Current Code	Proposed Code
33.630 Tree Preservation	C	S or C
33.631 Flood Hazard Areas	C	S or C
33.632 Landslide hazard Areas	C	S or C
33.634 Required Recreation Area	C	S
33.635 Clearing/Grading Land Suitability	C	S or C
	C	S or C
33.636 Tracts and Easements	S	S
33.639 Solar Access	C	N/A
33.640 Streams Springs, Seeps, Wetlands Allowed Crossings	S	S
	C	S or C
33.641 Transportation Impacts	C	S or C
33.651 Water	S	S
33.652 Sewer	S	S
33.653 Stormwater	C	S
33.654 Rights of Way, Connectivity Rights of Way, Design	C	S or C
	C	S or C
33.655 School Capacity	S	N/A
<i>Total chapters with standards option</i>	5	15

- N/A Chapter deleted.
- S Clear and objective standards path available.
- C Only approval criteria available.



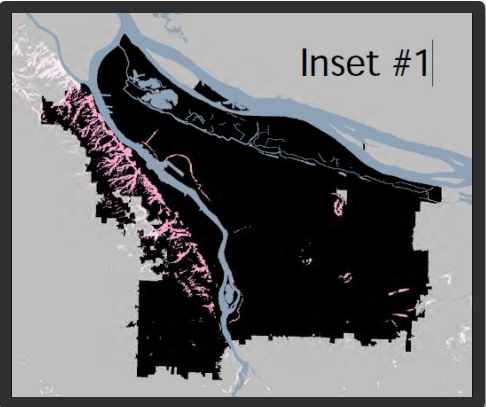
Proposal #2: Update Landslide Hazard Map

- Replace the current map, adopted in 2002, with a version made with newer State data
- Map indicates areas with higher potential for landslides, due to factors like hill slope and geologic conditions
- Applications for land divisions in hazard area must submit a geotechnical report

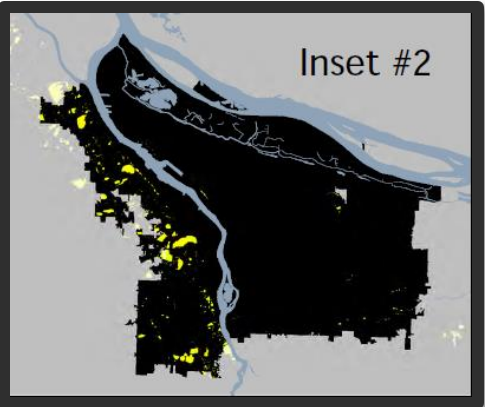


New landslide hazard data

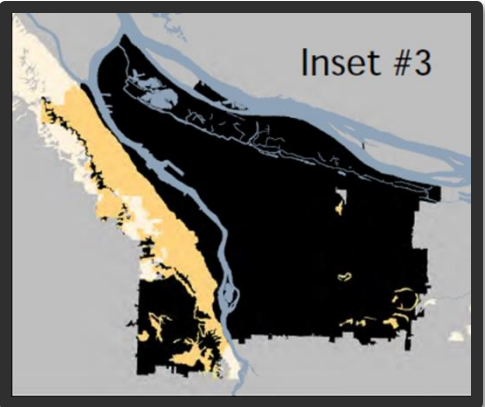
Data from Interpretive Map Series (IMS) from the Oregon Department of Geology and Mineral Industries (DOGAMI):



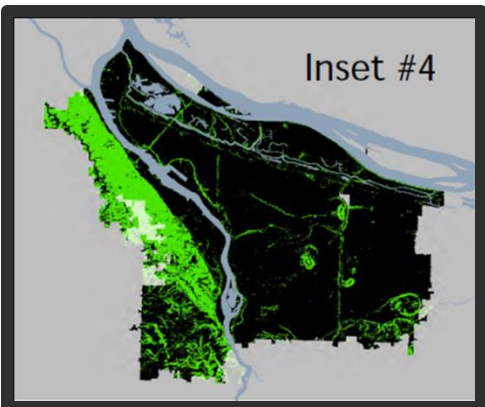
Potentially Rapid Moving Landslides
DOGAMI, IMS-22



Landslide Inventory
SLIDO 4.4



Deep Landslide Susceptibility
DOGAMI, IMS-57

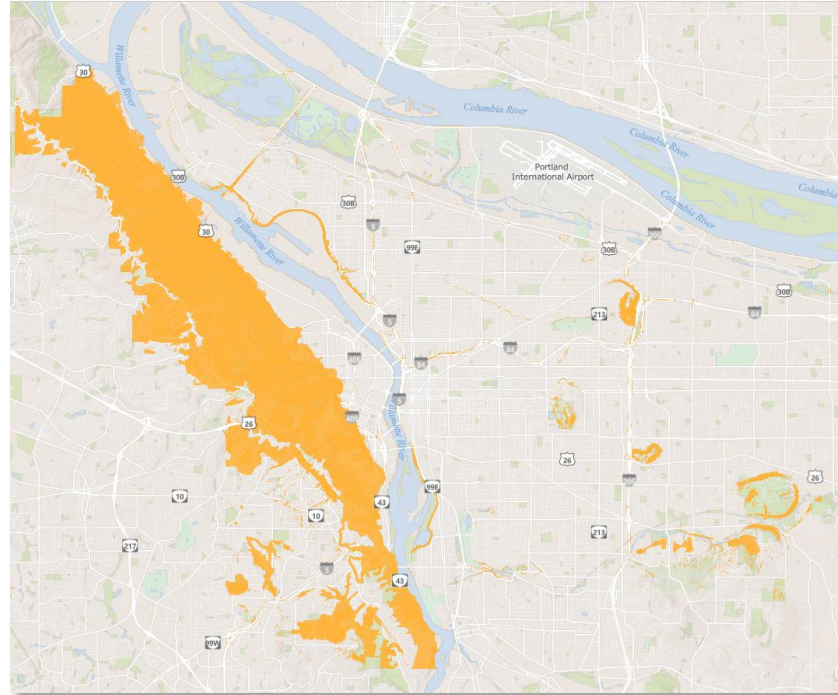


Shallow Landslide Susceptibility
DOGAMI, IMS-57

Changes to landslide hazard map



Current Landslide Hazard Map
Total lots ~35,000

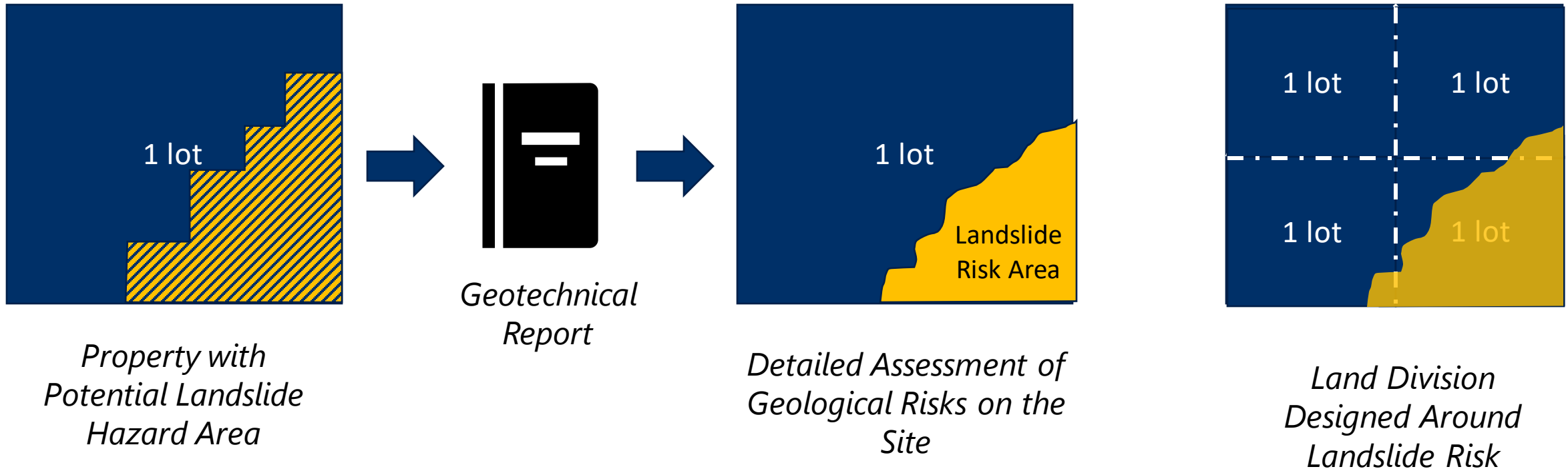


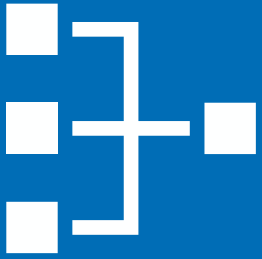
Revised Landslide Hazard Map
Total lots ~25,000

Key Takeaway:

The new map will remove the hazard designation from many areas of the City. Those properties will no longer require a geotechnical report.

Example of How Landslide Hazards Can Change Land Divisions





Proposal #3: Recalibrate standards, thresholds, and review procedures

- Adjust when some standards and requirements apply
- Simplify or eliminate unnecessary procedures
- Streamline the review of smaller projects



Recalibrate standards



Clarify threshold for when optional phased land division process is allowed:
From "40 lots required" To "40 lots proposed"



Adjust threshold for required recreation area :
From "40 units" To "40 lots"



Clarify and align traffic impact study requirement:
From "if required" to "11 or more lots"



Remove requirements



Delete school district sign off requirement



Delete solar lot orientation requirements



Adjust Tree Requirements:

Minimum Preservation Standard

or

Preservation Criteria

Option 1	All trees 20 in. or larger, 20 30 % total tree diameter
Option 2	75% of trees 20 in. or larger, 25 35 % total tree diameter;
Option 3	50% of trees 20 in. or larger, 30 40 % total tree diameter
Option 4	<i>Where all trees smaller than 20 in.,</i> Preserve 35 45 % total tree diameter
Option 5	<i>If site has grove, preserve all grove trees</i> Preserve 20 % total tree diameter
Option 6	On sites larger than one acre, Preserve 35% of tree canopy area.

- Tree preservation is maximized while allowing for reasonable development
- Trees preserved provide greatest benefits
- Trees are suitable for preservation based on health, condition, and viability
- Where criteria cannot be fully met, mitigation must replace function of trees removed from site





Reduce procedure type: Partitions with environmental review

Type III review

Pre-application conference required

Notices mailed to property owners within 400 feet

Decision by Hearings Officer, appealable to City Council



Type IIx review

Pre-application conference is optional

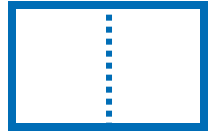
Notices mailed to property owners within 150 feet

Decision by Director of BDS, appealable to Hearings Officer

About \$14,400 less in application fees



Code simplification



Simplify requirements to separate existing lots in multi-dwelling zones



Consolidate single-dwelling zone lot regulations



Simplify application requirements and allow for electronic submittals



Requested Action





Requested Action

Staff proposes that the Planning Commission recommend to City Council to:

- Adopt the Planning Commission's report and commentary as further legislative intent.
- Amend Title 33, per the Proposed Draft as amended
- Repeal the 2002 Potential Landslide Hazard map



Questions?





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Morgan Tracy

Senior Planner

VISIT US ONLINE portland.gov/bps

NOTICE OF A PROPOSED LAND USE REGULATION CHANGE THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY

You will receive a notice for each property that you own that may be affected by a proposed land use regulation change. Therefore, if you own multiple properties you may receive more than one notice.

M56-LDC-0224

If you received a Measure 56 Notice (like the image above) and have questions, please contact Morgan Tracy at 503-823-2041 or LandDivisionCodeUpdate@portlandoregon.gov

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