



LAND DIVISION CODE UPDATE

City Council Hearing
July 17, 2024

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Principal Planner

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Senior Planner



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**PLANNING &
SUSTAINABILITY**

Today's Agenda

Staff presentation:

- Project background
- Introduction to land divisions
- Land division case activity
- Project proposals

Public testimony

Continue item to July 31 at 2:00 p.m. time certain





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



Acknowledgements and Outreach

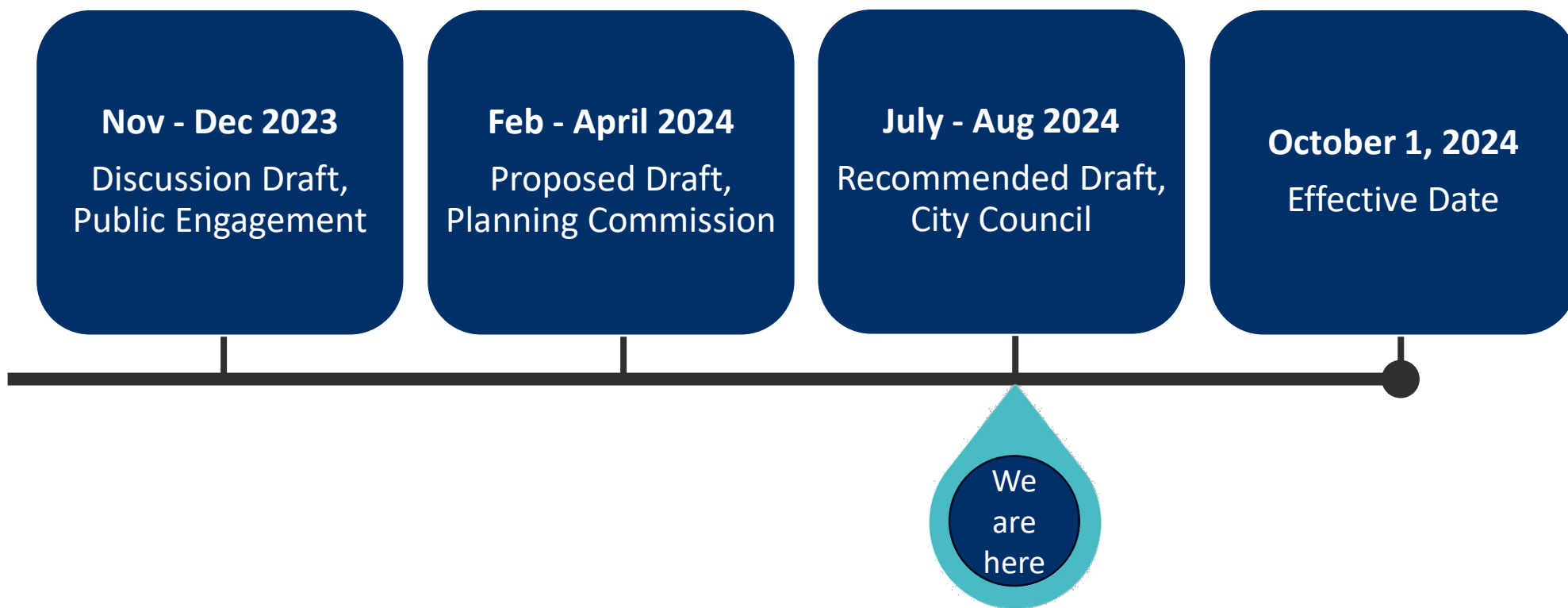
Technical Advisors

- **PP&D** Land Division Team
- **PP&D** Geotechnical Reviewers
- **PBOT** Capital Project and Development Review
- **BES** Policy and Development Review
- **Water Bureau** Development Review
- **Urban Forestry** Policy
- **Fire Bureau** Development Review

Stakeholder Outreach

- Neighborhood coalitions
- Advisory committees
- Affordable housing nonprofits
- Developers/engineers
- Land use consultants
- Recent land division applicants
- Environmental advocates
- + 5,200 Measure 56 notices to property owners

Project Timeline



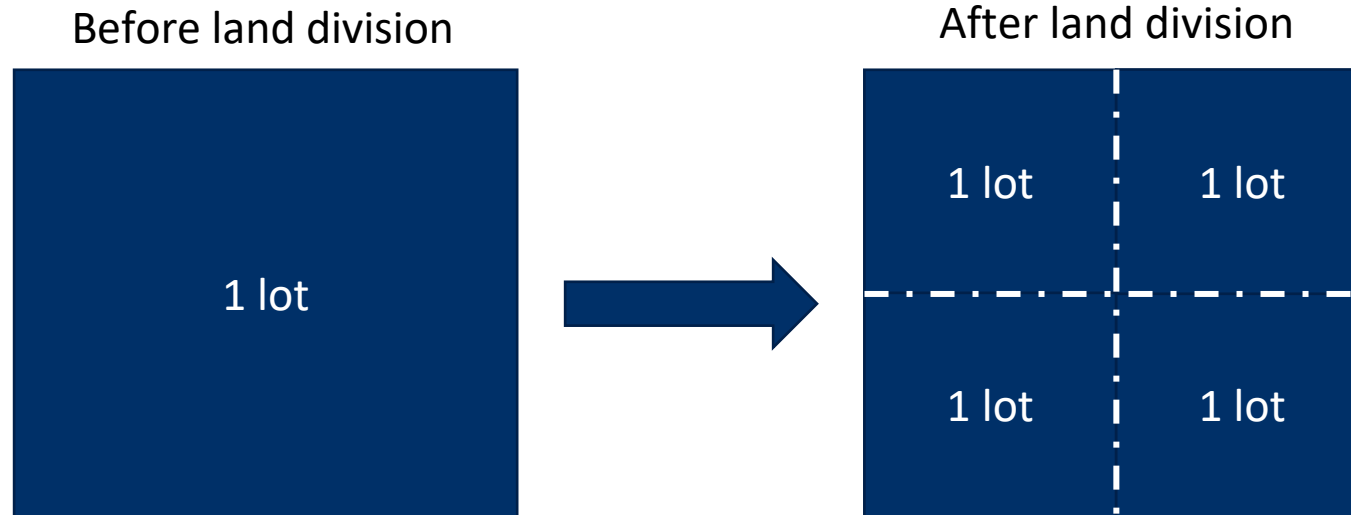


Introduction to Land Divisions

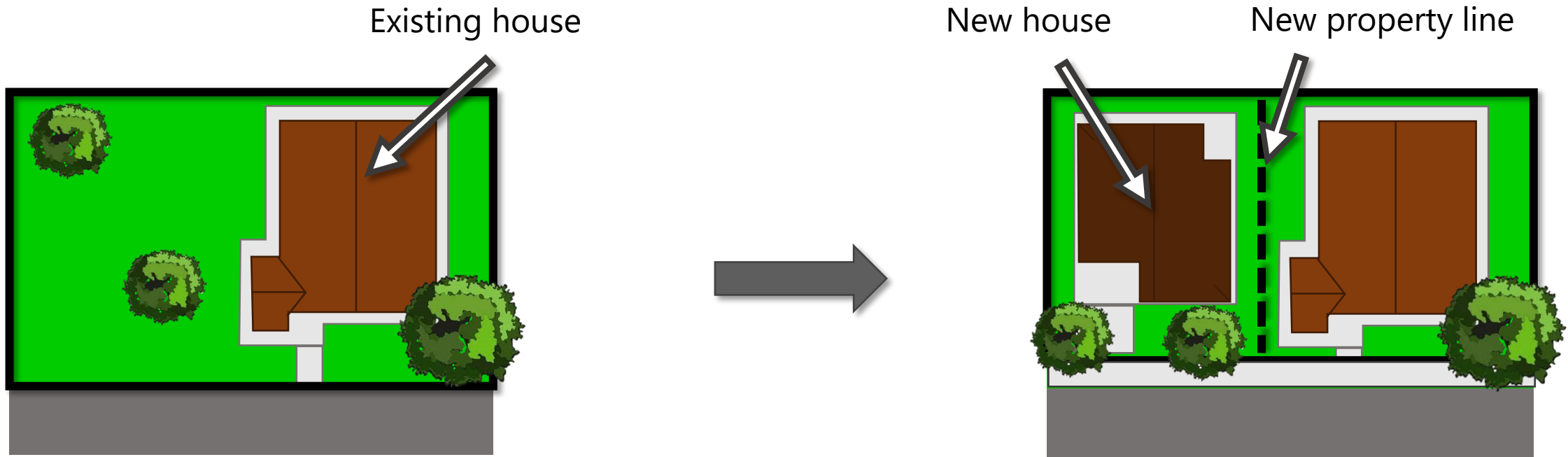


What are land divisions?

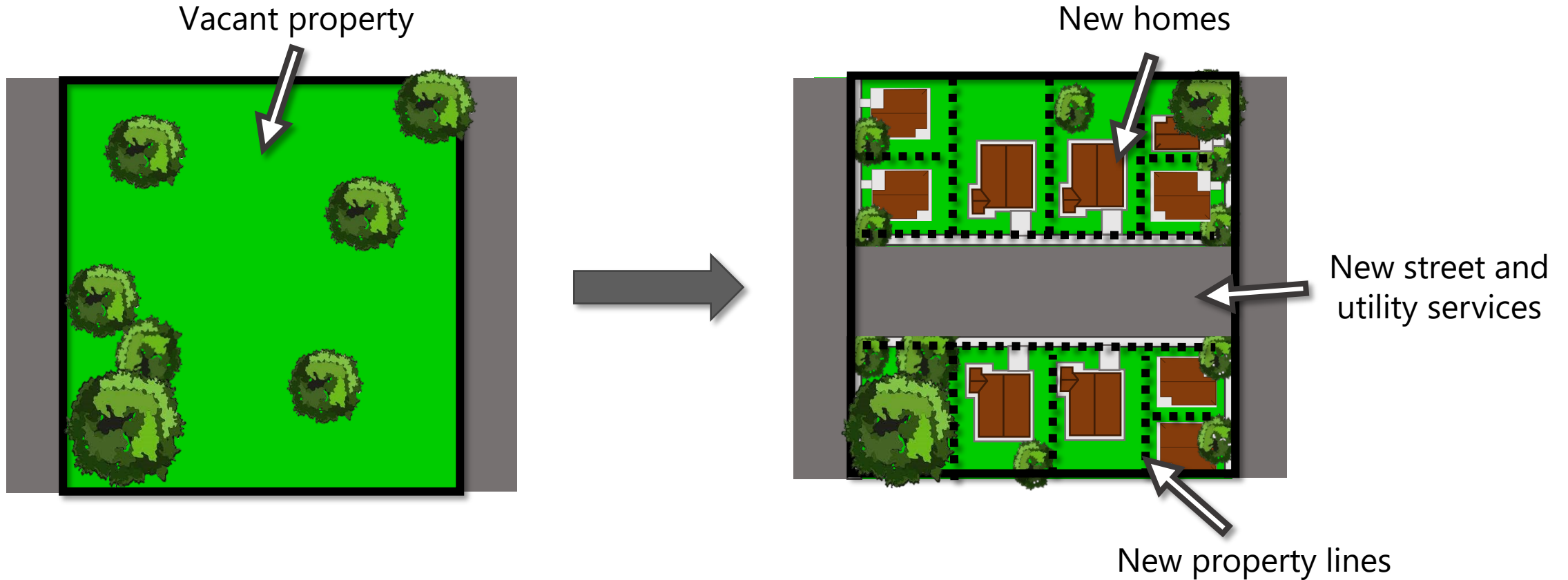
The process where one property can be split into smaller pieces



Land divisions can vary in size and complexity:



Land divisions can vary in size and complexity:



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



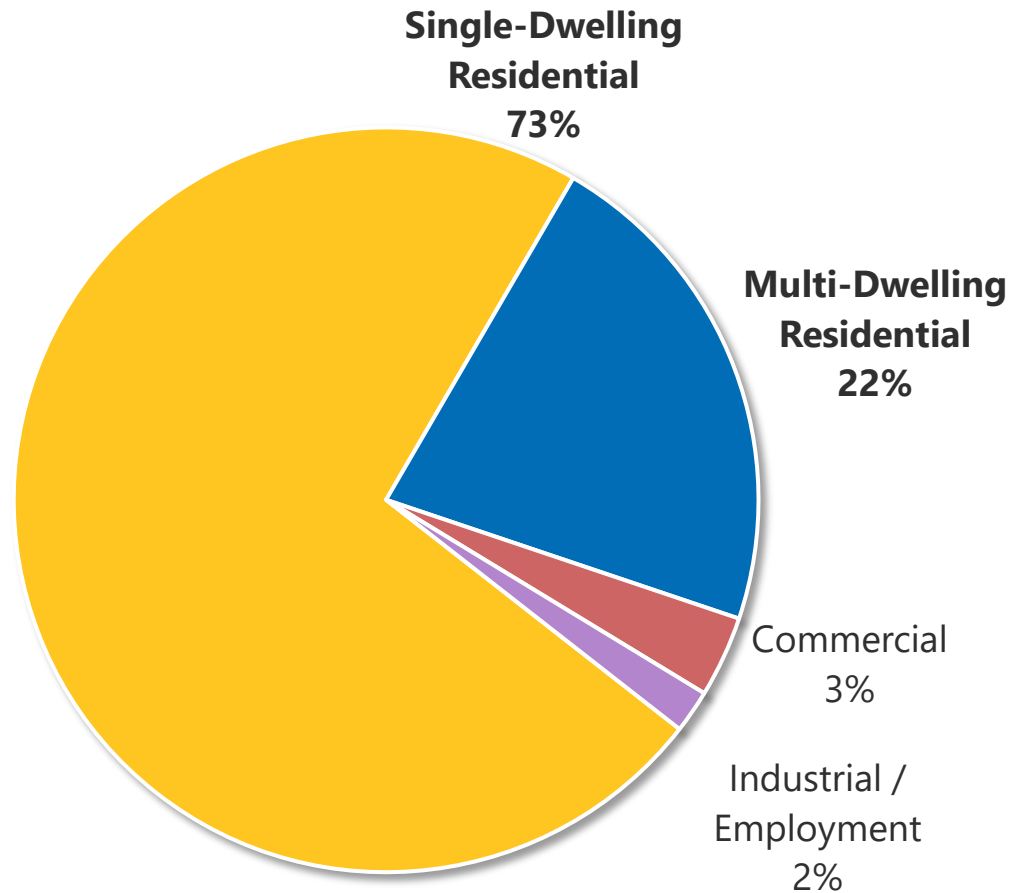


Overview of Land Division Activity *2003-2022*



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Zoning of Land Division Applications (2003 – 2022)

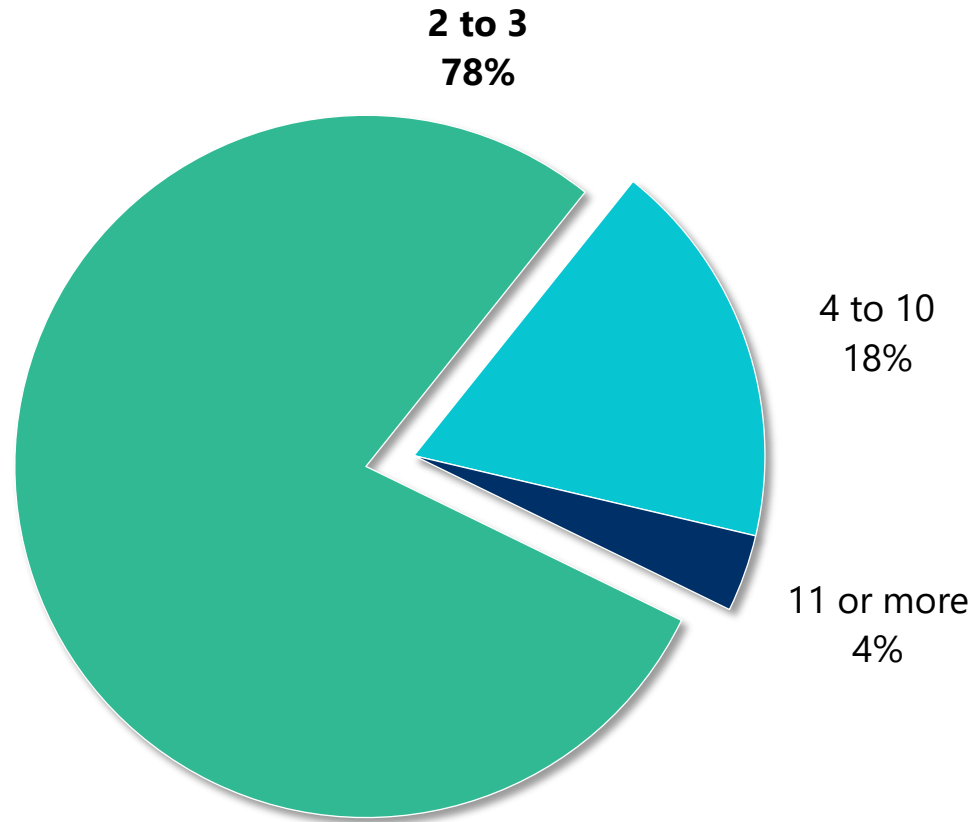


Key Takeaway:

95% of land divisions are in residential zones



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



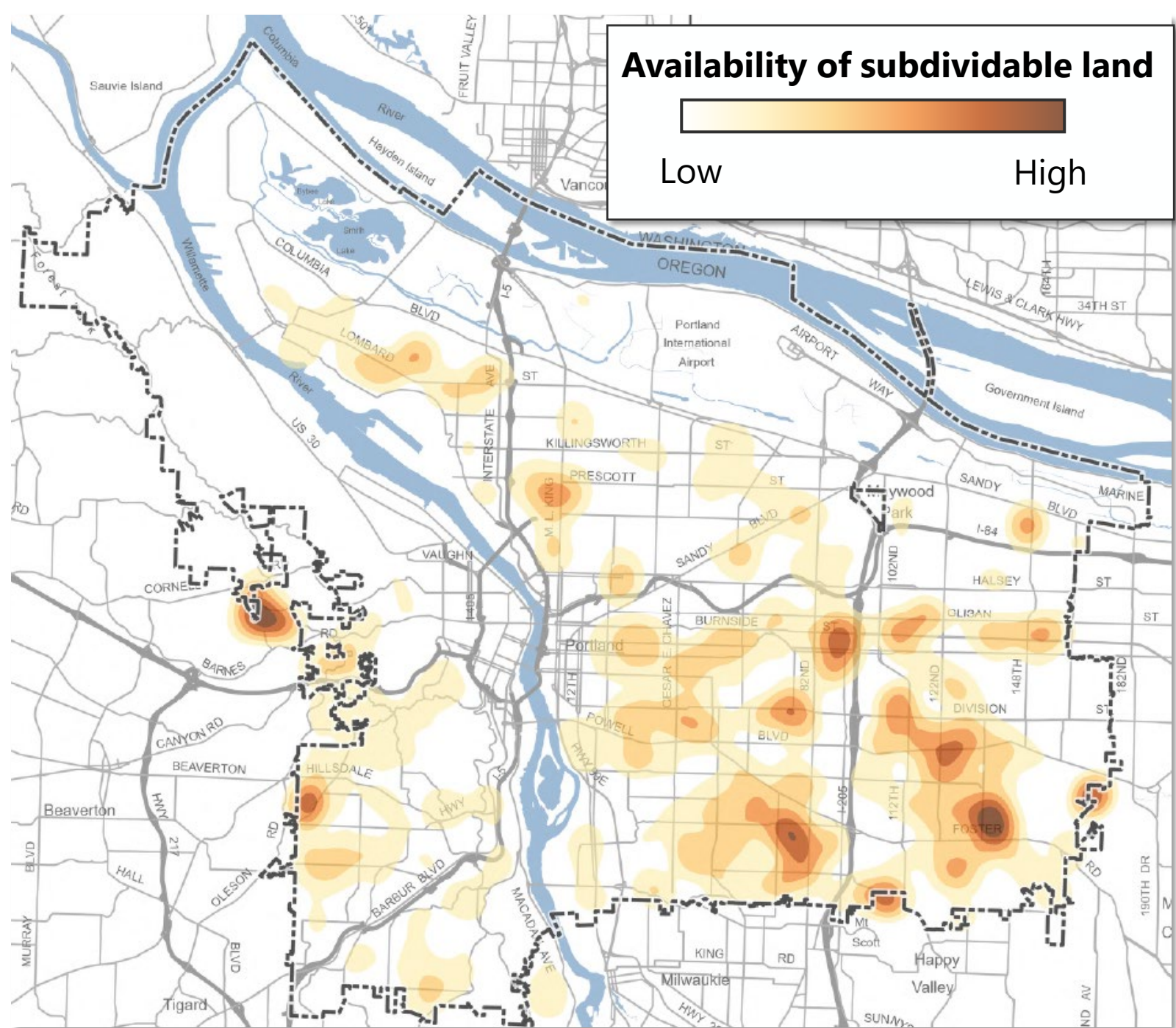
Key Takeaway:

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

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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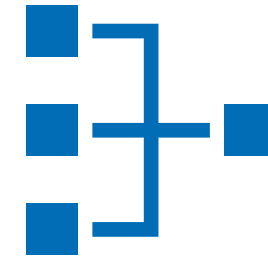
Land Division Code Update Proposals



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: Tree Preservation



Discretionary Criteria

Tree preservation is maximized to the extent practicable.

Objective Standard

Preserve 45% of the total tree diameter inches on the site.

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	Recommended Code
33.630 Tree Preservation	Criteria	Standards or Criteria
33.631 Flood Hazard Areas	Criteria	Standards or Criteria
33.632 Landslide Hazard Areas	Criteria	Standards or Criteria
33.635 Clearing & Grading	Criteria	Standards or Criteria
33.640 Streams, Wetlands	Criteria	Standards or Criteria
33.641 Transportation Impacts	Criteria	Standards or Criteria
33.654 ROW/Connectivity	Criteria	Standards or Criteria
33.634 Required Recreation Area	Criteria	Standards
33.653 Stormwater	Criteria	Standards
33.636 Easements	Standards	Standards
33.651 Water	Standards	Standards
33.652 Sewer	Standards	Standards
33.639 Solar Access	Criteria	Deleted
33.655 Schools	Standards	Deleted



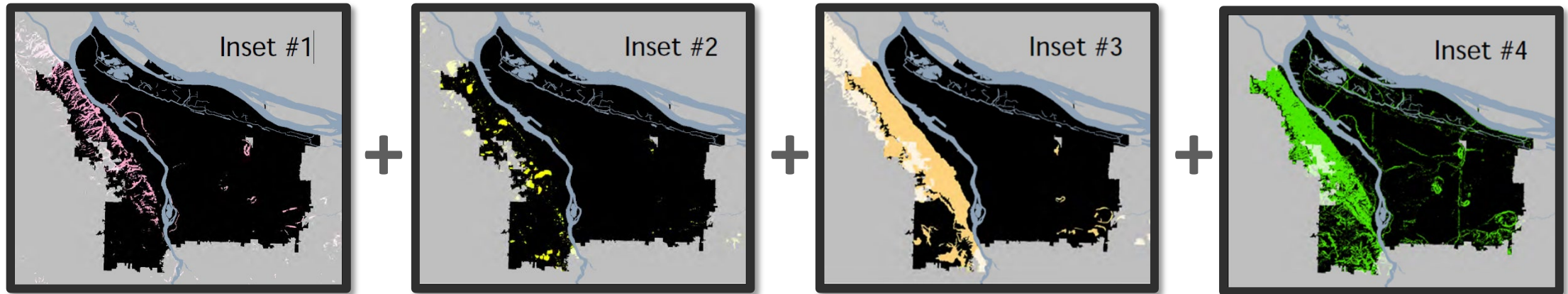
Proposal #2: Update Landslide Hazard Map

- 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
2002

Landslide Inventory
SLIDO 4.4
2021

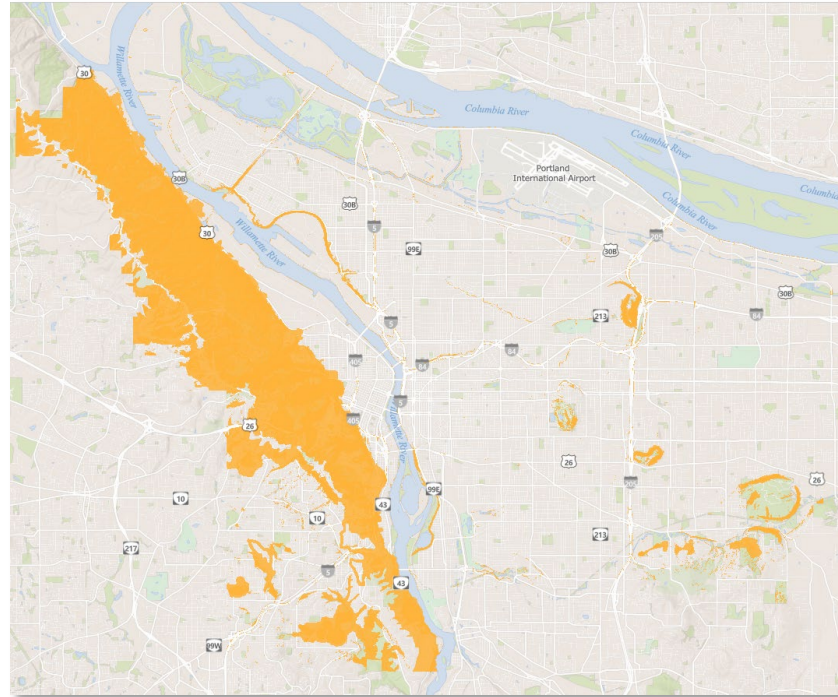
Deep Landslide Susceptibility
DOGAMI, IMS-57
2018

Shallow Landslide Susceptibility
DOGAMI, IMS-57
2018

Changes to landslide hazard map



Current Landslide Hazard Map
Total lots ~35,000



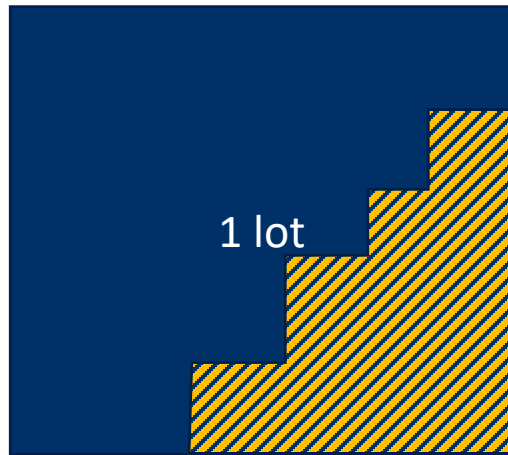
Revised Landslide Hazard Map
Total lots ~25,000

Key Takeaway:

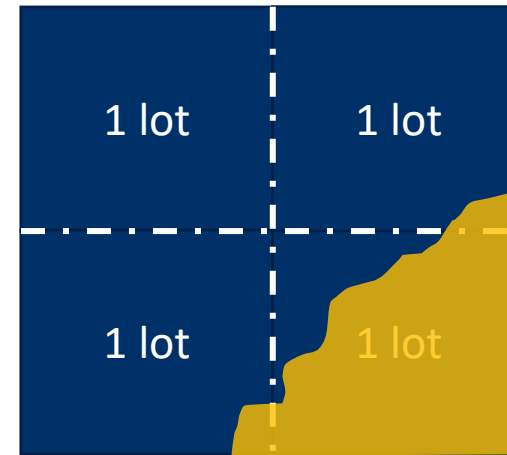
The new map will remove the hazard designation from many properties. Those properties will no longer require a geotechnical report.



How Landslide Hazard Studies Improve Land Divisions



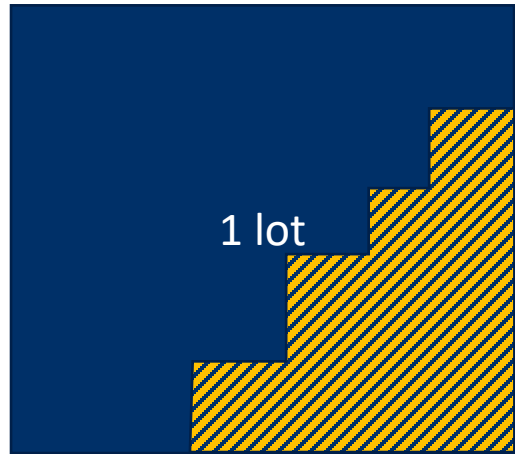
*Property with
Potential Landslide
Hazard Area*



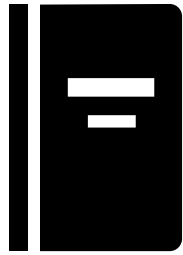
*Land Division
without landslide
design mitigation*



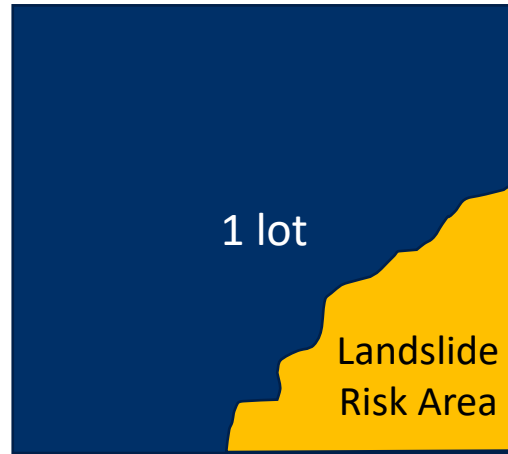
How Landslide Hazard Studies Improve Land Divisions



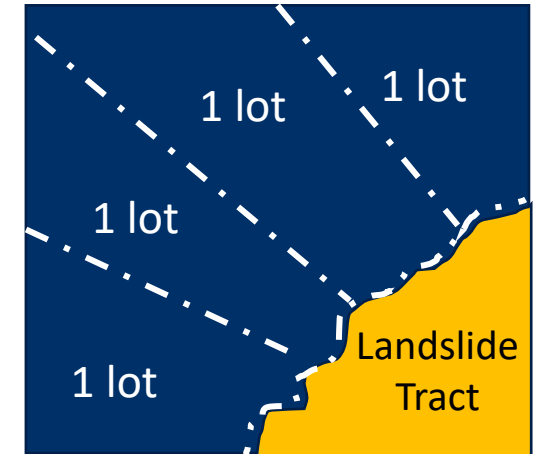
Property with Potential Landslide Hazard Area



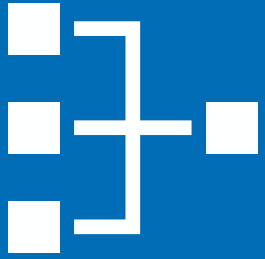
Landslide Hazard Study



Detailed Assessment of Geological Risks on the Site



Land Division Designed Around Landslide Risk



Proposal #3:

Recalibrate standards, thresholds, and review procedures

- Adjust when some standards and requirements apply
e.g. Transportation Impact Studies, recreation area and phased LD thresholds
- Simplify or eliminate unnecessary procedures
e.g. Solar lot orientation, school district sign-off, Title 1 map corrections
- Streamline the review of smaller projects
e.g. Lot confirmations, e-zoned partitions





Recommendation





Recommendation

The Planning Commission recommends that City Council:

- Adopt the Land Division Code Update Recommended Draft.
- Amend Title 33, Planning and Zoning, as shown in Exhibit B of the Ordinance.
- Repeal the 2002 Potential Landslide Hazard map.

Staff additionally recommends that City Council:

- Amend Section 1.01.037 as shown in Exhibit C of the Ordinance.





Invited Testimony Mary-Rain O'Meara (Planning Commission Chair)





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Senior Planner

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