Land Division Approval Criteria – Single-Dwelling Zones
RF, R20, R10, R7, R5 and R2.5 Zones

The following information is provided to help applicants prepare the narrative portion of their land division application. See the information guide Land Division Application Requirements ([www.portland.gov/bds/documents/land-division-application-requirements](http://www.portland.gov/bds/documents/land-division-application-requirements)) for a complete list of all required application materials.

What is included in this document?

This document contains a complete list of land division approval criteria that may apply in the single-dwelling zones.\* You may use this document to create your application narrative or use this list as a reference to write a detailed response to the relevant criteria in a separate document.

\* If a new public or private right-of-way is proposed, you will also need to address the criteria in
 Land Division Approval Criteria – Rights-of-Way Chapter 33.654 ([www.portland.gov/bds/documents/land-division-approval-criteria-rights-way](http://www.portland.gov/bds/documents/land-division-approval-criteria-rights-way))

Approval Criteria

All applicants must respond to the criteria listed in sections 1-5 below. The remaining criteria listed in sections 6-14, may apply or not depending on the specific site and proposal. Please review all criteria. For those that apply, write a detailed response that explains how each criterion is met. For those that do not apply, provide a brief response explaining why. Please note that, in most cases, code references below are exact zoning code language. However, in some cases, a summary of requirements is provided and some standards have been omitted. See the Zoning Code for complete code language: [www.portland.gov/code/33](http://www.portland.gov/code/33).

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| 1. Lots  |

Density Standards, 33.610.100 & 33.611.100

*Use the formulas below to calculate the maximum and minimum density requirements for the site. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed. See 33.610.100.B.3 and 66.611.100.B.3 for instructions on calculating density when both density standard A and B are used on a site.*

**If no street is created:**

* Maximum number of lots = Square footage of site / Maximum density A, B or C from Table 610-1(RF-R5) or Maximum density A or B from Table 611-1 (R2.5)
* Minimum number of lots = (Square Footage of Site - Square footage of site within an E-zone, River Environmental, landslide hazard area or flood hazard area) x 0.80 / Maximum density C from Table 610-1 (RF-R5) or 5,000 sq ft (R2.5 zone)

**If a street is created:**

* Maximum number of lots = (Square footage of site x 0.85) / Maximum density A, B or C from Table 610-1 (RF-R5) or Maximum density A or B from Table 611-1 (R2.5)
* Minimum number of lots = (Square Footage of Site - Square footage of site within an E-zone, River Environmental, landslide hazard area or flood hazard area) x 0.68 / Maximum Density C from Table 610-1(RF-R5) or 5,000 sq ft (R2.5 zone)

| **Table 610-1****Maximum Density Standards** |
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|  | **RF** | **R20** | **R10** | **R7** | **R5** |
| **Maximum Density A:** Maximum density for lots that:* Will be developed with attached houses;
* Will be located entirely outside the Constrained Sites overlay zone; and
* Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles.
 | N/A | 1 lot per 5,000 sq. ft. | 1 lot per 2,500 sq. ft. | 1 lot per 1,750 sq. ft. | 1 lot per 1,500 sq. ft. |
| **Maximum Density B:** Maximum density for lots that will be developed with attached houses | NA | 1 lot per 10,000 sq. ft | 1 lot per 5,000 sq. ft | 1 lot per 3,500 sq. ft | 1 lot per 2,500 sq. ft |
| **Maximum Density C:** Maximum density for all other lots | 1 lot per 87,120 sq. ft. | 1 lot per 20,000 sq. ft. | 1 lot per 10,000 sq. ft. | 1 lot per 7,000 sq. ft. | 1 lot per 5,000 sq. ft. |

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| **Table 611-1****Maximum Density Standards** |
|  | **R2.5** |
| **Maximum Density A:** Maximum density for lots that**:*** Will be developed with attached houses;
* Will be located entirely outside the Constrained Sites overlay zone; and
* Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles.
 | 1 lot per 1,500 sq. ft |
| **Maximum Density B:** Maximum density for all other lots | 1 lot per 2,500 sq. ft. |

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| Applicant Response - *Explain how the proposal complies with the density standards above:* |
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RF – R5 Zone Lot Dimensions

Lot Dimension Regulations, 33.610.200

*Subsection 33.610.200 and Table 610-2 include standards for minimum lot area, maximum lot area, minimum lot width, minimum front lot line and minimum lot depth in the RF – R5 zones. Additional standards apply for regular lot lines, flag lots, and through lots (see below).*

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| **Lot Dimension Standards (from Table 610-2)****RF through R5 Zones** |
|  | **RF** | **R20** | **R10** | **R7** | **R5** |
| **Minimum Lot Area** Attached house lots [1] All other lots | NA52,000 sq. ft. | 1,500 sq. ft.12,000 sq. ft. | 1,500 sq. ft.6,000 sq. ft.. | 1,500 sq. ft.4,200 sq. ft. | 1,500 sq. ft.3,000 sq. ft.. |
| **Maximum Lot Area**  | 151,000 sq. ft. | 34,500 sq. ft. | 17,000 sq. ft. | 12,000 | 8,500 sq. ft. |
| **Minimum Lot Width [2]** Attached house lots [1] All other lots | NA60 ft. | 15 ft.60 ft. | 15 ft.50 ft. | 15 ft.40 ft.  | 15 ft.36 ft. |
| **Minimum Front Lot Line** Attached house lots [1] All other lots | NA30 ft. | 15 ft.30 ft. | 15 ft.30 ft. | 15 ft.30 ft. | 15 ft.30 ft. |
| **Minimum Lot Depth [4]** | 60 ft. | 60 ft. | 60 ft. | 55 ft. | 50 ft. |

[1] This dimensional standard is only allowed for lots that will be developed with attached houses.

[2] See 33.930.100.A for how lot width is measured.

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| Applicant Response: *RF-R5 lot dimensions**Complete the table below showing that the proposed lots meet the lot dimension standards. Attach a separate sheet as necessary for additional lots.* |
| **Standards** | **Proposed Lot 1** | **Proposed Lot 2** | **Proposed Lot 3** | **Proposed Lot 4** |
| **Minimum Lot Area** |       |       |       |       |
| **Maximum Lot Area** |       |       |       |       |
| **Minimum Lot Width** |       |       |       |       |
| **Minimum Front Lot Line** |       |       |       |       |
| **Minimum Lot Depth** |       |       |       |       |

Narrow Lot Criteria, 33.610.200.D.2, RF – R5

*This section only applies to proposed lots within the RF – R5 zones that do not meet the minimum lot width for the zone.* *Lots that are created under the provisions of this section may reduce the front lot line to equal the width of the lot. Lots that do not meet these criteria may be requested through Planned Development Review, or as a modification through environmental review if the site is in an environmental overlay zone.*

Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:

1. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations (33.610.200.A);
2. The minimum lot width for lots that will be developed with attached houses may not be reduced below 15 feet, and the minimum width for all other lots may not be reduced below 26 feet.
3. If the lots abut a public alley, then vehicle access must be from the alley. *This condition will be imposed as a condition of approval of the land division*;
4. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.250.C at the time of development;
5. Lots that are less than 32 feet wide must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
6. Lots may be proposed that will not accommodate onsite vehicle access and parking. Such lots do not have to meet the following requirements. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must: (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time; (2) Meet the requirements of Section 33.700.060, Covenants with the City; and (3) Be attached to, and recorded with the deed for the new lot.

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| Applicant Response - *Explain how narrow lots proposed in the RF-R5 zone comply with the criteria above:* |
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R2.5 Zone Lot Dimensions

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| **Lot Dimension Standards R2.5 Zone** **(33.611.200)** |
| **Minimum Lot Area** | 1,500 sq. ft. |
| **Maximum Lot Area**  | N/A  |
| **Minimum Lot Width [2]**Attached house lotsLots where an existing dwelling unit or attached garage that has been on the site for at least 5 years precludes creating a lot that is 36 feet wide, and where the side lot line of the subject lot will not abut the side lot line of another lot within the land division site. All other lots | 15 ft26 ft.36 ft. |
| **Minimum Front Lot Line** Attached house lots All other lots | 15 ft.30 ft. |
| **Minimum Lot Depth** | 40 ft. |

[2] Width is measured by placing a rectangle along the minimum front building setback line specified for the zone. The rectangle must have a minimum depth of 40 feet, or extend to the rear of the property line, whichever is less. See 33.930.100.A.

Narrow Lot Criteria - R2.5 Zone, 33.611.200.C

*This section included additional options for minimum lot width in the R2.5 zone.*

1. Each lot must be at least 36 feet wide; or
2. Minimum lot width may be reduced to 26 feet if the following are met:
	1. An existing dwelling unit or attached garage is located on the site so that it precludes a land division that meets the minimum lot width standard of Paragraph C.1. The dwelling unit and attached garage must have been on the site for at least 5 years; or
	2. The side lot line of a lot that is less than 36 feet wide will not abut the side lot line of any other lot within the land division site.
3. Minimum lot width may be reduced to 15 feet for a lot if the lot will be developed with an attached house.

*Lots that are created under the provisions of Paragraph C.2. through C.3. above, may reduce the front lot line to equal the width of the lot, per 33.611.200.D.*

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| Applicant Response - *Explain how lots proposed in the R2.5 zone comply with the lot dimension standards:* |
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Regular Lot Lines, 33.610.200.G and 33.611.200.F

*This section applies to all land division proposals in the RF-R2.5 zones.*

As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

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| Applicant Response: |
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Through Lots, 33.610.300 & 611.300

*This section applies only if a through lot is proposed (a lot that has frontage on two streets, but not on a corner. (See Chapter 33.910, Figure 910-4).*

Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

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| Applicant Response: |
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Flag Lots, 33.610.400 and 33.611.400

*This section applies only if a flag lot is proposed.*

1. **Purpose** *(omitted – see Zoning Code)*
2. **When a flag lot is allowed -** A flag lot is allowed only when the following are met:
3. One of the following are met:
4. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1 or 33.611.200.C.1 (in the R 2.5). The dwelling unit and attached garage must have been on the site for at least five years; or
5. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1 in the RF through R5 zones. In the R 2.5 zone, the site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.
6. Up to three lots are proposed, only one of which is a flag lot; and
7. Minimum density requirements for the site will be met.
8. **Flag lot access pole.** The pole portion of the flag lot must meet the following standards:
9. The pole must connect to a street;
10. The pole must be at least 12 feet wide for its entire length; and
11. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
12. **Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
13. **Minimum lot dimensions**
14. Flag lots are exempt from the minimum front lot line standard.
15. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
16. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines if the flag portion of the lot. All other lot dimension standards must be met.
17. **Vehicle Access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

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| Applicant Response: |
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Split Zoned Lots, 33.610.500 and 33.611.500

*This section applies to all land division proposals in the RF-R2.5 zones.*

**A**. **Purpose** *(omitted – see Zoning Code)*

**B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

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| Applicant Response: |
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| 2. Clearing, Grading and Land Suitability  |

The standards of Chapter 33.635, Clearing, Grading, and Land Suitability must be met.

Clearing and Grading Approval Criteria, 33.635.100

The Preliminary Clearing and Grading Plan must meet the following approval criteria:

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and
5. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable; and
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees to be retained on the tree preservation plan.

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| Applicant Response: |
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Land Suitability Approval Criterion, 33.635.200

Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

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| Applicant Response: |
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| 3. Transportation impacts  |

The approval criteria of Chapter 33.641, Transportation Impacts, must be met.

Approval Criterion, 33.641.020

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B.
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

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| Applicant Response: |
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| 4. Services and utilities  |

The regulations and criteria of Chapters 33.651 through 33.654, which address water service standards, sanitary sewer disposal standards, stormwater management, and right-of-way improvements, must be met. *A utility plan and supporting documentation must be provided showing how services will be provided. The right-of-way criteria in Chapter 33.654 are in section 5 below.*

Water Service Standards, 33.651.020

Water service must meet the following standard:

The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development. Adjustments are prohibited.

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| Applicant Response: |
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Sanitary Sewer Disposal Service Standard, 33.652.020

Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.

1. **Availability of sanitary sewer.**
2. The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development; or
3. BDS has approved the use of a private on-site sanitary sewage disposal system.
4. **Public sanitary sewage disposal.** Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on the Sewer Design Manual; and
5. **Private sanitary sewage disposal.** Where private on-site sanitary sewage disposal is proposed, BDS and Environmental Services have preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system.

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| Applicant Response: |
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Stormwater Management Approval Criteria, 33.653.020

Stormwater management must meet the following approval criteria:

1. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and
2. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

Stormwater Management Standards, 33.653.030

Stormwater management facilities must meet the following standards. Adjustments are prohibited.

1. The Bureau of Environmental Services has preliminarily approved the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities. The approval is based on the Sewer Design Manual and the Stormwater Management Manual;
2. The Bureau of Development Services has preliminarily approved the capacity, type, location, feasibility, and land area required of any proposed private on-site stormwater disposal facilities; and
3. Ownership and maintenance.
4. Generally, a stormwater facility that serves more than one lot must be in a tract or within the right-of-way; except as allowed by C.2. below. If the facility is in a tract, it must be either owned in common by all of the owners of the lots served by the facility, by a Homeowners’ Association, by a public agency, or by a nonprofit organization.
5. Exceptions:
6. A private stormwater facility may be in an easement if the location of the tract would preclude compliance with the front lot line requirements of Chapters 33.610 through 33.615;
7. An existing private stormwater facility may be in an easement, if there is a recorded maintenance agreement, or if the maintenance is addressed in the CC&Rs;
8. A private stormwater facility serving up to five dwelling units may be in an easement, if there is a recorded maintenance agreement, or if the maintenance is addressed in the CC&Rs.
9. Driveways may cross stormwater tracts and easements.

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| Applicant Response: |
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Environmental Overlay Zones

*If any portion of the water, sanitary sewer or stormwater management or disposal system is proposed within an Environmental Overlay Zone, it is subject to the regulations of Chapter 33.430, Environmental Overlay Zones. You will need to address the Environmental Standards in Chapter 33.430.*

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| 5. Rights-of-Way  |

*All land divisions must meet the Connectivity and Location of Rights-of-Way criteria of Section 33.654.110, the Design of Rights-of-Way criteria of 33.654.120, and the Additional Approval Criteria for Rights-of-Way found in Section 33.654.130 (listed below). If a new right-of-way is proposed or required with the land division, additional Right-of-Way approval criteria, found in Chapter 33.654 and the Right-of-Way Approval Criteria Packet, also apply. (See #14)*

Connectivity and Location of Rights-of-Way, 33.654.110.B

The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.

1. **Through streets and pedestrian connections in OS, R, C, E, CI and IR zones.** In OS, R, C, E, CI and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:
2. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;
3. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;
4. Characteristics of the site, adjacent sites, and vicinity, such as:
5. Terrain;
6. Whether adjacent sites may be further divided;
7. The location of existing streets and pedestrian connections;
8. Whether narrow frontages will constrain creation of a through street or pedestrian connection;
9. Whether any of the following interrupt the expected path of a through street or pedestrian connection: Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones; Tree groves; Streams; Combined flood hazard areas; or Wetlands; and
10. Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
11. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;
12. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.
13. **Dead-end streets** in OS, R, C, E, CI and IR zones may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.
14. **Pedestrian connections in I Zones** *(omitted – see Zoning Code)*
15. **Alleys in all zones.** Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Where alleys are not required, applicants may choose to provide them.

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| Applicant Response: |
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Design of Rights-of-Way, 33.654.120

**B.** **Non-local street standard.** For streets other than local service streets, the Office of Transportation has approved
 the right-of-way width and all elements within the street right-of-way.

**C. Local street approval criteria and standards.** The following approval criteria and standards apply to all local
 service streets except for common greens and shared courts:

1. **Approval criterion for width of the right-of-way.** The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.
2. **Standard for configuration of elements within the right-of-way.** For public streets, the Office of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

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| Applicant Response: |
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Standard for Street Trees, 33.654.120.H

 **H.** **Standard for Street Trees.** For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the proposal and found it acceptable for the retention of existing street trees and providing adequate areas for future street tree planting. For private streets, the Bureau of Development Services has preliminarily approved the street tree planting plan.

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| Applicant Response: |
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Additional Approval Criteria for Rights-of-Way, 33.654.130

1. Utilities. Telephone, cable, natural gas, electric and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. To the extent practicable, utility easements needed to serve the lots must be identified during the preliminary land division plan review.
2. Extension of existing public dead-end streets and pedestrian connections. Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

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| Applicant Response: |
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| The following approval criteria sections (6 – 14) may or may not apply to your project. Please review all the remaining criteria and address those that apply.  |

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| 6. Tree preservation  |

*If the site contains at least one tree 6 inches or more in diameter (not located in an environmental overlay zone), the standards and approval criteria of Chapter 33.630, Tree Preservation, must be met. In most cases, a tree report by an arborist and a tree preservation plan is required.*

Minimum Tree Preservation Standards, 33.630.100.

1. The applicant must show how existing trees will be preserved. The options listed below represent minimum tree preservation standards. Additional tree preservation may be required to meet the approval criteria of Section 33.630.200. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are listed in Section 33.630.030, Trees exempt from these regulations. The applicant must choose one of the following options:
2. Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 20 percent of the total tree diameter on the site;
3. Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 25 percent of the total tree diameter on the site;
4. Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site;
5. Option 4: Where all trees are less than 20 inches in diameter, preserve at least 35 percent of the total tree diameter on the site;
6. Option 5: If one or more tree groves are located completely or partially on the site, preserve all of the grove trees located on the site and at least 20 percent of the total tree diameter or canopy area on the site; or
7. Option 6: If the site is larger than one acre, preserve at least 35 percent of the total tree canopy area on the site.

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| Applicant Response: |
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Tree Preservation Approval Criteria, 33.630.200

Applicants must demonstrate how the proposed tree plan will meet the following tree preservation criteria. In meeting these criteria, applicants may use options available in this and other chapters of this Title to modify development standards and minimum density in order to preserve trees.

1. To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area should be considered and may call for different priorities, such as native tree growth rates and priority tree sizes as described in the Portland Plant List, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;
2. Trees proposed for preservation are suitable based on their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species;
3. Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following;
4. The specific development proposed;
5. The uses and intensity of development expected in the zone and the area in which the site is located;
6. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;
7. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and
8. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.
9. **Mitigation.** Where the minimum tree preservation standards of 33.630.100 can not be fully met, as determined by evaluating the above criteria, or when there is a concurrent Environmental Review and the minimum tree preservation standards do not apply, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City’s Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.

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Modifications That Will Better Meet Tree Preservation Requirements, 33.630.400

*It may be possible to modify site-related development standards or minimum density through the land division review in order to better meet the tree preservation requirements. Address this section if you are requesting a modification.*

1. **Site-related development standards.** The review body may consider modifications to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word “prohibited,” or a regulation that is a qualifying situation or threshold is prohibited. To approve the modification, the review body must find that the modification will result in improved tree preservation, considering the tree preservation priorities for the site, and will, on balance, be consistent with the purpose of the regulation being modified.
2. **Minimum Density.**
3. *Multi-dwelling zones omitted –see Zoning Code*.
4. A reduction in minimum density in single-dwelling zones may be approved as part of the land division review. The reduction is done as part of the land division review and does not require an adjustment.
5. Minimum density may be reduced by 20 percent or one lot, whichever is more, up to a maximum reduction of 4 lots. Reductions greater than those listed in this paragraph are prohibited.
6. The review body will approve the reduction in minimum density if the following are met:
7. The reduction in minimum density will result in improved tree preservation, considering the tree preservation priorities for the site; and
8. The lot or lots where trees are proposed to be preserved are not large enough to be further divided under the current zoning. Trees proposed for preservation may be placed in a tree preservation tract to reduce lot sizes and provide better protection for the trees to be preserved.

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| 7. Sites in the Combined Flood Hazard Area  |

This section applies when any portion of the land division site is in the Combined Flood Hazard Area. *Consult with a planner or* visit [www.portlandmaps.com](http://www.portlandmaps.com) *to find out if your site is within a combined flood hazard area.*

Flood Hazard Area Approval Criteria, 33.631.100

1. **RF through R2.5 zones.** The following criteria must be met in the RF through R2.5 zones:
2. Where possible, all lots must be outside of the combined flood hazard area; and
3. Where it is not possible to have all lots outside of the combined flood hazard area, all existing and proposed building areas must be outside of the combined flood hazard area.
4. RM1 through RMP, C, E, I, IR and CI zones *(omitted – see Zoning Code)*.
5. In all zones. The following criteria must be met in all zones:
6. Services proposed in the combined flood hazard area must be located and built to minimize or eliminate flood damage to the services; and
7. The floodway must be entirely within a flood hazard area tract unless river-dependent land-uses and development are proposed on the site.

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| 8. Potential Landslide Hazard Area  |

This section applies when any portion of the site is located within a city-designated Potential Landslide Hazard Area. *Consult with a planner or visit* [www.portlandmaps.com](http://www.portlandmaps.com) *to find out if your site is within a potential landslide hazard area. When this section applies, a Landslide Hazard Study is required. See the Landslide Hazard Study handout (*[www.portland.gov/bds/documents/landslide-hazard-study](http://www.portland.gov/bds/documents/landslide-hazard-study)*) for specific requirements.*

Landslide Hazard Area Approval Criterion, 33.632.100

The following approval criterion must be met:

**Locate the lots, buildings, services and utilities on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites and sites directly across a street or alley from the site**.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Specific improvements, engineering requirements, techniques or systems, or alternative development options, including alternative housing types and reduced density (minimum or maximum), may be required in order to facilitate a suitable development that limits the risk to a reasonable level. Reductions to minimum or maximum density are done as part of the land division review, and do not require an adjustment.

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| 9. Phased Land Division or Staged Final Plat  |

This section applies if a phased land division in a RF through R2.5 zone is proposed or a staged final plat in any zone is proposed*. Address the relevant section below.*

Phased Land Division Standards, 33.633.120

Phased land divisions are allowed if the all of the following are met. Adjustments to these standards are prohibited:

1. The required minimum density for the site is 40 or more lots;
2. All portions of the site that are in the floodway or an Environmental Overlay Zone must be included in the first phase;
3. All portions of the site that are to be divided in future phases must be held in non-development tracts;
4. A future division plan must show how each subsequent phase can meet minimum density, the other requirements of Chapters 33.610 through 33.654, and all other regulations of the Portland City Code; and
5. Applications for Preliminary Plan approval of subsequent phases are subject to the regulations in effect at the time of each application.

Staged Final Plat Standard, 33.633.220

All portions of the site that are in an Environmental Overlay Zone, in the floodway, or will be in a tree preservation tract must be included in the first Final Plat stage.

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| 10. Required Recreation Area  |

This section applies to land divisions in residential zones when the proposed density is 40 or more dwelling units. In multi-dwelling zones, where no development is specifically proposed with the land division, the regulations of this chapter apply when the minimum required density for the site is 40 or more units.

Required Recreation Area Standards, 33.634.200

The following standards must be met:

1. **Size.** At least 10 percent of the total site area of the land division site must be devoted to recreation area.
2. **RF-RM1 and RMP zones.** In the RF-RM1 and RMP zones, the recreation area must be in one or more recreation area tracts. Recreation area tracts must meet the requirements of Subsection D., below.
3. **RM2-RX and IR zones.** *(omitted – see Zoning Code)*
4. **Recreation area tracts.** Recreation area tracts required by this chapter must meet the following standards:
5. Size. Each tract must be at least 100 feet wide by 100 feet deep;
6. Location. No more than 50 percent of each recreation area tract may be in an Environmental Overlay Zone or in the combined flood hazard area;
7. Accessibility. Each recreation area tract must have at least 30 feet of street frontage;
8. Ownership. The tracts must be owned in common by all of the owners of the land division site, owned by a Homeowners’ Association, or owned by a public agency; and
9. Improvements. The applicant must submit a surety and construction timing agreement prior to final plat approval. The construction timing agreement will specify the installation schedule of all improvements.

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Required Recreation Area Approval Criteria, 33.634.300

All of the following approval criteria must be met:

1. **Location.** Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;
2. **Accessibility**. Each recreation area must be reasonably accessible to all those who will live on the land division site; and
3. **Improvements.** Each recreation area must be improved in order to meet the recreational needs of those who will live on the land division site. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas may include improvements such as children’s play equipment, picnic areas, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. Surety may be required which specifies the timing of recreation area improvements. The recreation area improvements should be installed before any of the dwelling units on the site have received final inspection.

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| 11. Tracts and Easements  |

*This section applies if any tracts or private easements are proposed or required. Examples of tracts include tracts for streets, tree preservation, or environmental resources. Examples of easements include private access or utility easements*. *All required maintenance agreements must be submitted for review with the final plat.*

Requirements for Tracts and Easements, 33.636.100

1. **Ownership of tracts.** Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:
2. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;
3. The Homeowners’ Association for the area served by the tract;
4. A public or private nonprofit organization; or
5. The City or other jurisdiction.
6. **Maintenance agreement**. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners’ designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

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| 12. Solar Access  |

If single dwelling detached development is proposed for a site in any zone, the approval criteria of Chapter 33.639, Solar Access must be addressed. Where it is not practicable to meet both the approval criteria of this chapter and the standards and approval criteria of other chapters in the 600’s, the regulations of the other chapters supercede the approval criteria of this chapter.

Solar Access Approval Criteria, 33.639.100

All of the following approval criteria must be met:

1. On streets that are within 30 degrees of a true east-west axis, see Figure 639-1, the narrowest lots should be:
2. Interior lots on the south side of the street. See Figure 639-2; and
3. Corner lots on the north side of the street. See Figure 639-3.
4. On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street. See Figure 639-4.

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| 13. Streams, Springs, Seeps and Wetlands  |

All land divisions for sites where there is a stream, spring, seep or wetland that is outside of an Environmental Overlay Zone (p or c zone) must meet these standards. The Willamette and Columbia Rivers are not included in the definition of stream when applying this chapter.

**Stream, Spring, Seep and Wetland Standards, 33.640.200**

1. **Preservation in a tract.** Streams, springs, seeps and wetlands must be preserved in a tract as follows:
	1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, seep or wetland. The edges of a seep, spring or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep or wetland is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;
	2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;
	3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, spring, seep, or wetland may be in an easement that meets the other requirements of Paragraph A.1.
2. **Development allowed in the tract or easement.** The following development, improvements, and activities are allowed in the tract or easement:
3. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site’s storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
4. Removal of non-native invasive species with hand held equipment;
5. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
6. Erosion control measures allowed by Title 10 of Portland City Code;
7. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveways or service connections within the tract or easement; and
8. Maintenance and repair of existing utilities, services, and driveways;
9. **When tract or easement may be crossed by a right-of-way.** Public or private rights of way may cross the seep, spring, or stream tract or easement if the following approval criteria are met:
10. There is no reasonable alternative location for the right-of-way;
11. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
12. The street improvements will not impede the flow of the stream, spring, or seep;
13. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
14. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
15. **Minimum density.** Minimum density is waived in order to better meet these standards.

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| 14. Rights-of-Way  |

If a new public or private right-of-way is proposed or required, you will also need to address the criteria in Land Division Approval Criteria – Rights-of-Way Chapter 33.654
([www.portland.gov/bds/documents/land-division-approval-criteria-rights-way](http://www.portland.gov/bds/documents/land-division-approval-criteria-rights-way))

If no new street is proposed or required, the necessary criteria should have been addressed under #5 above.

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| 15. School District Enrollment Capacity  |

All land divisions that will result in eleven or more lots within the boundaries of a school district that has an adopted school facility plan that has been acknowledged by the City of Portland must meet this standard. *Currently, David Douglas is the only school district in Portland with an acknowledged plan. If your project will create 11 or more lots within the David Douglas school district, complete this form and submit it with your application:* [*https://www.portland.gov/sites/default/files/2020/mc\_school\_dist\_dd\_050818.pdf*](https://www.portland.gov/sites/default/files/2020/mc_school_dist_dd_050818.pdf)*.*

**School District Enrollment Capacity Standard 33.655.100**

The school district within whose boundaries the land division site lies has verified that enrollment capacity for the district is adequate to serve the proposed development. Adjustments are prohibited.

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