Land Division Approval Criteria – Multi-Dwelling Zones

R3, R2, R1, RH, RX and IR 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 http://www.portlandonline.com/bds/index.cfm?c=45482&a=92195 for a complete list of all required application materials.

The information guide Preparing Your Land Division Application Narrative http://www.portlandonline.com/bds/index.cfm?c=45482&a=239293 provides an overview of what should be included in the narrative. See that guide for:

- A description of what should be included in your **project description,** an important part of your application narrative; and
- A **summary table** that lists all the land division approval criteria and explains when they apply. You should complete the summary table to determine which criteria apply to the proposal before preparing the detailed response to the criteria in this document. Submit the completed summary table as part of your application narrative.

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 download and modify this document to create your application narrative or use this list as a reference to write your 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 http://www.portlandonline.com/bds/index.cfm?c=45482&a=239318*

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 in the space provided in the summary table and delete those sections of the criteria listed below. 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: *http://www.portlandonline.com/zoningcode*.

1. Lots

Density, 33.612.100

A. Single-dwelling or duplex development - When single-dwelling development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density.

B. All other development - When development other than single-dwelling is proposed, minimum and maximum density must be met at the time of development.

Excerpt from Table 120-3 Summary of Development Standards in Multi-Dwelling Zones						
Standard	**R3**	**R2**	**R1**	**RH**	**RX**	**IR**
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area	1 unit per 2,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	FAR of 2 to 1 Or 4 to 1	FAR of 4 to 1	See 120.205
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	none

Applicant Response:
If any single-dwelling or duplex development is proposed, describe how minimum and maximum density standards are met. If only multi-dwelling development is proposed, this standard will be met at the time of development.

Lot Dimension Standards, 33.612.200.B

1. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 612-1.

2. Nonconforming uses. Minimum lot dimensions for lots with nonconforming uses are the same as those for detached houses.

Table 612-1
Minimum Lot Dimensions

	R3	R2	R1	RH	RX	IR[1]
Lots to be developed with:						
Multi-Dwelling Structures or Development:						
Minimum Lot Area	6,000 sq. ft.	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	None	10,000 sq. ft.
Minimum Lot Width	50 ft.	33 ft.	70 ft.	70 ft.	None	70 ft.
Minimum Lot Depth	70 ft.	70 ft.	70 ft.	100 ft.	None	100 ft.
Minimum Front Lot Line	50 ft.	30 ft.	70 ft.	70 ft.	10 ft.	70 ft.
Attached Houses						
Minimum Lot Area	1,600 sq. ft.	1,600 sq. ft.	None	None	None	None
Minimum Lot Width	15 ft	15 ft	15 ft	None	None	None
Minimum Lot Depth	None	None	None	None	None	None
Minimum Front Lot Line	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
Detached Houses						
Minimum Lot Area	1,600 sq. ft.	1,600 sq. ft.	None	None	None	None
Minimum Lot Width	25 ft	25 ft	25 ft	None	None	None
Minimum Lot Depth	None	None	None	None	None	None
Minimum Front Lot Line	25 ft.	25 ft.	25 ft.	10 ft.	10 ft.	10 ft.
Duplexes						
Minimum Lot Area	4,000 sq. ft.	2,000 sq. ft.	None	None	None	2,000 sq. ft.
Minimum Lot Width	50 ft.	33 ft.	None	None	None	None
Minimum Lot Depth	50 ft.	50 ft.	None	None	None	None
Minimum Front Lot Line	50 ft.	30 ft.	10 ft.	10 ft.	10 ft.	30 ft.

Notes: [1] This regulation may be superseded by an Impact Mitigation Plan.

Applicant Response:

Complete the table below showing that the proposed lots meet the lot dimension standards. If more than one housing type is proposed, address the lot dimension standards for each housing type. Examples of housing types include multi-dwelling development, attached houses and detached houses.

Housing Type:

	Zone:_____ Standards (see Table 612-1)	**Proposed Lot 1**	**Proposed Lot 2**	**Proposed Lot 3**	**Proposed Lot 4**
Minimum Lot Area					
Minimum Lot Width [1]					
Minimum Front Lot Line					
Minimum Lot Depth[1]					

[1] Lot width and depth are measured from the midpoint of opposite lot lines.

2. Clearing, Grading, and Land Suitablility

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:

A. 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;

B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;

C. 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;

D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and

E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.

Applicant Response:

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.

Applicant Response:

3. Transportation impacts

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

Approval Criterion, 33.641.020

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

Mitigation, 33.641.030

The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets, alleys or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

Applicant Response:

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.

Applicant Response:

Sanitary Sewer Disposal Service Standard, 33.652.020

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

A. Availability of sanitary sewer.

1. The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development; or
2. BDS has approved the use of a private on-site sanitary sewage disposal system.

B. 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

C. 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.

Applicant Response:

Stormwater Management Approval Criteria, 33.653.020

Stormwater management must meet the following approval criteria:

A. 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

B. 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:

A. 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;

B. 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

C. Ownership and maintenance.

1. 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.
2. Exceptions:
   a. 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;
   b. 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;
   c. 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.

D. Driveways may cross stormwater tracts and easements.

Applicant Response:

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.

5. Rights-of-Way

All land divisions must meet the Connectivity and Location of Rights-of-Way criteria of Section 33.654.110 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

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. 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, and E zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

a. 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;

b. 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;

c. Characteristics of the site, adjacent sites, and vicinity, such as:

1) Terrain;
2) Whether adjacent sites may be further divided;
3) The location of existing streets and pedestrian connections;
4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;
5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and
6) 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;

d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;

e. 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.

2. **Dead-end streets** 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.

3. **Pedestrian connections** in I Zones *(omitted, see Zoning Code)*

4. **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.

Applicant Response:

Additional Approval Criteria for Rights-of-Way, 33.654.130

A. Utilities. 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.

B. 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.

Applicant Response:

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.

6. Tree Preservation

If the site contains at least one tree over 6 inches in diameter or one significant tree listed in Table 630-1 (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 tree preservation plan is required.

Tree Preservation Standards, 33.630.100.

A. Existing trees must be preserved. The total tree diameter on the site is the total diameter of all trees on the site, minus the diameter of trees that are listed in Section 33.630.030, Exempt From These Regulations. The applicant must choose one of the following options. Significant trees are listed in Table 630-1:

1. Option 1: Preserve at least 35 percent of the total tree diameter on the site
2. Option 2: Preserve at least 50 percent of the significant trees on the site and at least 30 percent of the total tree diameter on the site;
3. Option 3: Preserve at least 75 percent of the significant trees on the site and at least 25 percent of the total tree diameter on the site;
4. Option 4: Preserve all of the significant trees on the site and at least 20 percent of the total tree diameter on the site; or
5. Option 5: If the site is larger than one acre, preserve at least 35 percent of the total tree canopy on the site.

If none of the options can be met, the mitigation option approval criteria of 33.630.300 must be addressed.

B. Historic Landmark Trees. Historic Landmark Trees must be preserved. They may be removed only if approved by the Historic Landmarks Commission.

C. Heritage Trees. Heritage Trees are regulated by Chapter 20.40.150, Heritage Trees, of the City Code.

To find out if your site has Historic Landmark or Heritage Trees, visit a planner in the Development Services Center or go to www.portlandonline.com/parks.

D. Calculations.

1. Tree diameter and significant trees. When calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:
   a. Tree inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or

   b. Statistical sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by a professional forester based on standard methodologies.

2. Tree Canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than 5 years old, the applicant must provide a more recent photograph.

Applicant Response:

Tree Preservation Methods, 33.630.200

The following is a summary of the requirements of this section (see the Zoning Code for a complete list of standards). Trees must be preserved either in a tree preservation tract or on individual lots by use of a tree preservation plan. The tree preservation plan must be completed by an arborist or landscape architect, and comply with 33.248.065, Tree Preservation Plans. The tree preservation plan should include an arborist report and tree preservation map showing the surveyed location of all trees 6 inches in diameter and greater.

Applicant Response:

Mitigation Option, 33.630.300 *(Address if you are not meeting the standards of 33.630.100)*
As an alternative to meeting Section 33.630.100, approval of a mitigation plan may be requested. The review body will approve the mitigation plan where the applicant has shown that the applicant has met criteria A. and B. and one of the criteria in C., below:

A. As many trees as possible are preserved; and

B. The applicant has submitted a mitigation plan that adequately mitigates for the loss of trees, and shows how the mitigation plan equally or better meets the purpose of this chapter. Mitigation can include tree planting, preservation of groups of smaller trees, eco-roof, porous paving, or pervious surface permanently preserved in a tract.

C. It is not possible under any reasonable scenario to meet Section 33.630.100 and one of the following:

1. Meet minimum density;
2. Meet all service requirements of Chapters 33.651 through 33.654, including connectivity;
3. Implement an adopted street plan;
4. On sites 15,000 square feet or less in area, provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot;
5. In E and I zones, provide a practicable arrangement of lots, tracts, and streets within the site that would allow for the division of the site with enough room for a reasonable building site on each lot, considering the uses and development allowed in the zone; or
6. Preserve the trees within the environmental zones on site while providing a practicable arrangement of building sites and disturbance area.
7. Preserve trees within an easement that:
   a. Is held by a utility or service agency; and
   b. That was held by the utility or service agency before the application for preliminary plan review of the land division was filed.

Applicant Response:

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.

A. Site-related development standards. The review body may consider adjustments 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 (such as FAR, or number of units) 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. In order to approve the modification, the review body must find that the modification will result in the application better meeting the requirements of Section 33.630.100, and will, on balance, be consistent with the purpose of the regulation being modified.

B. Minimum Density.

1. A reduction in minimum density 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.
2. For land divisions of 2 to 10 lots, minimum density may be reduced by 1 dwelling unit. For land divisions of 11 to 20 lots, minimum density may be reduced by 2 dwelling units. For land divisions of more than 20 lots, minimum density may be reduced by 3 dwelling units. Reductions greater than those listed in this paragraph are prohibited.
3. The review body will approve the reduction in minimum density if they find that the reduction will result in the proposal better meeting the requirements of Section 33.630.l00.
4. If the review body approves a reduction of minimum density, trees preserved must be in a tree preservation tract.

Applicant Response:

7. Sites in Flood Hazard Area

This section applies when all or part of the site is located within a Flood Hazard Area. *Consult with a planner in the Development Services Center or visit www.portlandmaps.com to find out if your site is within a flood hazard area.*

Flood Hazard Area Approval Criteria, 33.631.100

A. RF through R2.5 zones *(omitted, see Zoning Code)*

B. R3 through IR, C, E, and I zones. The following criteria must be met in the R3 through IR, C, E, and I zones:

1. Where possible, each lot must have adequate area outside of the flood hazard area to accommodate allowed or proposed uses. This criterion does not apply to river-dependent uses; and
2. Where it is not possible to create lots that have adequate area outside of the flood hazard area to accommodate allowed or proposed uses, the following must be met:
   a. Lots must be configured so that development on them will reduce the impact of flooding and to provide the greatest protection for development from flooding;
   b. Lots must be configured so that allowed or proposed uses that are not river-dependent will be able to locate on the highest ground and near the highest point of access, and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters; and
   c. Where the proposed uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of floodwaters.

C. In all zones. The following criteria must be met in all zones:

1. Services proposed in the flood hazard area must be located and built to minimize or eliminate flood damage to the services; and
2. The floodway must be entirely within a flood hazard tract unless river-dependent land-uses and development are proposed on the site.

Applicant Response:

8. Potential Landslide Hazard Area

This section applies when all or part of the site is located within a city-designated Potential Landslide Hazard Area. *Consult with a planner in the Development Services Center or visit 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 Land Division Application Requirements, and Zoning Code Section 33.730.060.D.1.g 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. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

Applicant Response:

9. Phased Land Division or Final Plat

A phased land division is not allowed in multi-dwelling zones and therefore does not apply. A staged final plat is allowed in any zone. Address this section if a staged plat is proposed.

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.

Applicant Response:
In addition to addressing the standard above, please describe different stages and proposed timing.

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:

A. **Size.** At least 10 percent of the total site area of the land division site must be devoted to recreation area.

B. **RF-R2 zones.** In the RF-R2 zones, the recreation area must be in one or more recreation area tracts. Recreation area tracts must meet the requirements of Subsection D., below.

C. **R1-IR zones.** In the R1-IR zones, the recreation area may be in one or more recreation area tracts, in a roof-top garden, or in floor area improved for the purpose of passive or active recreation. Recreation area tracts must meet the requirements of Subsection D., below.

D. **Recreation area tracts.** Recreation area tracts required by this chapter must meet the following standards:

1. Size. Each tract must be at least 100 feet wide by 100 feet deep;
2. Location. No more than 50 percent of each recreation area tract may be in an Environmental Overlay Zone or in a flood hazard area;
3. Accessibility. Each recreation area tract must have at least 30 feet of street frontage;
4. 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
5. 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.

Applicant Response:

Required Recreation Area Approval Criteria, 33.634.300

All of the following approval criteria must be met:

A. **Location.** Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;

B. **Accessibility.** Each recreation area must be reasonably accessible to all those who will live on the land division site; and

C. **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.

Applicant Response:

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 resource. 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

A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:

1. 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;
2. The Homeowners' Association for the area served by the tract;
3. A public or private nonprofit organization; or
4. The City or other jurisdiction.

B. 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.

Applicant Response:

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:

A. On streets that are within 30 degrees of a true east-west axis, see Figure 639-1, the narrowest lots should be:

1. Interior lots on the south side of the street. See Figure 639-2; and
2. Corner lots on the north side of the street. See Figure 639-3.

B. 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.

Applicant Response:

13. Streams, Springs and Seeps

All land divisions for sites where there is a stream, spring, or seep that is outside of an Environmental Overlay Zone (p or c zone) must meet these standards.

Stream, Spring, and Seep Standards, 33.640.200

A. Preservation in a tract. Streams, springs, and seeps 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, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. 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, or seep 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, seep, or stream may be in an easement that meets the other requirements of Paragraph A.1.

B. Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:

1. 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 OPDR has determined that on-site infiltration is not an option;
2. Removal of non-native invasive species with hand held equipment;
3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
4. Erosion control measures allowed by Title 10 of Portland City Code;
5. 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
6. Maintenance and repair of existing utilities, services, and driveways;

C. 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:

1. There is no reasonable alternative location for the right-of-way;
2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
   a. The street improvements will not impede the flow of the stream, spring, or seep;
   b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
   c. 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.

D. Minimum density. Minimum density is waived in order to better meet these standards.

Applicant Response:

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*
http://www.portlandonline.com/bds/index.cfm?c=45482&a=239318

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