Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

October 24, 2007

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Portland Plan Amendment
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 6, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** **THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Rodney Jennings, City of Portland

<paa> ya

FORM 2

DLCD
Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed
DEPT OF
OCT 17 2007
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only
DATE STAMP

Jurisdiction: **Portland**
Local file number: **None**
Date of Adoption: **10/10/2007**
Date Mailed: **10/16/2007**
Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/30/2007

☐ Comprehensive Plan Text Amendment
☐ Comprehensive Plan Map Amendment
☒ Land Use Regulation Amendment
☐ Zoning Map Amendment
☐ New Land Use Regulation
☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The Regulatory Improvement Code Amendment Package 3 (RICAP 3) is a collection of code amendments addressing 33 issues that require clarification, need technical fixes, address inconsistencies or propose minor changes of existing policy. 25 of the issues do not change underlying policy. The remaining issues address minor policy including;
- Parking lot access on alleys; and
- Review procedures for high school fields.

Does the Adoption differ from proposal? Yes, Please explain below:

The issues addressing waste-related and recycling uses were dropped during the public review phase to allow for more research.

Plan Map Changed from: **N/A** to:
Zone Map Changed from: **N/A** to:
Location: **N/A** Acres Involved: **0**
Specify Density: Previous: **N/A** New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☒	☐	☐	☒	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? ☒ Yes ☐ No
If no, do the statewide planning goals apply? ☐ Yes ☐ No
If no, did Emergency Circumstances require immediate adoption? ☐ Yes ☐ No

DLCD # 003-07 (16136)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Portland, Multnomah County, Metro

Local Contact: **Rodney Jennings** Phone: **(503) 823-6042** Extension: **0**

Address: **1900 SW 4th Ave., #4100** Fax Number: **503-823-7800**

City: **Portland** Zip: **97201-5380** E-mail Address: **rjennings@ci.portland.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.

3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE No. 181357

Improve land use regulations through the Regulatory Improvement Code Amendment Package 3 (RICAP 3) (Ordinance; Amend Title 1 and Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. This project is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number.

2. During the Summer of 2006, staff from the Planning Bureau and the Bureau of Development Services (BDS) worked with the Regulatory Improvement Stakeholder Advisory Team (RISAT) to develop a workplan for the third Regulatory Improvement Code Amendment Package (RICAP 3). The RISAT includes participants from city bureaus and the community and advises staff. They also communicate information about each RICAP to those they represent and invite comment.

3. On October 10, 2006, the Planning Commission held a hearing to discuss and take testimony on the RICAP 3 workplan. The workplan consisted of 38 issues proposed for further research in order to find potential solutions. The Planning Commission added three items to the staff-proposed 38 issues to address resource violations in the Pleasant Valley natural resource overlay zone, access easements on private streets in the Cascade Station plan district, and vehicle sales, display and storage along the light rail alignment in the Central City plan district.

4. During the Winter of 2006 and Spring of 2007, Planning staff worked with BDS and RISAT to address the 41 issues in the workplan. In addition, another item was added later at the request of BDS to address loading spaces in the Central City plan district, for a total of 42 issues.

5. After preliminary work on all of the issues, staff determined that several items did not warrant an amendment to the code. The amendments to Title 1, General Provisions and Title 33, Planning and Zoning in RICAP 3 addressed 35 of the 42 issues initially included. Planning Commission forwarded 33 of the items to City Council.

6. On May 30, 2007, notice of the proposed RICAP 3 code amendments was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by ORS 197.610.

7. On June 22, 2007, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 3.

8. There were many comments in response to the notice; almost all were about regulations affecting recycling operations and Waste-Related Uses. The comments from a number of businesses that would be affected by these amendments, as well as from many citizens concerned about the effect of the changes on their neighborhoods, made it clear to staff that these proposed amendments were not ready for Planning Commission review.

9. On July 24, 2007, the Planning Commission held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Proposed Draft Report.* Staff presented the proposal and public testimony was received.

10. Staff recommended, and the Planning Commission agreed, to remove the amendments related to recycling operations and Waste-Related Uses from consideration as part of RICAP 3. The Planning Commission did hear public testimony on these amendments, and agreed that staff needs more time to study the recycling and waste industries, their issues, and the terminology related to them.

11. The Commission voted to recommend that City Council adopt the staff recommendation, after removing the amendments related to recycling operations and Waste-Related Uses.

12. On September 12, 2007, City Council held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Recommended Draft Report.* Staff presented the proposal and public testimony was received.

13. On September 19, 2007, Council voted to adopt the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 3 (RICAP 3), Recommended Draft Report* and amend the Zoning Code as shown in the report.

Findings on Statewide Planning Goals

14. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.

15. **Goal 1, Citizen Involvement**, requires the provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement:

    - During 2006 and 2007, staff from Planning and BDS met monthly with the RISAT to review the selections proposed for the Regulatory Improvement Code Amendment Package 3 (RICAP 3) workplan and the proposed amendments to the Zoning Code.
    - On August 11, 2006, notice was sent to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing for the RICAP 3 workplan.
    - On August 17, 2006, the *Regulatory Improvement Code Amendment Package 3 – Proposed Workplan* was published. The report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.
    - On October 10, 2006, the Planning Commission held a public hearing on the RICAP 3 Proposed Workplan and heard testimony from citizens on the proposed issues. The Planning Commission voted to adopt the workplan, directing staff to work on code amendments on the 38 issues listed in the workplan, plus three additional items.
    - On June 22, 2007, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 3.
    - On June 25, 2007 the *Regulatory Improvement Code Amendment Package 3 Proposed Draft Report* was published. The report explained the proposed amendments to the Zoning Code. The

report was available to City bureaus and the public and mailed to all those requesting a copy. An electronic copy was posted to the Bureau's website.

- On June 29, 2007 notice was sent to all owners of property zoned CS, CG, CX, EG1, EG2, EX, IG1, IG2 and IH and to owners of 5 properties near the light rail transit alignment in the Goose Hollow subdistrict of the Central City plan district. This notice met the statutory requirements of Measure 56 requiring that property owners be notified of changes affecting the uses allowed on a property.
- On July 24, 2007, the Planning Commission held a public hearing to discuss and take testimony on the report. Although they agreed with the staff recommendation to remove amendments related to recycling operations and Waste-Related Uses from consideration as part of RICAP 3, they did accept testimony on the subject.
- On September 12, 2007, the City Council held a public hearing to discuss and take testimony on the recommendations from the Planning Commission.

16. **Goal 2, Land Use Planning,** requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because development of the recommendations followed established city procedures for legislative actions, while also improving the clarity and comprehensibility of the City's codes.

17. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. Amendments addressing stormwater outfalls in environmental overlay zones support this goal by clarifying regulations without changing policy or intent. The intent of the standards for stormwater outfalls in environmental zones was to allow each site to have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe. In addition, these amendments will remove a sunset clause designed to automatically delete the regulations on October 1, 2007. Removal of the sunset clause will allow monitoring of the outfall standards to continue, as directed by this ordinance. Amendments that clarify regulations for radio frequency (RF) facilities in historic districts also support this goal.

18. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of people and property from natural hazards. The amendments support this goal because they make allowance for transferring density from sites within the 100-year floodplain of Johnson Creek to sites outside the floodplain. This will encourage development to occur outside of areas subject to higher risk of natural disaster.

19. **Goal 8, Recreational Needs,** requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because they clarify under what circumstances open spaces that provide passive and recreational opportunities are required in the Gateway Plan District.

20. **Transportation,** requires provision of a safe, convenient, and economic transportation system. The amendments are consistent with this goal, because they do not change the policy or intent of any of the existing regulations pertaining to transportation.

The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility.

This proposal will not have a significant effect on existing or planned transportation facilities because the amendments do not result in increases in jobs, housing units, or density. For the most part, they clarify existing regulations.

Findings on Metro Urban Growth Management Functional Plan

21. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the RICAP 3 amendments.

22. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city.

23. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. The findings for Statewide Goal 7 are incorporated here to show that the amendments are consistent with this Title.

Findings on Portland's Comprehensive Plan Goals

24. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.

25. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to RICAP 3.

26. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination and regional goals.

27. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County Planning, and the Oregon Department of Land Conservation and Development.

28. **Goal 2, Urban Development,** calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

    The amendments support this goal because they are aimed at updating and improving the City's land use regulations and procedures that hinder desirable development. By improving regulations, the City will better facilitate the development of housing and employment uses.

29. **Goal 3, Neighborhoods,** calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to the stability and diversity of neighborhoods. A specific amendment that supports Goal 3 is Item 3, which clarifies how building heights are measured when garages have gambrel or other more unusual roof shapes. This amendment also establishes an overall height limit for detached garages that are located within setbacks. This allows for more flexibility in the placement of structures on lots while also emphasizing compatibility with neighboring properties.

30. **Goal 5, Economic Development,** calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. All of the amendments are consistent with Goal 5 because they update and improve City land use regulations and procedures that hinder desirable development. Improving land use regulations to make them clear and easily implemented has positive effects on economic development.

31. **Goal 6, Transportation,** calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal because they do not change the policy or intent of existing regulations relating to transportation.

    The following amendments are directly supportive of Goal 6. See also findings for Statewide Planning Goal 12, Transportation.

    - Bike Parking Fund. This amendment supports Goal 6 by clarifying when payment can be made into the City's bike parking fund in lieu of providing parking on-site. The fund provides an alternative at locations where it is difficult or impossible to provide bike parking on-site. Rather than waiving the requirement, this alternative allows payment into a fund that is used to construct bike parking facilities near the site.
    - Parking lot landscaping and circulation from alleys. By allowing parking space access directly onto an alley, this amendment encourages the use of alleys as an alternative to parking located next to a sidewalk This is conducive to developing a streetscape that is oriented more towards pedestrians and transit users rather than cars.

32. **Goal 8, Environment,** calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. Amendments addressing stormwater outfalls in environmental overlay zones support this goal by clarifying regulations without changing policy or intent. The intent of the standards for stormwater outfalls in environmental zones was to allow each site to have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe. In addition, these amendments will remove a sunset clause designed to automatically delete the regulations on

October 1, 2007. Removal of the sunset clause will allow monitoring of the outfall standards to continue, as directed by this ordinance.

33. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement. The amendments also support this goal by clarifying when the Neighborhood Contact requirement applies, and what steps are necessary.

34. **Goal 10, Plan Review and Administration,** includes several policies and objectives. Policy 10.10, Amendments to the Zoning and Subdivision Regulations, directs that amendments to the zoning and subdivision regulations should be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city.

    All of the amendments are supportive of Policy 10.10 because they clarify and streamline many of the regulations in the Zoning Code. They also respond to identified current and anticipated problems, including barriers to desirable development, and will help ensure that Portland remains competitive with other jurisdictions as a location in which to live, invest, and do business.

35. **Goal 12, Urban Design,** calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. Policy 12.3 calls for enhancing the City's identity through protection of Portland's significant historic resources. The amendment addressing exemptions for radio frequency (RF) facilities in design and historic districts supports this policy by clarifying the regulations that apply to these facilities in these districts.

NOW, THEREFORE, the Council directs:

a. Adopt Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3). Recommended Draft,* dated August 23, 2007;

b. Amend Title 33, Planning and Zoning as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft,* dated August 23, 2007;

c. Amend Title 1, General Provisions, as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3). Recommended Draft,* dated August 23, 2007;

d. Adopt the commentary and discussion in Exhibit A, *Regulatory Improvement Code Amendment Package 3 (RICAP 3): Recommended Draft,* dated August 23, 2007, as legislative intent and further findings;

e. Direct staff to continue monitoring the effect of Section 33.430.180, Standards for Stormwater Outfalls, for two years. The monitoring will determine whether adoption of the standards results in a significant increase in the number of stormwater outfalls directed into streams; and

f. Direct staff to monitor the effect of the other amendments as part of their overall monitoring program.

Passed by the Council: October 10, 2007

GARY BLACKMER

Auditor of the City of Portland
By /S/ Susan Parsons

MAYOR TOM POTTER

Prepared by:
Rodney Jennings Bureau of Planning
August 10, 2007

Deputy

BACKING SHEET INFORMATION

AGENDA NO. ~~1108~~, 1244-2007

ACTION TAKEN: SEPTEMBER 12, 2007 CONTINUED TO OCTOBER 10, 2007 2:00 PM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 181357

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	

CITY OF PORTLAND, OREGON
BUREAU OF
Planning

Tom Potter, *Mayor*
Gil Kelley, *Director*

1900 S.W. 4th Ave., Ste. 4100
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Email pdxplan@ci.portland.or.us

www.portlandonline.com/planning

CERTIFICATE OF MAILING

I hereby certify that on October 16, 2007, I mailed a correct copy of Form 2, DLCD Notice of Adoption regarding Regulatory Improvement Code Amendment Package 3 (RICAP 3) to the following persons by first class mail at the post office at Portland, Oregon. The following is a list of persons to whom a copy of this document was mailed.

Name	Address
Mara Ulloa Plan Amendment Specialist	DLCD 635 Capitol St NE, Suite 150 Salem OR 97301-2540
Planning Manager	Metro Planning Department Metro Community Development 600 NE Grand Ave Portland OR 97232-2736
Stuart Farmer	Multnomah County Land Use Planning 1600 SE 190th Ste 116 Portland OR 97233

Joan Hamilton

Name / Title Joan Hamilton,
Management Assistant

October 16, 2007
Date

Regulatory Improvement Workplan



Regulatory Improvement Code Amendment Package 3

(RICAP 3)

Recommended Draft Report

August 22, 2007

CITY OF PORTLAND, OREGON
BUREAU OF
Planning

City Council will hold a public hearing on this report on:
Wednesday, September 12, 2007
2:00 PM
Council Chambers
City Hall
1221 SW 4th Ave
Portland, OR 97204

The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, please call 503-823-7700, the City's TTY at 503-823-6868, or the Oregon Relay Service at 1-800-735-2900.

For more information about the **Regulatory Improvement Code Amendment Package 3** please contact:

Rodney Jennings, City Planner
Portland Bureau of Planning
1900 SW 4th Avenue, Suite 4100
Portland, Oregon 97201-5380
Phone: 503-823-6042
Email: rjennings@ci.portland.or.us

A digital copy of this report is at:
www.portlandonline.com/planning/index.cfm?c=36743.

CITY OF PORTLAND, OREGON
PLANNING COMMISSION

c/o Bureau of Planning
1900 S.W. 4th Ave., Suite 4100
Portland, OR 97201-5350
Telephone: 503-823-7700
Fax: 503-823-7800

August 16, 2007

Mayor Tom Potter and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Re: Regulatory Improvement Code Amendment Package 3 (RICAP 3)

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendations on the Regulatory Improvement Code Amendment Package 3 (RICAP 3). This package is the latest project of the Regulatory Improvement Workplan (RIW) and contains amendments to the Zoning Code to address 33 issues. These amendments include technical and minor policy changes. The items were taken from a workplan we approved last October.

We recommend that you adopt the *Regulatory Improvement Code Amendment Package 3 Recommended Draft*... The package satisfies the original goal of the Regulatory Improvement Workplan to clarify provisions of City Code and eliminate regulations that are hindering desirable development. The amendments in RICAP 3 will improve regulations that have a wide-ranging effect, including neighborhood contact requirements, transfers of floor area to the South Park Blocks, stormwater outfalls in environmental zones, modifications to athletic fields, and Design Review exemptions for RF transmission facilities.

There was no testimony at the Planning Commission hearing on July 24, 2007 on the amendments included in the *Recommended Draft*. We did receive a letter at the hearing about amendments related to open space requirements in the Gateway Plan District. It was noted that these issues have been discussed in great detail in other forums, and the Planning Commission does not recommend any changes to what was proposed by staff.

There was testimony on one issue that is not included with our recommendation. In the *Proposed Draft Report*, Planning staff proposed amendments to regulations for recycling operations and Waste-Related uses. After hearing from a variety of waste and recycling operations, as well as concerned neighbors, staff realized that this issue will require more analysis and public outreach than can be provided through the RICAP process. Staff recommended, and we agreed, that this issue be removed from RICAP 3. We did hear testimony from a number of people on this issue, and their comments will inform future work in this area.

We have asked staff to provide strategies for how this issue can be addressed in a more comprehensive way that will include the analysis and public outreach that is needed. The additional research and public involvement will allow us to make a more informed decision on the issue.

Recommendations

The Portland Planning Commission recommends that City Council take the following actions:

1. Adopt the *Regulatory Improvement Code Amendment Package 3 Recommended Draft*;
2. Amend the Zoning Code as shown in the *Recommended Draft*; and
3. Direct the Bureau of Planning to monitor the effect of these amendments as part of their overall monitoring program.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,



Paul Schlesinger, President
Portland Planning Commission

cc: Portland Planning Commission

Acknowledgements

Portland City Council
Tom Potter, *Mayor*
Sam Adams, *Commissioner*
Randy Leonard, *Commissioner*
Dan Saltzman, *Commissioner*
Erik Sten, *Commissioner*

Portland Planning Commission
Paul Schlesinger, *President*
Don Hanson, *Vice President*
Catherine Ciarlo
Amy Cortese
Larry Hilderbrand
Michelle Rudd
Jill Sherman

Bureau of Planning
Tom Potter, *Mayor, Commissioner-in-charge*
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Jessica Richman, *Senior Planner*

Other Contributors
Kristin Cooper, *Bureau of Development Services*
Eric Engstrom *Bureau of Development Services*
Douglas Hardy, *Bureau of Development Services*

Regulatory Improvement Stakeholder Advisory Team (RISAT)

Member	Representing
Tom Skaar	*Development Review Advisory Committee*
Kathi Futornik	*Development Review Advisory Committee*
Tony Ellis	*Small Business Advisory Committee*
Simon Tomkinson	*Small Business Advisory Committee*
Paul Loney	*Neighborhoods*
Linda Bauer	*Neighborhoods*
Bonny McKnight	*Neighborhoods*
Dana Krawczuk	*Downtown Interests*
Kevin Kraus	*Affordable Housing*
Jennifer Nolfi	*Portland Development Commission*
Kurt Krueger	*Portland Transportation*
Courtney Duke	*Portland Transportation*
Dawn Hottenroth	*Bureau of Environmental Services*
Janet Bebb	*Bureau of Parks and Recreation*
Dave McAllister	*City Forester*
Michael O'Brien	*Office of Sustainable Development*
Kristin Cooper	*Bureau of Development Services*
Douglas Hardy	*Bureau of Development Services*
Jessica Richman	*Bureau of Planning*
Phil Nameny	*Bureau of Planning*
Rodney Jennings	*Bureau of Planning*

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I. Introduction

Project Summary

This report is part of the Regulatory Improvement Workplan, an ongoing program to improve City building and land use regulations and procedures. Each package of amendments is referred to as a Regulatory Improvement Code Amendment Package (RICAP), followed by a number. More information on the Regulatory Improvement Workplan is in Appendix A.

The workplan for RICAP 3 was adopted by the Planning Commission at a public hearing in October 2006. The workplan consisted of 42 items, which are listed in Appendix D. Staff researched these items and initially proposed code amendments for 35 of the 42 items. In the *Proposed Draft Report*, Planning staff proposed amendments to regulations for recycling operations and Waste-Related uses. After hearing from a variety of waste and recycling operations, as well as concerned neighbors, staff realized that this issue will require more analysis and public outreach than can be provided through the RICAP process. Staff recommended, and the Planning Commission agreed, that this issue be removed from RICAP 3. As a result, this package includes amendments to address 33 items from the workplan. The recommend amendments to Title 33, Planning and Zoning, are in Section III of this report, and a recommended amendment to Title 1, General Provisions, is in Section IV.

Section II, the Impact Assessment, includes information on the approaches and outreach done on all of the workplan items.

Planning Commission Recommendation

The Planning Commission recommends that City Council take the following actions:

- Adopt this report and ordinance;
- Amend the Zoning Code as shown in this report; and
- Direct staff to monitor the effect of these amendments as part of their overall monitoring program.

II. Impact Assessment

During each RICAP review process, an impact assessment is conducted to identify and evaluate positive and negative impacts of regulations that may be proposed. The process also identifies situations where a nonregulatory approach is a better solution. The impact assessment followed the procedures outlined in the model impact assessment process. For more information on this process, see Appendix B.

Consideration of each item is described in detail in Sections III and IV of this report. Additional information is also available in the *RICAP 3 – Proposed Workplan* report, dated August 17, 2006.

Issues and Desired Outcomes

The goal of the Regulatory Improvement Workplan is to update and improve City building and land use regulations that hinder desirable development. In keeping with this goal, RICAPs explore nonregulatory solutions to identified problems and, where a regulatory approach is determined to be best, keep the regulations simple, clear, and easy to implement and enforce. The desired outcome for each issue addressed through a RICAP is to improve the regulation or process as much as possible, and to simplify, streamline, or increase the effectiveness of the regulation or process, while reducing burdens for applicants, neighbors, and staff.

The issues suggested as candidates for regulatory improvement range from the correction of small technical items to the reconsideration and updating of major policy approaches. RICAPs are intended to accommodate the consideration of items that are at the technical and minor policy end of that continuum. Within that intent, items are selected for consideration, and then discussed by staff, citizens, and the Planning Commission, as detailed below.

Stakeholder Outreach and Feedback

Regulatory Improvement Stakeholders Advisory Team (RISAT)
During the analysis phase of this process, several of the more complex issues were presented to the Regulatory Improvement Stakeholders Advisory Team (RISAT). They discussed neighborhood contact requirements (Items 7, 31, and 32), documentation of nonconforming situations (Item 13), parking lot circulation from alleys (Item 15), and open area requirements in the Gateway plan district (Item 36) in September 2006. They discussed modifications to high school football fields (Item 18), tree preservation in utility easements (Item 29), and design review exemptions for radio frequency facilities (Item 20) in October. In November, they considered a number of items related to environmental resource zones (Items 21, 22, 23, 27, 34, and 39). The December meeting covered transfers of floor area to the South Park Blocks (Item 8), partial payments into the bike parking fund (Item 17), Waste-Related Uses and recycling operations (Item 37), yard debris use classification (Item 38), and the Accessory Structures group (Items 3, 4, and 5). In

February and March of 2007, they revisited a number of items that had been discussed at earlier meetings to consider staff analysis of the items and alternatives for addressing the issues. During each of these sessions the impact assessment questions were discussed: What is the underlying problem? What are the alternative approaches? How will regulations be enforced? What are the implementation costs? Is it worth it?

A common conclusion from these discussions was that many of the items are pieces of bigger and more complex issues. This generated an additional impact assessment question: "Is it worth the time, effort, and results of a small (and temporary) fix now, or is it better to wait and include the item in a broader project later?" This question echoes one of the outcomes of RICAP 1 and RICAP 2: an interest in exploring ways for the City to address some of these larger issues. One suggestion still under consideration is selecting fewer but more complex issues for some future RICAPs.

Public Involvement

In addition to the RISAT, members of the public have been invited to participate in the development of the RICAP 3 workplan and the resulting recommendations and code amendments in several ways. Notice was mailed to more than 2,500 individuals and organizations for the October 10, 2006 Planning Commission hearing on the proposed RICAP 3 workplan. This notice was combined with the notice for the Zoning Code amendments proposed for RICAP 2. During the Planning Commission hearing, citizens were given the opportunity to comment on items proposed for the workplan.

During discussions with the RISAT, members were encouraged to relay information and concerns to and from their respective constituents. Once recommendations were formulated and code amendments were proposed, notices were mailed to more than 14,000 individuals and organizations notifying them of the Planning Commission hearing. This included all owners of property in the CS, CG, CX, EG, IG, and IH zones as well as owners of sites larger than 80,000 square feet in the Gateway Plan District.

At the Planning Commission hearing, there was testimony on one issue that is not included with the Planning Commission's recommendation. In the *Proposed Draft Report*, Planning staff had proposed amendments to regulations for recycling operations and Waste-Related uses. Prior to the hearing, staff heard from a variety of waste and recycling operations, as well as concerned neighbors. Staff realized that this issue would require more analysis and public outreach than can be provided through the RICAP process. Staff recommended, and the Planning Commission agreed, that this issue be removed from RICAP 3.

Approaches Considered

The decisions to recommend amendments to the Zoning Code or to recommend no amendment are the result of the impact assessment that has been applied to the items. The conclusions can be attributed to the art—more than the science—of a type of cost/benefit analysis implicit in the impact assessment process. Where the

expected benefits outweigh the various costs, an amendment to the Code is recommended.

The reasons for recommending no amendment fall into three general categories:

1. The assessment indicates that the solution is not worth the costs;
2. The assessment shows that the issue is important, but the solution should be decided as part of a larger review; or
3. More research is needed before a solid recommendation can be made.

Monitoring Effectiveness

Ongoing monitoring and evaluation is an essential component of the City's impact assessment process. The success of the proposed amendments will be monitored through the Planning Bureau's continuing monitoring and evaluation program. Overall success of any amendments will also be monitored through future public feedback on the regulations.

III. Amendments to Title 33 Planning and Zoning

Amendments to Title 33, Planning and Zoning are included in this section, organized by Zoning Code chapter. Even-numbered pages contain commentary about the amendments; code language is on the facing, odd-numbered page.

The commentary includes a description of the problem being addressed, the legislative intent of the proposed amendment, and an assessment of the impact of the proposed change.

RICAP 3 Workplan Items where amendments are recommended		
Item Name	**Zoning Code Section**	**Pages**
Barbed Wire Fences (Item 6)	33.110.255, 33.120.285, 33.130.270, 33.140.275	14, 24, 28, 32
Bike Parking Fund (Item 17)	33.266.220	56
Cascade Station Public Access Easement (Item 40)	33.508.280	94
Central City prohibition on vehicle sale/display near light rail transit (Item 41)	33.510.105, 223 Map 510-18 (New)	96, 104, 106
Comprehensive Plan Map Error procedure (Item 33)	1.01.037 33.810.080	146, 190
Dormers in detached accessory structures (Item 5)	33.110.253, 33.120.283	12, 22
DZ exemptions for RF facilities (Item 20)	33.218.110,140,150 33.420.045 33.445.140, 230, 320, 420	38, 42, 44, 68, 74
Env. Stormwater outfall exemption (Item 21)	33.430.180	72
Environmental Definitions and waterbodies (Item 34)	33.910.030	154
Floor Area Ratio (FAR) transfer to Park Blocks (Item 8)	33.120.205, 33.510.200	18, 98
Garages with Gambrel vs. Gable roofs (Item 3)	33.110.250, 33.110.253, 33.120.280, 33.120.283 33.930.050, Fig. 930-5	10,12, 20, 22, 58
Gateway Open Area Req. (Item 36)	33.526.240	110
Johnson Creek Basin Development Transfers (Item 28)	33.537.110	118
Landscape Buffers Community DZ stds (Item 11)	33.218.110, 140	36, 40
Loading Spaces in Central City (Item 42)	33.266.310	60
Modifications to High School Football Fields (Item 18)	33.281.050, 33.920.480	62, 156
Neighborhood Contact Clarification for multi-dwelling and Division St (Item 7)	33.120.050, 33.460.310	16, 78
Neighborhood Contact requirement placement (Item 32)	33.120.050 33.218.015, 33.460.310, 33.660.110, 33.662.110, 33.664.110, 33.665.200, 33.700.025, 33.730.013, 035, 045, 33.825.025, 33.846.060	16, 34, 78, 124, 126, 128, 130, 132, 140, 142, 148, 150

RICAP 3 Workplan Items where amendments are recommended		
Item Name	**Zoning Code Section**	**Pages**
Neighborhood Notice Requirements (Item 31)	See references for item 31 below	124, 126, 128, 132, 150
Nonconforming situation documentation (Item 13)	33.258.038	48
Parking lot landscaping and stormwater facilities (Item 16)	33.266.130; Fig. 266-3; Fig. 266-5	50, 54
Parking lot landscaping and circulation from alleys (Item 15)	33.266.130	50
Plant materials technical correction (Item 12)	33.248.030	46
Pleasant Valley resource zone violation (Item 39)	33.465.220, 230	82
Pleasant Valley Stormwater outfalls (Item 23)	33.465.155 33.465.165	80
Quick Vehicle Servicing in CN2, CX and EX zones (Item 9)	33.130.100 Table 130-1 Table 140-1	26, 30
Scenic Overlay upgrade triggers (Item 24)	33.480.040	92
Setback regulation placement in code (Item 2)	33.110 33.120 33.130 33.140	162
Setbacks in e-zones (Item 1)	33.430.140	70
SOWA Public Open Space $ Trigger (Item 25)	33.510.205, 210, 33.560.020, 33.700.075	100, 120, 136
Tri-Met Carpool Program in CCPD (Item 26)	33.510.263	108
Triplex bonus in "a" overlay (Item 19)	33.405.070	66
Utility Easements and Tree Preservation (Item 29)	33.630.300	122

Commentary and recommended changes begin on the following page.

Commentary

Item 3: Measuring Wall Height for Gambrel Roofs vs. Gable Roofs

CHAPTER 33.110
SINGLE-DWELLING ZONES

33.110.250 Accessory Structures

See Commentary for 33.110.253. This amendment keeps these standards consistent with the standards under 33.110.253.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.110
SINGLE-DWELLING ZONES

33.110.250 Accessory Structures

A. Purpose. This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.

B. General standards. [No change.]

C. Setbacks.

1-3. [No change.]

4. Covered accessory structures.

a-b. [No change.]

c. Side and rear setbacks. In the R7, R5 and R2.5 zones, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure if all of the following are met:

(1) The garage was legally constructed before January 1, 2005;

(2) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 25 feet from a side street lot line;

(3) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;

(4) The structure is no more than 15 feet high, and t~~T~~he structure walls are no more than 10 feet high, excluding the portion of the wall within a gable; and

(5) Dormers are set back at least 5 feet from the side and rear lot lines.

D. Building coverage for detached covered accessory structures. [No change.]

Commentary

Item 3: Measuring Wall Height for Gambrel Roofs vs. Gable Roofs
Item 5: Allowing Dormers for new garages in setback in R7, R5 and R2.5 zones

33.110.253 Garages

Item 3
Garages (and converted garages) are allowed to be in the setback if their wall height does not exceed 10' excluding the portion of wall within the gable. There have been some problems applying this standard to gambrel and other more unusual roof shapes. This amendment adds a regulation to limit overall building height to 15' to help limit the overall mass of garages. This height limit will be used with revised measurement guidelines and illustrations in 33.930 to clarify how to measure a gambrel roof.

Item 5
During Code Maintenance 2004, provisions were added to allow the conversion of a garage in the setback into other types of accessory buildings. As part of that conversion, a dormer could be installed into the structure, as long as it was set back at least 5 feet (the standard setback in the R7, R5, and R2.5 zones). This amendment extends this policy to new garages built in the setback, provided the dormer is setback at least 5 feet. Since garages in the setback are not allowed to contain any living space, the effect of the dormers on adjoining properties would be minor and would provide residents opportunities for allowing extra light or storage space in their garages.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.253 Garages

A-C. [No change.]

D. Side and rear setbacks. In the R7, R5 and R2.5 zones, detached garages are allowed in the side and rear building setbacks if all of the following are met.

1. The garage is set back at least 40 feet from a front lot line, and if on a corner lot, it is set back at least 25 feet from a side street lot line;

2. The garage has dimensions that do not exceed 24 feet by 24 feet;

3. The garage is no more than 15 feet high, and t~~T~~he garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and

4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.

5. Dormers are set back at least 5 feet from the side and rear lot lines.

E-F. [No change.]

Commentary

Item 6: Barbed Wire Fences

33.110.255 Fences

D. **Reference to Other Regulations**. These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.255 Fences

A-C. [No change.]

D. Reference To Other Regulations.

1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.

2. Fence materials regulated by other bureaus. Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau,~~ under Title 24, Building Regulations.

Commentary

Item 7: Neighborhood Contact Requirement in multi-dwelling zones and Division Main Street
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.120
MULTI-DWELLING ZONES

33.120.050 Neighborhood Contact

B. **Neighborhood Contact Requirement**. These amendments change the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025. The rewording of B.1 is to clarify existing policy that the Neighborhood Contact is not required if a land use review for the development is also required for the project.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.120
MULTI-DWELLING ZONES

33.120.050 Neighborhood Contact

A. Purpose. Neighborhood contact is required for larger residential projects in the multi-dwelling zones because of the impacts that multi-dwelling projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts. ~~This neighborhood contact requirement is limited to proposals that do not involve a land use review because there are separate procedures for public notification and input for such proposals.~~

B. Neighborhood contact ~~requirement~~. Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025~~730.045~~, Neighborhood Contact ~~Requirement~~. All of the steps in 33.700.025~~730.045~~ must be completed before a building permit is requested.

1. The proposed development has not been subject to~~al does not involve~~ a land use review; and

2. The proposed developmental would create five or more new dwelling units. Dwelling units are created:

   a. through c. [No change.]

Commentary

Item 8: FAR Transfer to Park Blocks

33.120.205 Density

E. Transfer of density or FAR.

5. Zoning

a.

(2) This language states that transfers of FAR to sites shown on Map 510-13 are prohibited. The map is in Chapter 33.510, Central City plan district. Moving this provision to Chapter 33.510 will increase code clarity, as it does not apply except in the Central City plan district. See also commentary for 33.510.200.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.205 Density

A-D [No Change].

E. Transfer of density or FAR. Density or FAR may be transferred from one site to another subject to the following:

1-4. [No Change].

5. Zoning.

a. RX Zone. In the RX Zone:

(1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;

~~(2) Transfer of density or FAR to sites on the Park Block frontages, shown on Map 510-13, are prohibited~~;

(2 ~~3~~) Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.

b-c. [No Change].

6. [No Change].

Commentary

Item 3: Measuring Wall Height for Gambrel Roofs vs Gable Roofs

33.120.280 Accessory Structures

C.4.c. See Commentary for 33.110.253. This amendment keeps these standards consistent with the standards under 33.110.253.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.280 Accessory Structures

A-B. [No change.]

C. Setbacks

1-3. [No change.]

4. Covered accessory structures.

a-b. [No change.]

c. Side and rear setbacks. In the R3 through RX zones, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure if all of the following are met:

(1) The garage was legally constructed before January 1, 2005;

(2) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 25 feet from a side street lot line;

(3) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;

(4) The structure is no more than 15 feet high, and t~~T~~he structure walls are no more than 10 feet high, excluding the portion of the wall within a gable; and

(5) Dormers are set back at least 5 feet from the side and rear lot lines.

D. Building coverage for detached covered accessory structures.

Commentary

Item 3: Measuring Wall Height for Gambrel Roofs vs Gable Roofs
Item 5: Allowing Dormers for new garages in setback in R3 through RX zones

33.120.283 Garages
See the Commentary for 33.110.253. These amendments continue the current consistency for garages, between the sections of the two chapters.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.283 Garages

A-C [No change.]

D. Side and rear setbacks. In the R3 through RX zones, detached garages are allowed in the side and rear building setbacks if all of the following are met:

1. The garage is set back at least 40 feet from a front lot line, and if on a corner lot, it is set back at least 25 feet from a side street lot line;

2. The garage has dimensions that do not exceed 24 feet by 24 feet;

3. The garage is no more than 15 feet high, and t~~T~~he garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and

4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.

5. Dormers are set back at least 5 feet from the side and rear lot lines.

E-F. [No change.]

Commentary

Item 6: Barbed Wire Fences

33.120.285 Fences

D. **Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.120.285 Fences

A-C. {No change.]

D. Reference to other regulations.

1. Building permits. Building permits are required by the Bureau of Development Services, for fences over 6 feet in height.

2. Fence materials regulated by other bureaus. Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau,~~ under Title 24, Building Regulations.

Commentary

Item 9: Quick Vehicle Servicing in the CX zone.

CHAPTER 33.130
COMMERCIAL ZONES

33.130.100 Primary Uses

B.

12. This amendment is a clarification. Table 130-1 says that Quick Vehicle Servicing is an allowed use in the CN2 and CX zones. The table shows a "Y" in the appropriate cells. The description of the Quick Vehicle Servicing use in 33.920.220 and the definition of Drive-Through Facility in 33.910 make it clear that Quick Vehicle Servicing uses will always include drive-through facilities. Subsections 33.130.260.B and D say:

B. CN2 zone. In the CN2 zone, drive-through facilities are allowed on sites that are adjacent to a Major City Traffic Street or District Collector as designated by the Transportation Element of the Comprehensive Plan. On corner sites, they are allowed if at least one of the streets is a Major City Traffic Street or District Collector. On all other streets they are prohibited.

D. CX zone.

1. Outside of the Central City plan district. Outside of the Central City plan district, drive-through facilities are prohibited in the CX zone;

2. In the Central City plan district. In the Central City plan district, drive-through facilities are allowed in the CX zone but are prohibited in certain subdistricts.

Because of the restrictions on the location of drive-through facilities, Quick Vehicle Servicing is actually a limited use in the CN2 and CG zones. Table 130-1 is amended to show an "L" for limited in the appropriate cells and footnote 12 is added to refer to the list of limited uses in 33.130.100.B

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.130
COMMERCIAL ZONES

33.130.100 Primary Uses

A. Allowed uses. [No change]

B. Limited uses. [No change]

1-11. [No Change]

12. Quick Vehicle Servicing. This regulation applies to all parts of Table 130-1 that have note [12]. Quick Vehicle Servicing uses always include drive-through facilities. The standards in 33.130.260 specify where drive-through facilities may be located.

Table 130-1
Commercial Zone Primary Uses

Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Commercial Categories								
Quick Vehicle Servicing	N	~~Y~~ L [12]	N	N	N	N	Y	~~Y~~L [12]

Y = Yes, Allowed — L = Allowed, But Special Limitations
CU = Conditional Use Review Required — N = No, Prohibited

Notes:
- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

C-D. [No change]

Commentary

Item 6: Barbed Wire Fences

33.130.270 Fences

D. **Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.130.270 Fences

A-C. [No change.]

D. Reference to other regulations

1. Building permits. Building permits are required by BDS for fences over six feet in height.

2. Fence materials regulated by other bureaus. Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau~~ under Title 24, Building Regulations.

Commentary

Item 9: Quick Vehicle Servicing in the EX zone.

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

Table 140-1 - This amendment is a clarification. Table 140-1 says that Quick Vehicle Servicing is an allowed use in the EX zone. The table shows a "Y" in the appropriate cells. The description of the Quick Vehicle Servicing use in 33.920.220 and the definition of Drive-Through Facility in 33.910 make it clear that Quick Vehicle Servicing uses will always include drive-through facilities. Subsection 33.140.255.B says:

> **B. EX zone.** Drive-through facilities are prohibited in the EX zone.

Because of the restrictions on the location of drive-through facilities, Quick Vehicle Servicing is actually a prohibited use in the EX zone. Table 140-1 is amended to show an "N" in the appropriate cell.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

Table 140-1
Employment and Industrial Zone Primary Uses

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Quick Vehicle Servicing	Y	Y	~~Y~~ N	Y	Y	Y

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Commentary

Item 6: Barbed Wire Fences

33.140.275 Fences

D. **Reference to Other Regulations.** These amendments correct and update references to the City Titles that regulate barbed wire and electric fences.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.140.275 Fences

A-C. [No change.]

D. Reference to other regulations.

1. Building permits. Building permits are required by BDS for fences over six feet in height.

2. Fence materials regulated by other bureaus. Electrified fences are regulated ~~by Section 26.04.150 of~~ under Title 26, Electrical Regulations. The use of barbed wire is regulated ~~by the Police Bureau~~ under Title 24, Building Regulations.

Commentary

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

33.218.015 Procedure

C. **Neighborhood contact requirement.**
D. **Permit application requirements.**
These amendments change the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

33.218.010 Purpose [No change]

33.218.015 Procedure

A-B. [No changes.]

C. Neighborhood contact ~~requirement~~. The following proposals are subject to the neighborhood contact requirement as specified in section 33.700.025~~730.045~~, Neighborhood Contact ~~Requirement~~. All of the steps in 33.700.025~~730.045~~ must be completed before a building permit is requested.

1-3. [No change]

D. Permit application requirements. The following information must be submitted as part of an application for a building or development permit:

1-2. [No change.]

3. Neighborhood contact letters. For proposals subject to the neighborhood contact, as required by Subsection C ~~Paragraph C.2~~, above, a copy of both letters required by ~~Subs~~section 33.700.025~~33.730.045.B~~ must be submitted.

Commentary

Item 11: Landscape Buffers

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

C. **Residential buffer**. This regulation applies when a site zoned RH, RX, or R1 abuts or is across a street from an RF through R2 zone. It requires 10-foot wide area of landscaping, which must include a 6-foot tall screen. When applied along side and rear lot lines, the buffer helps protect the privacy of abutting properties. However, when it is required along a street lot line—because it is across the street from a lower density zone--it conflicts with our goals to orient buildings to the street. It also is at odds with other standards that require upgrades in the materials and facades for street facing walls, as this standard then requires that these upgrades be screened from the street.

These amendments modify the landscape buffer standards so the current standard still applies along side and rear lot lines, but a lesser standard applies along street lot lines. The amended language requires a 5-foot wide landscaped area with a 3-foot tall screen when the site is across a local service street from an RF through R2 zone, and does not require any landscaping and screening if the site is across a non-local service street from an RF through R2 zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones
The standards of this section apply to development of new primary and attached accessory structures in the R3, R2, and R1 zones. The addition of an attached accessory structure to a primary structure, where all the uses on the site are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones.

A-B. [No change.]

C. Residential buffer. Where a site zoned RX, RH, or R1 abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Kenton plan district are exempt from this standard:

1. On sites that abut an RF through R2 zone the following must be met:

   a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.

2. On sites across the street from an RF through R2 zone the following must be met:

   a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and

   b. If the site is across a local service street from an RF through R2 zone, a ~~A~~ ~~10~~ 5 foot deep area landscaped to at least the ~~L3~~ L2 standard must be provided along the property line across the local service street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

D-L. [No change.]

Commentary

Item 20: Design Review and Rooftop Equipment

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

M. **Roof Mounted Equipment**. These amendments clarify two issues for roof mounted equipment including roof mounted radio frequency (RF) equipment. The first increases the setback requirement for equipment to be consistent with existing exemptions. However, RF equipment can also use this standard. The second amendment provides a clarification for RF and communication equipment that is similar to the exemption language. The intent is to allow communication antennas to mount onto an equipment penthouse, and allow the associated accessory equipment to meet any of the standards.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

M. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; ~~or~~

3. The equipment is set back from the street-facing perimeters of the building 4~~3~~ feet for each foot of height of the equipment~~.~~; or

4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

Commentary

Item 11: Landscape Buffers

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

D. **Residential buffer**. This regulation applies when a site zoned RH, RX, C, or E abuts or is across a street from an RF through R2 zone. It requires 10-foot wide area of landscaping, which must include a 6-foot tall screen. When applied along side and rear lot lines, the buffer helps protect the privacy of abutting properties. However, when it is required along a street lot line—because it is across the street from a lower density zone--it conflicts with our goals to orient buildings to the street. It also is at odds with other standards that require upgrades in the materials and facades for street facing walls, as this standard then requires that these upgrades be screened from the street.

These amendments modify the landscape buffer standards so the current standard still applies along side and rear lot lines, but a lesser standard applies along street lot lines. The amended language requires a 5-foot wide landscaped area with a 3-foot tall screen when the site is across a local service street from an RF through R2 zone, and does not require any landscaping and screening if the site is across a non-local service street from an RF through R2 zone.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.140 Standards for All Structures in the RH, RX, C and E Zones
The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

For proposals where all uses on the site are residential, the standards for the R3, R2, and R1 zones may be met instead of the standards of this section. Where new structures are proposed, the standards of Section 33.218.110, Standards for R3, R2, and R1 Zones, may be met instead of the standards of this section. Where exterior alterations are proposed, the standards of Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones, may be met instead of the standards of this section.

A-C. [No change.]

D. Residential Buffer. Where a site zoned E, C, RX, or RH abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Hollywood and Kenton plan districts, the Main Street Corridor Overlay Zone, and the Main Street Node Overlay Zone are exempt from this standard:

1. On sites that abut an RF through R2 zone the following must be met:

   a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.

2. On sites across the street from an RF through R2 zone the following must be met:

   a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and

   b. If the site is across a local service street from an RF through R2 zone, a ~~A 10~~ 5 foot deep area landscaped to at least the ~~L3~~ L2 standard must be provided along the property line across the local service street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

Commentary

Item 20: Design Review and Rooftop Equipment

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

J. Roof-mounted equipment. See commentary for Section 33.218.110.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.140 Standards for All Structures in the RH, RX, C and E Zones
[No changes to introduction.]

A-I. [No change.]

J. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; ~~or~~

3. The equipment is set back from the street-facing perimeters of the building 4~~3~~ feet for each foot of height of the equipment~~.~~; or

4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

Commentary

Item 20: DZ Exemptions for RF Facilities

33.218.150 Standards for I Zones

H. **Roof-mounted equipment**. See commentary for 33.218.110

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.218.150 Standards for I Zones
The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A-G.[No change.]

H. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; ~~or~~

3. The equipment is set back from the street-facing perimeters of the building 4~~3~~ feet for each foot of height of the equipment~~.~~; or

4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the façade of the penthouse.

Commentary

Item 12: Plant Materials (Existing Trees)

CHAPTER 33.248
LANDSCAPING AND SCREENING

33.248.030 Plant Materials

C. Trees

D. Plant Material Choices

When trees are required by the code, existing trees may be used to meet the requirement. There are two different ways that existing trees may be counted. One way is a remnant from previous code requirements and should have been eliminated as part of a project in 2005. This amendment removes that language and clarifies the remaining language. .

C.3. This change simply moves the language shown in strikethrough to Subsection D, with no substantive change.

D.1. The language shown in strikethrough is the remnant from the 2005 project. The underlined language is moved from Paragraph C.3, with no substantive change. In addition, the language in D.1 referring to using existing landscaping that is listed as prohibited on the *Portland Plant List* is removed. This language is repetitive of the more comprehensive prohibition provided in D.4. D.4, although not changing, is included here for reference.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.248
LANDSCAPING AND SCREENING

33.248.030 Plant Materials

A. Ground cover. [No change.]

B. Shrubs. [No change.]

C. Trees.

1. Planting size. [No change.]

2. Size category. [No change.]

3. Existing trees may be used to meet the standards of this chapter, as described in Paragraph D.1.. ~~If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree.~~

D. Plant material choices.

1. Existing vegetation. Existing landscaping or natural vegetation may be used to meet the standards, if protected and maintained during the construction phase of the development as specified in Section 33.248.065~~, and if the plants are not listed as prohibited on the *Portland Plant List*~~. If existing trees are used, each tree 6 inches or less in diameter counts as one medium tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two medium trees. Each additional 3-inch diameter increment above 9 inches counts as an additional medium tree. ~~When an existing tree is 3 to 12 inches in diameter, each 1 inch diameter counts as 1 inch toward meeting the tree requirements of a landscaping or tree standard. When an existing tree is more than 12 inches in diameter each 1 inch counts as 3 inches toward meeting the tree requirement of a landscaping or tree standard.~~

2-3. [No changes.]

4. Prohibited materials. Plants listed as nuisance or prohibited in the *Portland Plant List* are prohibited in required landscaped areas. Prohibited plants include plants identified by the Director of BDS or the City Forester as invasive and alien or as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc.

E-F. [No change.]

Commentary

Item 13: Nonconforming Situation Documentation

Chapter 33.258
NONCONFORMING SITUATIONS

33.258.038 Documenting A Nonconforming Situation

B. **Situation maintained over time**. Applicants must show that a nonconforming situation has been maintained over time. The applicant may either provide evidence listed in this subsection—called "standard evidence"—which will allow the Director of BDS to make an administrative decision, or may provide other evidence as part of a land use review (Determination of Legal Nonconforming Status Review).

This amendment expands the list of standard evidence. The additional items, like those already on the list, are readily available and can provide the basis for a nondiscretionary decision by the Director of BDS.

7-8 Insurance policies and leases can demonstrate that a use was at a particular location over time as income tax records and utility bills do.

9. Aerial photos can be particularly helpful in providing information on exterior development and activities such as parking or storage areas.

10. Detailed historic maps, such as those created by the Sanborn Company to assist fire insurance companies in assessing the risk of insuring a particular property, often include information about land uses and development on a site at a particular time.

11. As part of studies or projects, government agencies may develop land use inventories and information on development. This information is reliable and available, and can provide a historic record of uses and development on a site.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.258.038 Documenting A Nonconforming Situation. The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Director of BDS will determine if the evidence is satisfactory. The Director of BDS will also determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920. If the applicant provides evidence other than the standard evidence listed below, a Determination of Legal Nonconforming Status is required. (See 33.258.075.)

A. Situation allowed when established. Standard evidence that the situation was allowed when established is:

1. Building, land use, or development permits; or

2. Zoning codes or maps;

B. Situation maintained over time. Standard evidence that the use has been maintained over time is**:**

1. Utility bills;

2. Income tax records;

3. Business licenses;

4. Listings in telephone, business, or Polk directories;

5. Advertisements in dated publications;~~ or~~

6. Building, land use, or development permits;

7. Insurance policies;

8. Leases;

9. Dated aerial photos;

10. Insurance maps that identify use or development, such as the Sanborn Maps; or

11. Land use and development inventories prepared by a government agency.

Commentary

Item 15: Parking Lot Landscaping and Circulation from Alleys
Item 16: Parking Interior Landscaping and Stormwater Facilities

CHAPTER 33.266
PARKING AND LOADING

33.266.130 Development Standards for All Other Uses

F. Parking area layouts.

1. These amendments allow vehicles in parking stalls along an alley to back out of those stalls. Currently, vehicles are required to enter and exit all roadways—including alleys—in a forward motion. Allowing "back out" parking along an alley encourages parking areas at the rear of a site, which is preferable to locating parking in front of and next to buildings.

   Most alleys in Portland are not paved. Limiting the access from alleys to four spaces limits significant increases in traffic, which would increase the need for maintenance. Also, many alleys that provide access to sites with multi-dwelling, commercial and employment zoning also provide access to single dwelling zoned sites. Increased traffic on alleys from higher intensity uses could detract from the livability of single dwelling neighborhoods.

   Twenty feet is the minimum aisle width in parking lots with stalls that are at a 90 degree angle to the aisle. A minimum of 20 feet from the end of each stall to the opposite side of the alley is necessary to assure there is adequate space for cars to maneuver out of the spaces.

Item #16

4. The parking standards allow part of a parking space beyond the wheel stop to be landscaped instead of paved. This area is usually overhung by the vehicle. To provide structural support for the wheel stop, sometimes parts of this area need to be paved. These amendments clarify that this area can be paved, landscaped, or a combination of the two.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.266
PARKING AND LOADING

33.266.130 Development Standards for All Other Uses

A-E. [No Change.]

F. Parking area layouts.

1. Access to parking spaces.

   a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

   b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion ~~However, this does not apply to parking areas with one or two spaces and whose only access is on a local service street.~~ except:

      (1) Parking areas with one or two spaces whose only access is on a local service street;

      (2) Parking areas with up to four spaces may be designed so that vehicles back out into an alley. However, there must be a maneuvering area of at least 20 feet between the end of each parking space and the opposite side of the alley. If the alley is less than 20 feet wide, some of this maneuvering area will be on-site.

2-3. [No Change.]

4. A portion of a standard parking space may be landscaped instead of paved, as follows:

   a. ~~The landscaped area may be~~ As shown in Figure 266-3, up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space~~, as shown in Figure 266-3~~ may be landscaped area;

   b. Landscaping must be ground cover plants; and

   c. ~~The landscaped area within the parking space~~ The portion of the 2-foot wide area described in 4.a that is landscaped counts towards parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

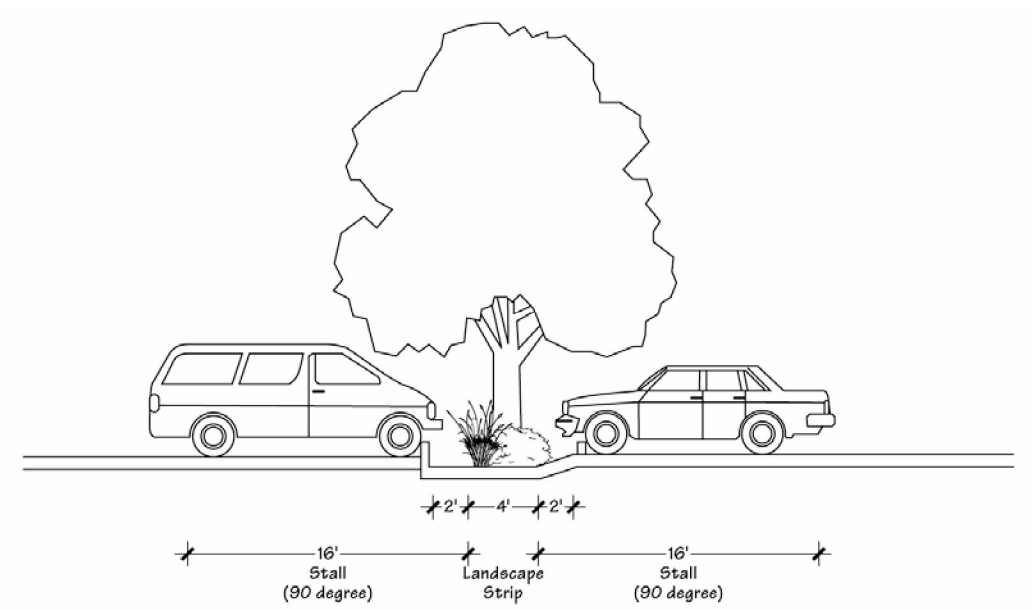
5. [No Change]

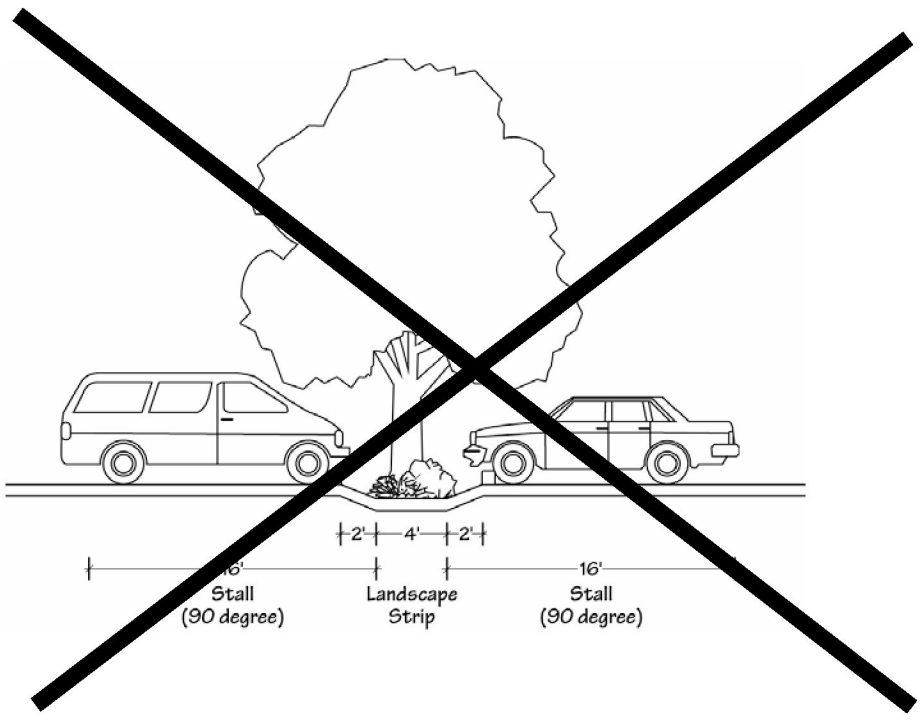
Commentary

Figure 266-3 Landscaped area at front of parking space.
See commentary for 33.266.130.F.4.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Figure 266-3
Landscaped area at front of parking space.





Commentary

Item 16: Parking Lot Landscaping and Stormwater

33.266.130.G.3.f.(1) Parking area setbacks and landscaping.
Figure 266-3 Landscaped area at front of parking space.
See commentary for 33.266.130.F.4.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

G. Parking area setbacks and landscaping.

1-2. [No Change.]

3. Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.

a-e. [No Change.]

f. Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:

(1) Option 1: Landscape strips.

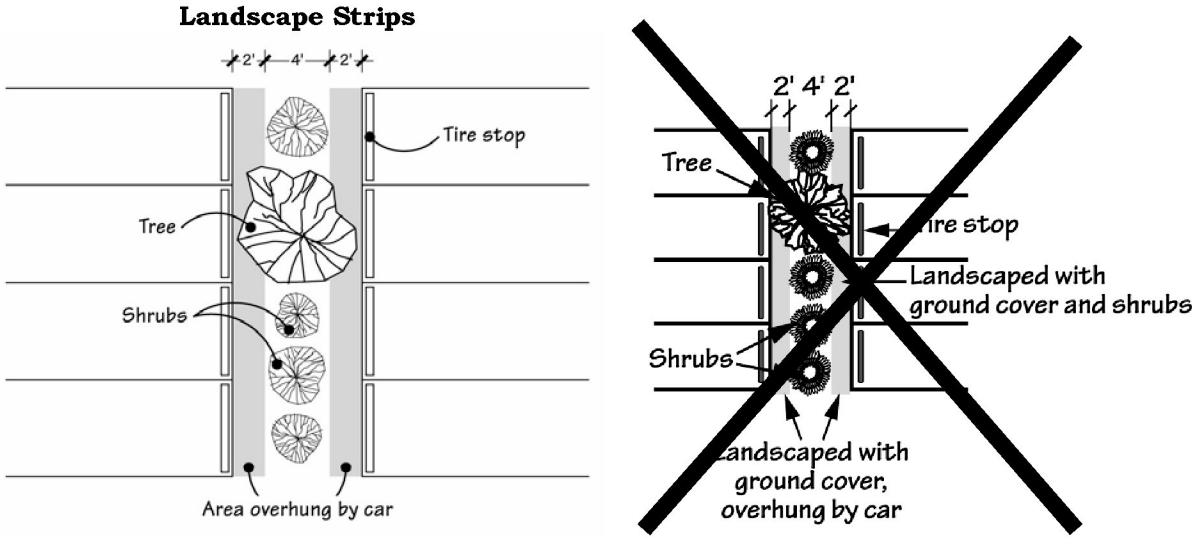
- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls, as shown in Figure 266-5.

- Where the front portions of parking stalls are landscaped as allowed by Paragraph F.4, the landscaped portion of the parking stall must be ~~added~~ adjacent to the four-foot landscape strip, ~~widening the strip to at least six feet for one row of parking stalls and at least eight feet for two rows of stalls~~, as shown in Figure 266-5.

(2) [No change.]

g. [No change.]

Figure 266-5
Landscape Strips



Commentary

Item 17: Bike Parking and Partial Payment to Fund

33.266.220 Bicycle Parking Standards

A.

2.

d. A bike parking fund is maintained by the Office of Transportation. Applicants may—under certain circumstances—contribute to the fund in lieu of providing short term bike parking on-site. These amendments clarify the original intent that the fund can be used where physical constraints make it impossible to provide all the required short term bike parking on a site in a way that complies with all the standards.

In these situations, payment into the fund is allowed, but it is an "all-or-nothing" payment—the applicant must pay for the full amount of parking, even if they provide some parking. This full payment is required because the cost per space to pay into the fund increases with the number of spaces.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.266.220 Bicycle Parking Standards

A. Short-term bicycle parking.

1. Purpose. Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.

2. Standards. Required short-term bicycle parking must meet the following standards:

   a. Short-term bicycle parking must be provided in lockers or racks that meet the standards of Subsection 33.266.220.C.

   b. Location. Short-term bicycle parking must be:

      (1) Outside a building;

      (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and

      (3) Within the following distances of the main entrance:

      - Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. See Figure 266-8;

      - Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. See Figure 266-9;

      - Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings. See Figure 266-10;

      - Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:

        - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or

Commentary

[see previous commentary page]

- If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.

c. Standards for short-term bicycle parking. Each required short-term bicycle parking space must be at least 2 feet by 6 feet. See figure 266-11.

d. Bicycle Parking Fund.

(1) This option may be used ~~where the following are met~~ only if it is not possible to provide all of the required short term bicycle parking on site in a way that complies with all of the standards in A.2.b. This option may not be used if:

- ~~All on-site surface parking areas are more than 50 feet from the main entrance as measured along the most direct pedestrian route; and~~

- ~~All on-site plazas, exterior courtyards, and open areas, other than landscaping, are more than 50 feet from the main entrance as measured along the most direct pedestrian route or are not large enough to accommodate all required short-term bicycle parking.~~

- There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;

- Those open areas are large enough, separately or in combination, to accommodate all required short-term bicycle parking; and

- The open areas meet the locational requirements of A.2.b.

(2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Office of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

(3) This option may not be used if any required short-term bicycle parking is provided on site.

Commentary

Item 42: Loading Spaces in Central City

33.266.310 Loading Standards

F. Forward Motion

2. Exception.

Loading facilities must be designed so that vehicles enter and exit the site in a forward motion, with each loading space having minimum dimensions of 35 feet in depth by 10 feet in width. The forward ingress/egress standard creates significant problems in the Central City, where plan district regulations encourage—or often require--buildings to cover the entire site without setbacks, and to provide active and interesting spaces and activities on the ground floor. This development pattern limits opportunities for on-site truck maneuvering.

Between 2001 and 2006 there were 23 requests to waive the forward ingress/egress standard, nearly 75 percent of which were for projects in the Central City. All of the adjustments and modifications requested in the Central City plan district were approved.

This amendment would apply the requirement in the Central City only to loading facilities that abut a light rail or streetcar alignment. Because trucks reversing in or out of loading spaces on streetcar or light rail lines can delay transit service for several minutes, loading needs in these situations should continue to be considered on a case-by-case basis through the land use review process.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.266.310 Loading Standards

F. Forward motion.

1. ~~Generally~~Outside the Central City plan district. Outside the Central City plan district, l~~L~~oading facilities must be designed so that vehicles enter and exit the site in a forward motion.

2. ~~Exception~~In the Central City plan district. In the Central City plan district, loading facilities that abut a ~~traffic street, transit street, walkway and bikeway having a local designation are exempt from this standard~~ light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.

Commentary

Item 18: Modifications to High School Football Fields

CHAPTER 33.281
SCHOOLS AND SCHOOL SITES

33.281.050 Review Thresholds for Development

Under current regulations, all changes to high school football fields must go through a conditional use review, regardless of the scale of the change. Minor changes to other parts of school sites, such as adding a fence, are allowed without review.

These amendments make two changes:

First, because schools may host a variety of athletic events with the potential to draw large crowds and cause noise, glare, and other impacts, "high school football fields" is replaced with "athletic fields."

Second, the amendments link the type of review that is required more closely to the potential impacts from the change. As with other changes at school sites, minor changes to athletic fields that have little or no impact are allowed without a review,. More significant changes that may increase traffic, noise, glare and other impacts will still be subject to a Conditional Use Review.

In addition, the sentence "This is the same general standard for Type II processing as for all conditional uses in all zones" in Subsection B is deleted as unnecessary.
Likewise, a similar sentence in Subsection C for Type III procedures is also deleted as unnecessary.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.281.050 Review Thresholds for Development
The following thresholds state the type of procedure used in the conditional use review for changes to development at schools and on school sites in the OS and R zones. Changes that are allowed by right are also stated.

A. Allowed by right. Alterations to the site that meet all of the following are allowed without a conditional use review.

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas.

2. The addition of up to 1,500 square feet of floor area to the site;

3. Fences, handicap access ramps, and on-site pedestrian circulation systems;

4. Changes that do not result in a net gain or loss of site area;

5. Alterations to parking areas other than Special Event Parking that meet the following:

   a. Will not result in a net gain in the number of parking spaces;

   b. Sites with up to 15 spaces, not including those used for Special Event Parking: will not result in a net loss in the number of parking spaces;

   c. Sites with 16 or more spaces, not including those used for Special Event Parking: will not decrease the number of spaces except as follows:

      (1) No reduction in shared parking spaces is allowed;

      (2) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; and

      (3) An individual or cumulative removal of parking spaces in excess of 5 spaces is prohibited. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.

6. The alteration meets one of the following:

   a. Complies with the development standards of this Title; or

   b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;

7. The alteration complies with all previous conditions of approval;

8. Modifications to existing athletic fields that do not increase the potential for noise, glare, or additional numbers of spectators, or times that spectators come to the site.

Commentary

[see previous commentary page]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

B. Type II. ~~The following alterations to development are reviewed through a Type II procedure.~~

~~1.~~ Alterations to development when the individual or cumulative alterations will not increase the floor area or exterior improvement area by more than 10 percent, up to a maximum of 25,000 square feet~~.~~ are reviewed through a Type II procedure. The increase is measured from the time the use became a conditional use, the effective date of this Title, or the last Type III conditional use review on the site, whichever is most recent. ~~This is the same general standard for Type II processing as for all conditional uses in all zones.~~ Exceptions are outdoor recreation areas and athletic fields, which are regulated by Subsection A. above, and Subsection C, below. ~~, and high school football fields which are regulated by Paragraph 2. below.~~

~~2. Modifications to existing high school football fields that **do not** increase the potential for noise, glare, or additional numbers of spectators, or times that spectators come to the site. See also Paragraph C.2. below~~.

C. Type III. The following alterations to development are processed through a Type III procedure:

1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. ~~This is the same general standard for Type III processing as for all conditional uses in all zones.~~ Exceptions are outdoor recreation areas which are regulated by Subsection A. above, and ~~high school football~~ athletic fields which are regulated by ~~Paragraph B.2.~~ Subsection A. above, and Paragraph C.2. below.

2. Modifications to existing ~~high school football~~ athletic fields that ~~**do**~~ increase the potential for noise, glare, or additional numbers of spectators, or times spectators come to the site. These types of modifications include modifications such as adding or increasing any of the following: seating capacity, lighting, voice amplification equipment, announcer's booths, ticket booths, and concessions.

Commentary

Item 19: Triplex Bonus in 'a' Overlay

CHAPTER 33.405
ALTERNATIVE DESIGN DENSITY OVERLAY ZONE

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

B. **Triplex.** In a previous Regulatory Improvement Package, "triplex" was added to the Definitions Chapter. That language differs from the definition of triplex in this section of the code, which has resulted in some confusion. This amendment resolves the conflict.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.405
ALTERNATIVE DESIGN DENSITY OVERLAY ZONE

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

A. Purpose. The provisions of this section offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached or low-density multi-dwelling residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.

B. Triplex. Triplexes are~~Development of three dwelling units, including accessory dwelling units, is~~ allowed, if they meet all the following requirements:

1. The proposed development conforms with the maximum height, minimum setbacks, maximum building coverage, and required outdoor area requirements for attached housing projects in the R2.5 zone. The proposed development must meet all other development standards of the base zone, overlay zone, and plan district; and

2. The maximum density allowed under this provision is one dwelling unit for each 1,600 square feet of site area. However, no more than three dwelling units may be placed on a single lot.

C. Flag lots averaging 2,500 square feet. [No change.]

D. Design review required. [No change.]

Commentary

Item 20: Design Review and Rooftop Equipment

CHAPTER 33.420
DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review

M. **Rooftop Mechanical Equipment**
N. **RF Facilities**

These amendments clarify our intent in exempting certain types of rooftop equipment from design review. 33.420.045.M was written to exempt mechanical equipment that is necessary to the functioning and maintenance of the building. Examples are heating and air conditioning equipment and vents. BDS does not currently apply this provision to radio frequency (RF) facilities, so this amendment codifies current practice.

33.420.045.N was written to exempt radio frequency (RF) transmission facilities added onto a building after it has been built. These amendments clarify how the accessory equipment to a RF facility may be located in order to be covered by the exemption.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.420
DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review
The following items are exempt from design review:

A-L [No Change.]

M. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall at the point of installation, and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the equipment, measured from the edges of the roof or top of parapet;

N. Radio frequency transmission facilities operating at 1,000 watts ERP or less that meet the following:

1. The antennas are added to the facade of an existing penthouse that contains mechanical equipment, provided the antennas ~~and any accessory equipment~~ are no higher than the top of the penthouse, are flush mounted, and are painted to match the façade of the penthouse; and
2. Accessory equipment is within 2 feet of the existing penthouse, is no higher than the top of penthouse, and is painted to match the façade of the penthouse.

O-U [No change.]

Commentary

Item 1: Setbacks in E-Zones

CHAPTER 33.430
ENVIRONMENTAL ZONES

33.430.140 General Development Standards

M. In environmental zones, garages and carports may be brought up to the street by reducing the required setbacks. This helps reduce disturbance to environmental resources at the rear of lots. This exception does not apply to unenclosed parking pads. Chapter 33.266 restricts parking spaces within the first 10 feet from a front lot line. This amendment allows unenclosed parking pads to be brought up to the street, as are garages and carports.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.430
ENVIRONMENTAL ZONES

33.430.140 General Development Standards

A.-L. [No Change]

M. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

N.-R. [No Change]

Commentary

Item 21: Environmental Stormwater Outfall Exemption

33.430.180 Standards for Stormwater Outfalls

F. Standards for stormwater outfalls were created during the Environmental Code Improvement Project in 2005. The original intent was that each site could have a single outfall pipe no larger than 4 inches in diameter. This amendment clarifies the original intent, and will prevent situations where a number of smaller pipes might be substituted for one larger pipe.

H. When City Council adopted Section 33.430.180 in 2005, this sunset clause was included. Staff were directed to monitor the new standards to see if the proportion of new outfalls that are directed into waterbodies increased. The results of this monitoring are included as an appendix to this report. Based on the results of the monitoring, the sunset clause is deleted from the code. However, staff will continue monitoring the situation for an additional two years, as directed by the ordinance.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.430.180 Standards for Stormwater Outfalls
The following standards apply to the installation of stormwater outfalls. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;

B. Native trees more than 10 inches in diameter may not be removed;

C. Each 6 to 10-inch diameter native tree cut must be replaced on the site at a ratio of 3 native trees for each one removed. The replacement trees must be at least one-half inch in diameter and selected from the *Portland Plant List*.

D. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:

1. Three different native shrub species are required at a minimum 1-gallon size or bar root, planted at a density of 3 plants per 10 square feet; and

2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;

E. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;

F. Only one outfall pipe may be used on a site. ~~If an outfall pipe is used, t~~The outfall pipe size may not exceed 4 inches in diameter;

G. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the *Erosion Control Manual*.

~~**H. This subsection will expire on October 1, 2007**~~.

Commentary

Item 20: Design Review and Rooftop Equipment

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Landmarks

33.445.140 Alterations to a Historic Landmark

B. Exempt from historic design review.

6. Rooftop mechanical equipment . . .: This amendment clarifies the current implementation practice to not allow radio frequency (RF) facilities to fall under this exemption for historic or conservation resources.

Conservation Landmarks

33.445.230 Alterations to a Conservation Landmark

B. Exempt from historic design review.

5. Rooftop mechanical equipment . . . : See commentary for 33.445.140.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

Historic Landmarks

33.445.140 Alterations to a Historic Landmark
Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic design review for a Historic Landmark is required. [No change.]

B. Exempt from historic design review.

1-5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

7. Public Art as defined in Chapter 5.74.

Conservation Landmarks

33.445.230 Alterations to a Conservation Landmark
Alterations to Conservation Landmarks require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic design review for a Conservation Landmark is required. [No change.]

B. Exempt from historic design review.

1-4. [No change.]

5. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

6. Public Art as defined in Chapter 5.74.

Commentary

(Item 20 cont.)

Historic Districts

33.445.320 Development and Alterations in a Historic District

B. Exempt from historic design review.

6. Rooftop mechanical equipment . . .: commentary for 33.445.140.

Conservation Districts

33.445.420 Development and Alterations in a Conservation District

B. Exempt from historic design review.

6. Rooftop mechanical equipment . . . : See commentary for 33.445.140.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Historic Districts

33.445.320 Development and Alterations in a Historic District
Building a new structure or altering an existing structure in a Historic District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

1-5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

7. Public Art as defined in Chapter 5.74.

Conservation Districts

33.445.420 Development and Alterations in a Conservation District
Building a new structure or altering an existing structure in a Conservation District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Conservation District. [No change.]

B. Exempt from historic design review.

1-5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet; and

7. Public Art as defined in Chapter 5.74.

Commentary

Item 7: Neighborhood Contact Requirement in multi-dwelling zones and Division Main Street
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.460
MAIN STREET CORRIDOR OVERLAY ZONE

Division Street Regulations

33.460.310 Additional Standards.

E. **Neighborhood contact.** These amendments change the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025. The rewording of E.1 is to clarify existing policy that the Neighborhood Contact is not required if a land use review for the development is also required for the project.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.460
MAIN STREET CORRIDOR OVERLAY ZONE

Division Street Regulations

33.460.300 Purpose [No change.]

33.460.310 Additional Standards.

A.-D. [No change.]

E. Neighborhood contact. Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in section 33.700.025~~730.045~~, Neighborhood Contact Requirement. All of the steps in 33.700.025~~730.045~~ must be completed before a building permit is applied for:

1. The proposed development has not been subject to~~al does not involve~~ a land use review; and,

2. The proposed development~~al~~ will add more than 5,000 square feet of gross building area to the site.

Commentary

Item 23: Pleasant Valley Stormwater Outfalls

CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

33.465.155 Standards for Utility Lines
33.465.165 Standards for Land Divisions and Planned Developments

The added language clarifies that new disturbance areas within the resource area are allowed if the disturbance is within a right-of-way. The issue arose during review of a land division application. The "prohibited" language in 33.465.165.B implies that stormwater outfalls are not allowed through a review process (all outfalls are from City-owned regional stormwater facilities as identified in the public facilities plan). The intent of the regulations is to ensure that the disturbance areas for the outfalls are only at the three right-of-way crossings identified in the Transportation System Plan. Utility crossings and stormwater outfalls in the resource area outside the right-of-way are still prohibited. This limits the overall amount of disturbance in the resources area and allows for easier access and maintenance of the stormwater outfalls. The definition of utilities used in these sections is the same as the definition used in the environmental zones.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

33.465.155 Standards for Utility Lines

The following standards apply within the Pleasant Valley Natural Resources overlay zone to new utility lines, including stormwater conveyance facilities and outfalls, private connections to existing or new utility lines, and upgrades of existing utility lines. All of the standards must be met. Modification of any of these standards requires approval through Pleasant Valley resource review.

A-B. [No Change.]

C. New utility lines, including stormwater conveyance facilities and outfalls, must be within a right-of-way;

D-H. [No Change.]

33.465.165 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and planned developments in the Pleasant Valley Natural Resources overlay zone. All of the standards must be met. Modification or adjustment of Subsections A. through C. is prohibited. Modification of Subsections D. through F. requires approval through Pleasant Valley resource review.

A. [No Change.]

B. New disturbance area is prohibited in the Pleasant Valley Natural Resources overlay zone, except rights-of-way and utility lines, including stormwater conveyance facilities and outfalls.

C. [No Change.]

D. The following rights-of-way are allowed in the Pleasant Valley Natural Resources overlay zone. All other rights-of-way are prohibited:

1. Streets that are shown on the Pleasant Valley Street Network Plan;

2. Common greens; and

3. Pedestrian connections.

E. Rights-of-way are subject to 33.465.160.

F. New utility lines, including stormwater conveyance facilities and outfalls, private connections to utility lines, and upgrades of existing utility lines are subject to 33.465.155.

G. [No Change.]

Item 39: Pleasant Valley Resource Zone Violation

33.465.220 When Pleasant Valley Resource Review is Required
33.465.230 Procedure

Corrections to Violations of This Chapter

In 2005, the City adopted new procedures for correcting violations that occur in environmental overlay zones. The project that developed these procedures included a high level of detailed analysis and public involvement.

These amendments will make the procedures for enforcing violations in the Pleasant Valley Natural Resources Overlay Zone the same as those used in other environmental overlay zones. They will make the code more consistent, enhancing understanding, and streamlining enforcement.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.465
PLEASANT VALLEY NATURAL RESOURCES OVERLAY ZONE

Pleasant Valley Resource Review

33.465.220 When Pleasant Valley Resource Review is Required
Pleasant Valley resource review is required for all development in the Pleasant Valley Natural Resources overlay zone that does not meet the development standards of Sections 33.465.150 through .180 and for violations of this chapter. Pleasant Valley Resource review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed study. The City Council, Planning Commission, or Director of BDS may initiate a Pleasant Valley resource review for Pleasant Valley Natural Resources overlay zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.465.400.

33.465.230 Procedure
Pleasant Valley Resource reviews are processed through the following procedures:

A-B. [No change.]

~~**C. Corrections of violations of this chapter are processed through the Type III procedure.**~~

Commentary

[see previous commentary page]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Corrections to Violations of This Chapter

33.465.400 Purpose
The purpose of Sections 33.465.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.465.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.465.405 Correction Options
Applicants must choose one of the following options to correct environmental code violations.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:

   a. Tree removal:

      (1) No more than 12 diameter inches of trees have been removed; or

      (2) No more than one of the following has been removed:

         - A Madrone 4 inches or less;
         - A Garry Oak 4 inches or less; or
         - A Pacific Yew 2 inches or less;

   b. The proposal will remove all illegal development; and

   c. The proposal will replant illegal clearing.

2. If any of the following apply, the applicant may not use Option One, but may chose either Option Two or Option Three:

   a. Tree removal. More than 12 diameter inches of trees have been removed;

   b. More than one of the following has been removed:

      (1) A Madrone 4 inches or less;

      (2) A Garry Oak 4 inches or less;

      (3) A Pacific Yew 2 inches or less;

Commentary

[see commentary on page 82]

c. Any of the following has been removed:

(1) A Madrone larger than 4 inches;

(2) A Garry Oak larger than 4 inches; or

(3) A Pacific Yew larger than 2 inches.

3. If the applicant cannot meet Options One or Two, Option Three must be used.

4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.

5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;

2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and

3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:

a. The area disturbed by the violation activity must be replanted;

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;

d. Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

Commentary

[see commentary on page 82]

e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.465.410 through 33.465.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.465.150 through .170 must be met; and

2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met: a. The area disturbed by the violation activity must be replanted;

b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List.*

c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;

d. Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;

e. Trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 2-gallon size. All other species must be a minimum of 4-inch pots; and

f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.

Commentary

[see commentary on page 82]

3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum 1 inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

D. Option Three, Pleasant Valley Resource Review. This option requires Pleasant Valley resource review, using the approval criteria and procedures below:

1. Approval criteria. The approval criteria of Subsection 33.465.250.D must be met.

2. Review procedures. Reviews are processed as follows:

a. Type III. The following situations require a Type III review:

(1) The removal of trees that exceeds the quantity of environmental standard 33.465.150.E.
(2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.

b. Type II. All other Pleasant Valley resource reviews to correct environmental code violations are processed through a Type II procedure.

c. All Pleasant Valley resource reviews must provide the information required in Section 33.465.240, Suppplemental Application Requirements.

33.465.407 Recurring Violations of This Chapter

A. Recurring violations on a site. Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.

B. Recurring violations by an individual or business. Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

Commentary

Item 24: Scenic Overlay and Nonconforming Triggers

CHAPTER 33.480
SCENIC RESOURCE ZONE

33.480.040 Development Standards

B. Scenic Corridors.

2. Standards

b. Street Setbacks. This section of code was recently amended. The dollar amount that triggers upgrades to landscaping was changed to the standard dollar figure for nonconforming development throughout the code. However, that amendment inadvertently exempted changes to existing development from the street setback requirements of the section. This amendment clarifies the language so that only the landscaping requirements are subject to the threshold. In addition, a correction to a typo is made in B.2.b(1).

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.480
SCENIC RESOURCE ZONE

33.480.040 Development Standards [No change.]

A. View Corridors. [No change.]

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

1. Purpose. [No change.]

2. Standards.

a. Limiting blank facades. [No change.]

b. Street setbacks. ~~Except as allowed in B.2.b(1) below, t~~The entire required street setback must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this Title apply. Up to 25 percent of the entire area of the street setback may be used for vehicle and pedestrian areas except that each lot is allowed at least a 9-foot wide driveway or parking area and a 6-foot wide pedestrian area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone on street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*. The required landscaping in the setback must be provided at the time of development, except as allowed in B.2.b(1) below.

(1) Exception for sites with an existing nonconforming use, allowed, use, limited use, or conditional use. The following regulations apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the landscaping standards of B.2.b, above, and the alterations are over the threshold of B.2.b(2) below, the site must be brought into conformance with the development standards of ~~this~~ B.2.b, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

(2-4) [No change.]

c-h. [No change.]

Commentary

Item 40: Cascade Station Public Access Easement

CHAPTER 33.508
CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT

33.508.280 Street Requirements in Subdistrict A

D. Additional Requirements.

3. When first adopted, the Cascade Station plan district contained a requirement that private streets be within a public easement. The requirement has proven cumbersome and unnecessary for providing adequate pedestrian access. There are also questions about the legality of mandating public access at all times. This amendment removes the requirement.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.508
CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT

33.508.280 Street Requirements in Subdistrict A

These requirements help create a clear and efficient street system connecting to the Park Blocks, providing the feel of an urban environment and encouraging pedestrian activity by breaking up the long distances along the Park Blocks between the light rail stations. Figure 508-8 shows the Street Requirements in Subdistrict A and the five subareas within it.

The requirements of this section apply to all streets in Subdistrict A.

A-C. [No Change.]

D. Additional requirements.

1. Street lighting. Light standards on public streets must meet City specifications. Light standards on private streets and in the Park Blocks must be no taller than 20 feet. All lights must direct light downward so as to not directly illuminate the sky.

2. Street entries to NE Cascades Parkway. Street entries to NE Cascades Parkway must be an at-grade entry, with no driveway apron or grade change. The entry must have the same appearance and materials as the public street, including curb returns, except that the entry itself must be of a different material. The material, which must be concrete or another durable material that contrasts with asphaltic concrete paving, must be placed in the approximate location of the pedestrian crosswalk. On street entries within 200 feet of a light rail station, the paving material used at the entry must continue the same paving material and texture found within the NE Cascades Parkway or Mt. Hood Avenue Station area.

~~3. Public access easement on private streets. Type A, B, C and D streets must be within a public access easement that assures reasonable public access at all times.~~

3. Driveways. Driveways are not allowed to intersect NE Cascades Parkway except for one truck access in Subarea 1. See Figure 508-1.

Commentary

Item 41: Central City prohibition on vehicle sales/display near LRT

This amendment is part of a package that also includes an amendment to 33.510.223 Exterior Display and Storage and a new map, Map 510-18.

CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT

33.510.105 Vehicle Sales or Leasing
Vehicle sales and leasing are prohibited within 500 feet of the light rail alignment in the Downtown and Goose Hollow subdistricts of the Central City plan district. Exterior display and storage are not allowed in this area. These uses can conflict with the pedestrian orientation near light rail. This amendment changes two things. First, it deletes the measurement from the code language, and substitutes a map showing the affected area. This will make it easier to implement the regulations. Second, the mapped area does not include an area next to the MAX tunnel in Goose Hollow, although it is within 500 feet of the alignment. The grade of the light rail alignment begins to sink below the street in this area as it approaches the tunnel and there is less need to promote the pedestrian orientation of surrounding uses.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT

33.510.105 Vehicle Sales or Leasing

Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles, is prohibited ~~on~~ in the portions of ~~a site within 500 feet of a light rail alignment in~~ the Downtown and Goose Hollow subdistricts shown on Map 510-18. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

Commentary

Item 8: FAR Transfer to Park Blocks

33.510.200 Floor Area Ratios

C. Limit on increased floor area. Transfers of floor area to sites zoned RX and that front on the South Park Block are prohibited by the current code; the provision is in Chapter 33.120, Multi-Dwelling Zones. However, all of the sites affected by this provision are Central City plan district, so moving the provision to Chapter 33.510, Central City plan district, will increase code clarity.



Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.200 Floor Area Ratios

A. Purpose. [No change]

B. Floor area ratio standard.

1. Generally. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections C. through G., below, or by 33.510.210.

2-4. [No Change.]

C. Limit on increased floor area.

1. Generally. Except as provided under C.2., 3. and ~~3~~4., below, increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited;

2. West End subarea. In the portion of the West End subarea that is not shown on Map 510-14, the following applies. There is no maximum to the amount of bonus floor area that may be earned. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 12 to 1. Adjustments are prohibited.

3. South Park Blocks frontages. Transfers of floor area to RX-zoned sites on the Park Block frontages shown on Map 510-13 are prohibited. This prohibition applies to all RX-zoned sites on the Park Block frontages, including those within the West End subarea.

4 ~~3~~. South Waterfront subdistrict. In the South Waterfront Subdistrict the following applies: [No Change.]

D-G. [No Change.]

Commentary

Item 25: Automatic Increases to Dollar Amounts (South Waterfront Public Open Space Fund)

33.510.205 Height

G. South Waterfront height opportunity area.
See commentary for 33.700.075.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.205 Height

A-F. [No change.]

G. South Waterfront height opportunity area.

1. Purpose. [No change.]

2. Additional building height may be requested as a modification through design review as follows:

   a-e. [No change.]

   f. The applicant must contribute $8.50 ~~five dollars in 1990 dollars~~ to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.210.C.18, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited.

   g. [No change.]

(Item 25 cont.)

33.510.210 Floor Area and Height Bonus Options

C. Bonus Floor Area Options.
See commentary for 33.700.075.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.210 Floor Area and Height Bonus Options

A-B. [No change.]

C. Bonus floor area options. Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.

1-14. [No change.]

15. Affordable Housing Replacement Fund bonus option. Contributors to the Affordable Housing Replacement Fund (AHRF) receive floor area bonuses. For each $17.00~~10 dollars in 1990 dollars~~ contributed to the AHRF, one square foot of bonus floor area is earned, up to a maximum of two square feet per square foot of site area. To qualify for this bonus, the following requirements must be met:

    a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) documenting the amount~~, in current year and 1990 dollars,~~ that has been contributed to the AHRF;

    b. The bonus floor area may be used only in the Central City plan district.

    c. The Affordable Housing Replacement Fund is to be collected and administered by the Portland Development Commission (PDC). The funds collected may be used only within the Central City plan district, either for acquisition, rehabilitation, remodeling or construction of housing affordable to those households earning no more than 60 percent of area median income.

16-17. [No change.]

18. Open space fund bonus option. Contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive floor area bonuses. For each $17.00~~10 dollars in 1990 dollars~~ contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

    a. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount~~, in current year and 1990 dollars,~~ that has been contributed to the SWPOSF;

    b. The bonus floor area may be used only in the South Waterfront Subdistrict; and

    c. The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront Subdistrict of the Central City plan district, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

Commentary

Item 41: Central City prohibition on vehicle sales/display near LRT

33.510.223 Exterior Display and Storage
See commentary for 33.510.105

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

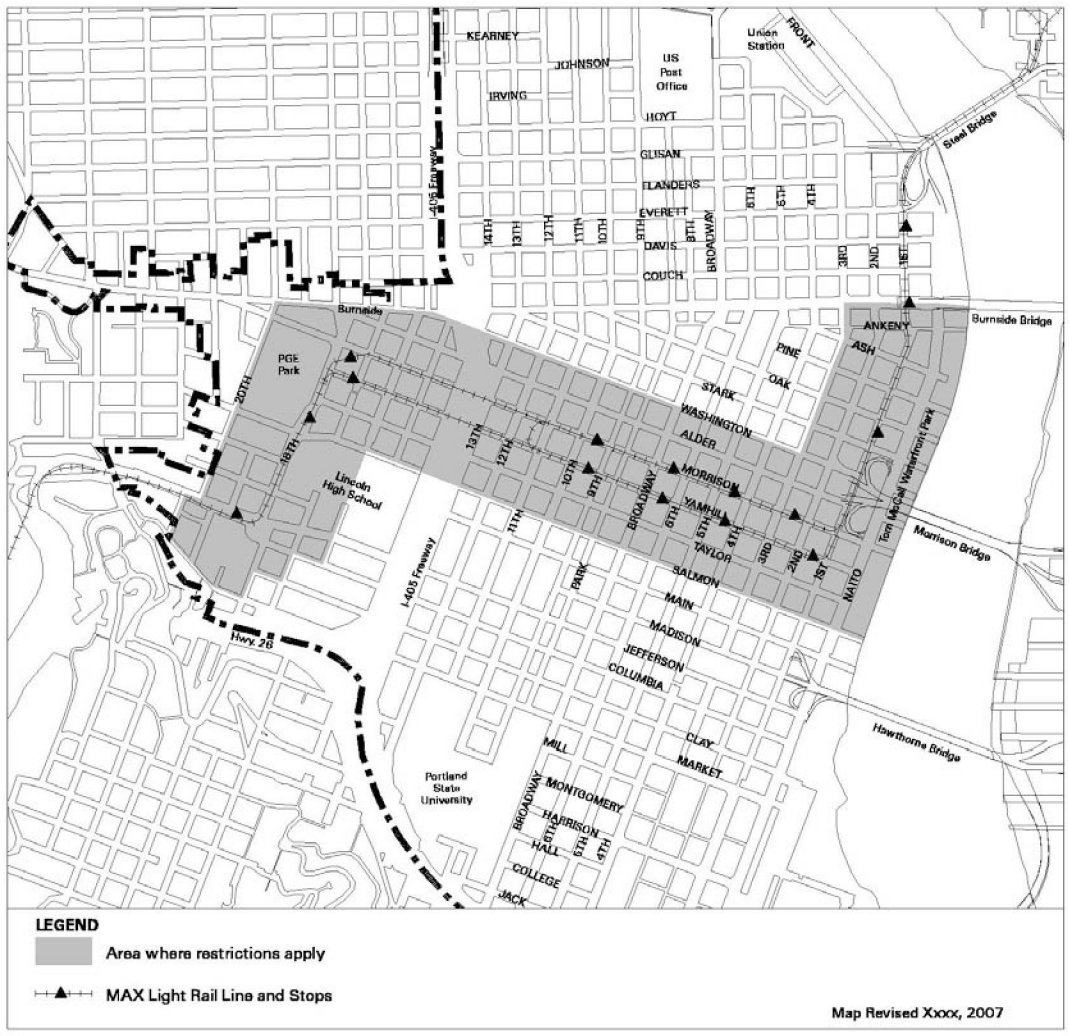
33.510.223 Exterior Display and Storage
Exterior display of goods and exterior storage are not allowed ~~on~~ in the portions of ~~a site within 500 feet of a light rail alignment in~~ the Downtown and Goose Hollow subdistricts shown on Map 510-18. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

Commentary

Item 41: Central City prohibition on vehicle sale/display near LRT

Map 510-18
See commentary for 33.510.105.

Language to be **added** is <u>underlined</u>
Language to be **deleted** is shown in ~~strikethrough~~



NORTH

0′ 900′ 1800′

Scale in Feet

Central City
Plan District Boundary

Map 510-18

Area where Vehicle Sales and Leasing, and Exterior Display and Storage are Restricted

Bureau of Planning • City of Portland, Oregon

Commentary

Item 26: TriMet Carpool Program

33.510.263 Parking in the Core Area

G. All Parking.

4. This language refers to Tri-Met's carpool program The City now manages the carpool program, and this amendment corrects the reference.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.510.263 Parking in the Core Area

A-J. [No Change.]

K. {No Change.}

1-3. [No Change.]

4. [No Change.]

a. [No Change.]

b. Carpool parking.

(1) [No Change.]

(2) The carpool parking must be marketed by:

- A sign at each entrance of the lot advertising the availability of carpool parking; and

- Participation in ~~Tri-Met's~~ the City's carpool program. Participation includes two elements. The owner of the parking lot must:
  - Pay a fee to ~~Tri-Met~~ the City for each carpool permit sold each month. The fee is 5.5 percent of the rate charged for the carpool permits.
  - Permit ~~Tri-Met~~ the City employees or representatives to enter the parking lot to promote carpooling to those who park there. The owner may limit this access to every six months.

(3) and (4) [No Change.]

c. [No Change.}

5-8. [No Change.]

Item 36: Gateway Open Area Requirement

33.526.240 Open Area

In the Gateway plan district, Section 33.526.240 requires that open area be provided on sites 80,000 square feet or more in area. However, the actual wording of the code makes it unclear whether applicants can do a land division as a way of avoiding the requirement. It is also unclear what triggers the requirement. These amendments clarify that a land division triggers the requirement, as do additions of floor area to the site, whether through new development or expansion.

These amendments are a clarification of existing policy; they do not modify policy or intent.

The current code gives applicants several options for providing the open area. The area can be provided on-site, it can be provided off-site under certain conditions, or the applicant may pay into a fund that will be used to provide open area in the plan district.

If the applicant opts to provide the open area on-site, there are no specific requirements in the current code about what improvements should be required, and the timing of those improvements. We considered adding such requirements, but after discussions with those who will implement the code, we are confident that the design review process, using the Gateway Design Guidelines, will ensure that appropriate and adequate improvements are made in a timely manner. This will also give maximum design flexibility through the design review process.

In addition to clarifying that the open area requirement applies to sites that are more than 80,000 sq ft before a land division, there was concern that Land Divisions do not go through Design Review. Design Review only occurs when development is proposed. To address both of these issues, the amendments create two subsections. One, 33.526.240.C, contains the standards that must be met when development is occurring. The other, 33.526.240.D, contains standards that apply at the time of a land division. The approval criteria in D.2.c require the applicant to show how the requirements of C will be met at the time of development, while still providing maximum flexibility.

C. The changes to this subsection clarify what triggers the open area requirement. Each of the paragraphs sets out one of the options for how the applicant can provide the open area.

C.1.b This language clarifies the intent of the regulations and the kinds of improvements that are appropriate.

C.1.c. This language clarifies that, where there is more than one requirement for similar areas, the applicant can "double-count" or count certain areas towards meeting more than one standard.

C.1.e This standard ensures that open area will be usable, but provides design flexibility. The 20-foot square standard is used elsewhere in the code.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.526
GATEWAY PLAN DISTRICT

33.526.240 Open Area

A. Purpose. The open area requirement ensures provision of adequate amounts of open area, including light and air, for those who live, work and visit the Gateway plan district. Open area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.

B. Where these regulations apply. The regulations of this section apply to~~on~~ sites 80,000 square feet or more in area.

C. Additions of floor area to the site. The requirements of this subsection apply to sites where the proposal will result in an increase of at least 2,000 square feet of floor area on the site. The applicant may choose from the three options below:

1. On-site option. If the open area will be on-site, the following standards must be met:

   a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

   b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children's play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.

   c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.

   d . The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.

   e. Open area may be provided in a variety of sizes, but each open area must be large enough that a 20 foot x 20 foot square can fit entirely within it.

   f. The application must identify the location, proposed improvements, and timing of the improvements.

Commentary

(Item 36 cont.)

D. Land Divisions

D.1 This provision allows new lots that are larger than 80,000 sq ft to meet the requirement in the future, when the new lot is divided, or when development occurs.

D.2.c These approval criteria provide a great deal of flexibility for the applicant, but ensure that the provision of open area is considered at the land division stage, and that the site will be configured so that when the open area is improved, it will be able to meet the standards of Subsection C.

2. Off-site option. If the open area will be off-site, the following standards must be met:

   a. The proposed open area site must be:

      (1) Identified as proposed open space on the Gateway urban design concept;

      (2) Under the applicant's control; and

      (3) Vacant or used for surface parking.

   b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

   c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.

3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay $30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:

   a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;

   b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.

D. Land Divisions. The standards and approval criteria of this subsection apply to sites where a land division is proposed:

1. The regulations of this subsection do not apply to proposed lots 80,000 square feet or more in area. The regulations will apply if such lots are divided further.

2. The regulations of this paragraph apply to proposed lots less than 80,000 square feet in area.

   a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.

Commentary

[see previous commentary page]

b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.

(1) If the open area requirement will be met on the lot, the applicant must specify the location.

(2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.

(3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs C.2 or C.3 must be met;

c. If the requirements of this subsection will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the open area, what the extent of the improvements will be, and who will be responsible for the improvements and maintenance of the improvements. The following additional approval criteria must also be met:

(1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet the standards of this Section;

(2) Improvements. The proposed improvements must be consistent with the purpose of this Section; and

(3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

~~**C. Standards.**~~

~~1. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.~~

~~2. Open areas are parks; plazas; or other similar areas approved through design review. Open areas do not include areas used for parking or loading, or landscaping within parking areas. Existing open areas on the site may be used to meet this requirement.~~

~~3. The open area must be located outdoors on the site and abut either the public sidewalk or the site's pedestrian circulation system.~~

~~4. The applicant may choose to locate the open area on site or off site, or pay into a fund. The application must specify which of the options, or combination of options, will be used to meet this requirement, as follows:~~

~~a. If the open area will be on site, the application must identify the location, proposed improvements, and timing of the improvements.~~

Commentary

[see commentary on pages 110 and 112]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~b. If the open area will be off-site, the application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation. In addition, the proposed open area site must be:~~

- ~~Identified as proposed open space on the Gateway urban design concept;~~
- ~~Under the applicant's control; and~~
- ~~Vacant or used for surface parking.~~

~~c. Gateway Regional Center Public Open Area Fund. As an alternative to developing open area, the applicant may pay $30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). If using this option, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed and when the contribution will be paid to the Open Area Fund.~~

~~The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas.~~

Commentary

Item 28: Johnson Creek Basin Development Transfers

CHAPTER 33.537
JOHNSON CREEK BASIN PLAN DISTRICT

33.537.110 Transfer of Development Rights

B. Regulations.

1.

b. The purpose statement for these regulations says that transfer of development rights is allowed from sites with Environmental Protection Overlay Zones or sites that are in the 100-year floodplain.
The purpose statement is consistent with the Outer Southeast Community Plan.

However, the regulations only allow transfers of development rights from sites with the Environmental Protection Overlay Zone. This amendment allows transfers from sites in the 100-year floodplain as originally intended.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.537
JOHNSON CREEK BASIN PLAN DISTRICT

33.537.110 Transfer of Development Rights

A. Purpose. These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites where any portion of the site is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA) to areas that can accommodate the additional density without environmental conflict.

B. Regulations. Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.

1. Sending sites.

   a. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.

   b. Sites in single-dwelling zones where any portion of the site is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA) may transfer development rights.

2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:

   a. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;

   b. Sites where any portion of the site is in the 100-year floodplain as currently defined by the Federal Emergency Management Agency (FEMA); and

   c. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.

3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.

4-6. [No Change.]

Commentary

Item 25: Automatic Increases to Dollar Amounts (South Waterfront Public Open Space Fund)

CHAPTER 33.560
NORTH CULLY PLAN DISTRICT

33.560.020 Where the Regulations Apply
See commentary for 33.700.075.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.560
NORTH CULLY PLAN DISTRICT

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a ~~1991~~ value less than $165,500~~00,000~~ and modifications to existing single family dwellings and trailer park facilities are exempt from review.

Commentary

Item 29: Utility Easements and Tree Preservation

CHAPTER 33.630
TREE PRESERVATION

33.630.300 Mitigation Option

C.7. When easements for utilities or services are located on land division sites before a land division is requested, it can create problems for tree preservation. These easements often give utility and service providers the authority to remove trees within the easement in order to extend and maintain services.

Land division regulations require a tree preservation plan. In some circumstances, this requires that trees within utility easements be preserved. Because the utility or service provider has the right to remove trees within the easement, the land division applicant cannot assure the preservation of these trees. The regulations may force the applicant into land use review if the utility demands removal of the trees.

This amendment gives the applicant the option of removing the trees in the utility easement if a plan that mitigates their loss is submitted and approved. This has the advantage of allowing the applicant to remove trees if the utility requires their removal while at the same time assuring that new trees are planted elsewhere on the site to mitigate the loss.

The current definitions of "utilities" and "services" from the code are included here to help understanding:

Utilities. *For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities. See also the definition of Utilities under the Environment-Related Definitions.*

Services. *For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.*

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.630
TREE PRESERVATION

33.630.300 Mitigation Option

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.

Commentary

Item 31: When Neighborhood Contact Required
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.660
REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

33.660.110 Review Procedures

The Neighborhood Contact requirement for land divisions was previously imbedded within the Land Use procedures under Chapter 33.730, and was difficult to find. This amendment moves the requirement into the individual land division chapters, to clarify the procedure, and to be consistent with existing language in the Planned Development Review chapter. It doesn't affect policy regarding the neighborhood contact procedures.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.660
REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

Review of Preliminary Plan

33.660.110 Review Procedures
Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

A. Type III. Land divisions that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. through 5. [No change]

B. Type IIx. Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. through 4. [No change]

C. Type I. [No change]

Commentary

Item 31: When Neighborhood Contact Required
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.662
REVIEW OF LAND DIVISIONS IN COMMERCIAL, EMPLOYMENT, AND INDUSTRIAL ZONES

33.662.110 Review Procedures

The Neighborhood Contact requirement for land divisions was previously imbedded within the Land Use procedures under Chapter 33.730, and was difficult to find. This amendment moves the requirement into the individual land division chapters, to clarify the procedure, and to be consistent with existing language in the Planned Development Review chapter. It doesn't affect policy regarding the neighborhood contact procedures.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.662
REVIEW OF LAND DIVISIONS IN COMMERCIAL, EMPLOYMENT, AND INDUSTRIAL ZONES

Review of Preliminary Plan

33.662.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

A. Type III. Land divisions that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. through 3. [No change]

B. Type IIx. Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:

1. through 4. [No change]

C. Type I. [No change]

Commentary

Item 31: When Neighborhood Contact Required
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.664
REVIEW OF LAND DIVISIONS ON LARGE SITES IN INDUSTRIAL ZONES

33.664.110 Review Procedures

The Neighborhood Contact requirement for land divisions was previously imbedded within the Land Use procedures under Chapter 33.730, and was difficult to find. This amendment moves the requirement into the individual land division chapters, to clarify the procedure, and to be consistent with existing language in the Planned Development Review chapter. It doesn't affect policy regarding the neighborhood contact procedures.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.664
REVIEW OF LAND DIVISIONS ON LARGE SITES IN INDUSTRIAL ZONES

Review of Preliminary Plan

33.664.110 Review Procedures
Review of Preliminary Plans are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

Commentary

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.665
PLANNED DEVELOPMENT REVIEW

Review of Planned Development

33.665.200 Review Procedures
These amendments change the cross reference for the neighborhood contact requirement. See Commentary for Section 33.700.025.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.665
PLANNED DEVELOPMENT REVIEW

Review of Planned Development

33.665.200 Review Procedures

A. Concurrent reviews required. [No change.]

B. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:

1. Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments~~.

2. Type IIx review. All other proposals are processed through the Type IIx procedure, but with the additional steps required under S~~ubsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments~~.

C. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:

1. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments~~:

   a. through e. [No change]

2. Type IIx. All other proposals not assigned to a Type III in Paragraph C.1, above, are processed through a Type IIx procedure, but with the additional steps required under ~~Subsection 33.730.035~~Section 33.700.025, Neighborhood Contact ~~Required for Land Divisions and Planned Developments~~.

Commentary

Item 31: When Neighborhood Contact Required
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT

33.700.025 Neighborhood Contact

The principal purpose of this amendment is to move the procedures for neighborhood contact from Chapter 33.730, Quasi Judicial Reviews. Neighborhood Contact is required prior to some applications for building permits, and prior to some applications for land use reviews. Because Chapter 33.730 applies only to land use review procedures, it is not a good location for the Neighborhood Contact procedures. This amendment moves the provisions to Chapter 33.700, which deals more with more general aspects of administration of the zoning code.

In addition to moving the language, several minor amendments are made to clarify steps and responsibilities.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT

Sections:
Implementing the Code
33.700.005 Building Permit Required
33.700.010 Uses and Development Which Are Allowed By Right
33.700.015 Review of Land Divisions
33.700.020 Uses and Development Which Are Not Allowed By Right.
33.700.025 Neighborhood Contact
33.700.030 Violations and Enforcement
33.700.040 Reconsideration of Land Use Approvals
33.700.050 Performance Guarantees
33.700.060 Covenants with the City
33.700.070 General Rules for Application of the Code Language
33.700.075 Automatic Changes to Specified Dollar Thresholds
Timeliness of Regulations
33.700.080 Regulations that Apply at the Time of an Application
33.700.090 Regulations that Apply After Approval
33.700.100 Transfer of Approval Rights
33.700.110 Prior Conditions of Land Use Approvals
33.700.120 Status of Prior Revocable Permits
33.700.130 Legal Status of Lots

33.700.025 Neighborhood Contact

A. Purpose. The Neighborhood Contact process provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial or permit process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial or permit process.

Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic design review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. Where the proposal is for a use or development that is allowed by the zoning, the focus of the meeting should be on the proposal and not on whether it will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

B. When Neighborhood Contact is required. Neighborhood Contact is required before applying for certain building permits or land use reviews, as specified in this Title. Applicants may also choose to follow the process voluntarily when it is not required.

Commentary

[see previous commentary page]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

C. Requirements. The requirements for Neighborhood Contact are:

1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition.

   The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may request a land use review or building permit without further delay. If the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. The applicant may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

2. After the meeting and before applying for the land use review or building permit, the applicant must send a letter to the neighborhood association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.

3. Copies of letters required by this subsection, and registered or certified mail receipts, must be submitted with the application for land use review or building permit.

Commentary

Item 25: Automatic Increases to Dollar Amounts (South Waterfront Public Open Space Fund)

33.700.075 Automatic Changes to Specified Dollar Thresholds

Several sections of the code contain dollar thresholds that are updated each year based on the estimated construction cost index (CCI) for the previous year. The updates happen automatically each February. Because these thresholds are in the thousands of dollars, the new numbers are rounded to the nearest $50.

There are four code provisions that still use thresholds based on 1990 or 1991 dollars, which requires calculating the appropriate rate of inflation since those dates. Amendments to those provisions convert the thresholds to current dollars (See amendments to 33.510.205 and .210 and 33.560.020). The amendments to 33.700.075 provide for updating those thresholds annually.

Because the thresholds within the Central City plan district are fairly small amounts, this amendment rounds the new numbers to the nearest $0.10.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.700.075 Automatic Changes to Specified Dollar Thresholds
The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on February 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record~~. Any increase or decrease that is not a multiple of $50 will be rounded to the nearest multiple of $50.~~

A. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of $50 will be rounded to the nearest multiple of $50~~The sections subject to this regulation are~~:

1~~**A.**~~ 33.258.070.D.2.a;

2~~**B.**~~ 33.258.070.D.2.d(2);

3~~**C.**~~ 33.440.230.D.1;

4~~**D.**~~ 33.480.040.B.2.b(2);

5~~**E.**~~ 33.508.330.B.17.a(1);

6~~**F.**~~ 33.515.278.B.17.a(1);

7. 33.560.020

8~~**G.**~~ 33.825.025.A.1.a;

9~~**H.**~~ 33.825.025.A.1.b;

10~~**I.**~~ 33.825.025.A.1.e;

11~~**J.**~~33.825.025.A.1.f;

12~~**K.**~~ 33.825.025.A.2.a;

13~~**L.**~~33.825.025.A.2.b;

14~~**M.**~~ 33.825.025.A.2.c;

15~~**N.**~~ 33.846.060.B.2.a;

16~~**O.**~~ 33.846.060.B.2.b;

17~~**P.**~~33.846.060.B.2.f;

18~~**Q.**~~ 33.846.060.B.2.g;

Commentary

[see previous commentary page]

19~~R~~. 33.846.060.B.4.a;

20**S.**33.846.060.B.4.b;

21~~T~~**.** 33.846.060.B.4.c; and

22~~U~~**.** 33.846.060.B.4.d.~~;~~

B. The following sections are subject to this regulation. Any increase or decrease that is not a multiple of $0.10 will be rounded to the nearest multiple of $0.10:

1. 33.510.205.G.2.f;

2. 33.510.210.C.15; and

3. 33.510.210.C.18.

Commentary

Item 32: Neighborhood Contact Requirement Placement

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

List of Sections

and

33.730.013 Expedited Land Division Procedure

A. Neighborhood Contact Requirement.

These changes reflect the new location of the Neighborhood Contact requirements. See commentary for 33.700.025

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

Sections:
General
33.730.010 Purpose
Basic Procedures
33.730.013 Expedited Land Division Procedure
33.730.015 Type I Procedure
33.730.020 Type II Procedure
33.730.025 Type IIx Procedure
33.730.030 Type III Procedure
33.730.031 Type IV Procedure
~~33.730.035 Neighborhood Contact Required for Land Divisions and Planned Developments~~
33.730.040 Final Council Action Required
General Information on Procedures
33.730.042 Concurrent Reviews
~~33.730.045 Neighborhood Contact Requirement~~
33.730.050 Pre-Application Conference
33.730.060 Application Requirements
33.730.070 Written Notice Requirements
33.730.080 Posting Requirements
33.730.090 Reports and Record Keeping
33.730.100 Public Hearing Requirements
33.730.110 Ex Parte Contact
After a Final Decision
33.730.120 Recording an Approval
33.730.130 Expiration of an Approval
33.730.140 Requests for Changes to Conditions of Approval

Basic Procedures

33.730.013 Expedited Land Division Procedure
[No change]

A. Neighborhood Contact ~~Requirement~~. The applicant must complete the steps in Section 33.700.025~~30.045~~, Neighborhood Contact ~~Requirement~~, before applying for an ELD review.

B. Pre-application conference. [No change.]

Commentary

Item 32: Neighborhood Contact Requirement Placement

33.730.035 Neighborhood Contact Required for Land Divisions and Planned Developments

This code provision is eliminated in conjunction with the inclusion of Neighborhood Contact references within the various Land Division and Planned Development procedural sections.

33.730.045 Neighborhood Contact Requirement

These code provisions are moved to Chapter, 33.700, Administration and Enforcement See commentary for 33.700.025

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~33.730.035 Neighborhood Contact Required for Land Divisions and Planned Developments~~

~~Before applying for a land division or Planned Development processed through a Type IIx or Type III procedure, the applicant must complete the steps in Section 33.730.045, Neighborhood Contact Requirement.~~

~~33.730.045 Neighborhood Contact Requirement~~

~~A. Purpose.~~ ~~The neighborhood contact requirement provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial process.~~

~~Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic design review, the focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.~~

~~B. Requirements.~~ ~~The requirements for the Neighborhood Contact Requirement are:~~

~~1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition. The neighborhood association should reply to the contact within 14 days and hold a meeting within 45 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may submit an application without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.~~

~~2. After the meeting and before applying for the land use review, the applicant must send a letter to the neighborhood association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.~~

~~3. Copies of letters required by this subsection must be submitted with the application for land use review.~~

Commentary

(Item #32 cont.)

33.730.060 Application Requirements

D. Required information for land divisions.

1. Preliminary Plan . . .

   i. Neighborhood Contact letters. This change reflects the new location of the Neighborhood Contact requirements

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.730.060 Application Requirements

A-C. [No change.]

D. Required information for land divisions. [No change]

1. [No change]

   a-h. [No change.]

   i. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025~~30.045~~, Neighborhood Contact ~~Requirement~~;

   j-l. [No change.]

Commentary

Item 33: Comprehensive Plan Map Error Procedure

CHAPTER 33.810
COMPREHENSIVE PLAN AMENDMENTS

33.810.080 Corrections to the Comprehensive Plan Map

A. **Mapping errors**. This amendment to 33.810.080, along with a companion amendment to Chapter 1.01 (Code Adoption), clarifies when the Planning Director may make technical, objective corrections to the Comprehensive Plan designations on the Official Zoning Maps. In 2003, Council adopted a similar amendment that clarified when the Planning Director could make technical, objective corrections to the zoning designations on the Official Zoning Maps. These corrections were limited to non-discretionary map corrections, such as:

- The line on the map differs from the legal description;
- The map does not reflect a map or description that was part of the adopting ordinance or land use decisions;
- Where there is a discrepancy and clear legislative intent as to where the line should be; or
- When the Open Space designation has been applied to property in private ownership that is not in open space use.

This amendment applies the same limitations to corrections of Comprehensive Plan designations.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.810
COMPREHENSIVE PLAN AMENDMENTS

33.810.080 Corrections to the Comprehensive Plan Map

The Director of BDS may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below. Nondiscretionary corrections to the Comprehensive Plan Map may be initiated by the Director of Planning as described in Section 1.01.037 of the Portland City Code.

A. Mapping errors. The correction may be made for mapping errors such as:

~~1. The application of an Open Space designation to lands in private ownership which are not in an open space use or not receiving special tax considerations because of their status as open space;~~

~~2~~1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;

~~3. The line on the map does not match the legal description or map shown or referenced in the ordinance which applied the designation; or~~

~~4~~2. ~~When t~~There is a discrepancy between maps and on balance there is ~~clear~~ sufficient evidence of legislative intent for where the line should be located.

B. Movement of the reference item for the map line. The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

Commentary

Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.825
DESIGN REVIEW

33.825.025 Review Procedures

B. Neighborhood Contact Requirement. This amendment changes the cross-reference for the neighborhood contact requirement. See Commentary for Section 33.700.025

.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.825
DESIGN REVIEW

33.825.025 Review Procedures
[No change]

A. Procedures for design review [No change.]

B. Neighborhood Contact ~~Requirement~~. The following proposals are subject to the Neighborhood Contact ~~R~~requirement, as specified in Section 33.700.025~~30.045~~, Neighborhood Contact ~~Requirement~~, if they are in the a, Alternative Design Density Overlay Zone, in the Albina Community Plan Area shown on Map 825-2, or in the Outer Southeast Community Plan Area shown on Map 825-3:

1-3. [No change.]

Commentary

Item 31: When Neighborhood Contact Required
Item 32: Neighborhood Contact Requirement Location

CHAPTER 33.846
HISTORIC REVIEWS

33.846.060 Historic Design Review

B. Review procedure.

1. Neighborhood Contact. These amendments remove the steps for neighborhood contacts from this chapter, as they are now located in Chapter 33.700. A cross-reference to that chapter is added. See Commentary for Section 33.700.025.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.846
HISTORIC REVIEWS

33.846.060 Historic Design Review

A. Purpose. Historic design review ensures the conservation and enhancement of the special characteristics of historic resources.

B. Review procedure. Procedures for historic design review are as follows:

1. Neighborhood Contact ~~Requirement~~. The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact,~~Proposals listed in Subparagraph B.1.a, below, must complete the steps in Subparagraph B.1.b before applying for historic design review.~~

   ~~a. Proposals subject to the Neighborhood Contact Requirement. The following proposals are subject to the Neighborhood Contact Requirement, as specified in Subparagraph B.1.b, below,~~ if they are in the a, Alternative Design Density Overlay Zone; in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:

   a.~~(1).~~ Proposals that create more than three new dwelling units. Dwelling units are created:

   (1) As part of new development;

   (2) By adding net building area to existing development that increases the number of dwelling units;

   (3) By conversion of existing net building area from nonresidential to residential uses; and

   (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;

   b.~~(2)~~ Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or

   c.~~(3)~~ Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

   ~~b. Steps. The steps are:~~

Commentary

[see previous commentary page]

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~(1) The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. The neighborhood association should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 30 days, the applicant may apply for historic design review without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.~~

~~The purpose of the meeting is to allow neighborhood residents and the developer to discuss concerns about the design of the proposal. The focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.~~

~~(2) After the meeting and before applying for historic design review, the applicant must send a letter to the neighborhood association. The letter will explain changes, if any, the applicant is making to the proposal's design.~~

~~c. Copies of both letters required by this paragraph must be submitted with the application for historic design review.~~

Commentary

Item 34: Environmental Definitions and Waterbodies

CHAPTER 33.910
DEFINITIONS

33.910.030 Definitions

Environment-Related Definitions

- **Identified Wetlands, Identified Streams**.

This change adds "identified waterbodies" to the definition of identified wetlands and identified streams. It is a clarification that resolves discrepancies in code terminology, and better links the environmental zone setback standards to the relevant definitions section. It also facilitates consistent application of the setback standards to those streams, wetlands, and waterbodies addressed in the inventory or maps.

Another change to the definition was considered. This was to change the phrase referring to features identified in the "resource inventory and maps" to those identified in "resource inventory or maps."

Resource inventories, which were developed 13-20 years ago, include both descriptions of resources and maps. Sometimes resources are described in writing, but are not shown on a map. This is because the maps were originally hand-drawn and meant to be a generalized depiction of the area, not something that shows all resources described in the text.

A literal reading of the definition is that a wetland, stream, or waterbody must be both in the inventory and on the map to be considered "identified". This is important, because setback standards apply only to identified wetlands, streams, and waterbodies. If the water features are identified in the inventory, but are not included in the adopted maps, the standards are not applied to the unmapped resources even if they are similar to other resource features within the same site. This results in inconsistent application of existing City policy to protect important resources and creates inequities between how properties are regulated.

Although more detailed and accurate resource maps are currently available, the change from "and" to "or" is not occurring at this time because it would change how regulations are applied to some water features. This is a significant change. RICAP packages include code amendments that do not require a high level of public notification and involvement. Because of the potentially significant impact of this change on properties with unmapped water features, this amendment should be considered as part of a project with a high level of public involvement.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.910
DEFINITIONS

33.910.030 Definitions

Environment-Related Definitions

- **Identified Wetlands, Identified Streams, Identified Waterbodies.** Those streams, ~~and~~ wetlands, and waterbodies that are identified in the resource inventory and maps as being significant and needing protection.

Commentary

Item 18: Modifications to High School Football Fields

33.920.480 Schools

B. This is a clarification associated with other amendments to Chapter 33.281 Schools and School Sites. This amendment acknowledges that athletic fields are a use that is accessory to schools. See also the commentary for Section 33.281.050

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.920.480 Schools

A. Characteristics. This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

B. Accessory uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, and before- or after-school daycare.

C. Examples. Examples include public and private daytime schools, boarding schools and military academies.

D. Exceptions.

1. Preschools are classified as Daycare uses.

2. Business and trade schools are classified as Retail Sales and Service.

Commentary

Item 3: Measuring Wall Height for Gambrel Roofs vs. Gable Roofs

CHAPTER 33.930
MEASUREMENTS

33.930.050 Measuring Height

A. **Measuring building height**. These amendments accomplish two things. First, by rewriting the code in a "bullet" format, they clarify the various measurement options for different roof types. Second, through additional language and a new illustration, the method of measurement is clarified for a gambrel roof. These amendments are done in conjunction with the amendments for allowing garages within the setback. Refer to 33.110.253 for commentary on that amendment.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.930
MEASUREMENTS

33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs 1. or 2. below. The base point used is the method that yields the greater height of building. ~~For a flat roof, the measurement is made to the top of the parapet, or if there is no parapet, to the highest point of the roof. The measurement is made to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof that has a roof pitch of 12 in 12 or less. For pitched or hipped roofs with a pitch steeper than 12 in 12, the measurement is to the highest point. For other roof shapes such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure 930-5. The height of a stepped or terraced building is the maximum height of any segment of the building.~~ Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof: Measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- Mansard roof: Measure to the deck line
- Pitched, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- Pitched or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- Other roof shapes such as domed, vaulted, or pyramidal shapes: Measure to the highest point.
- Stepped or terraced buildings: Measure to the highest point of any segment of the building.

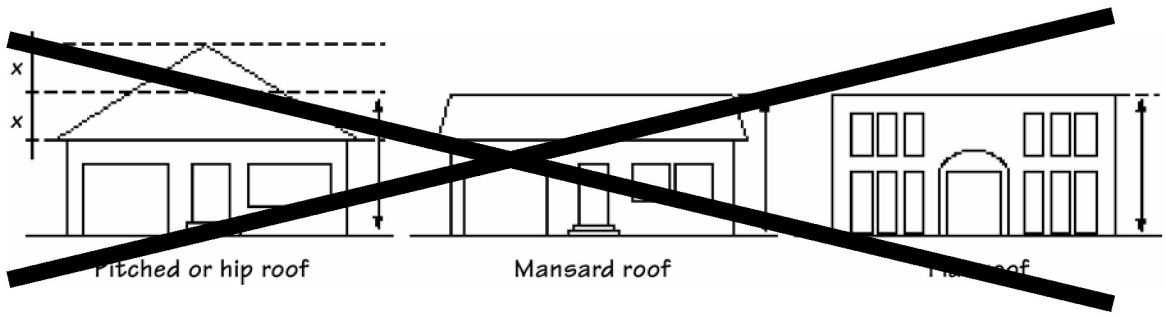
1-2. [No change.]

Commentary

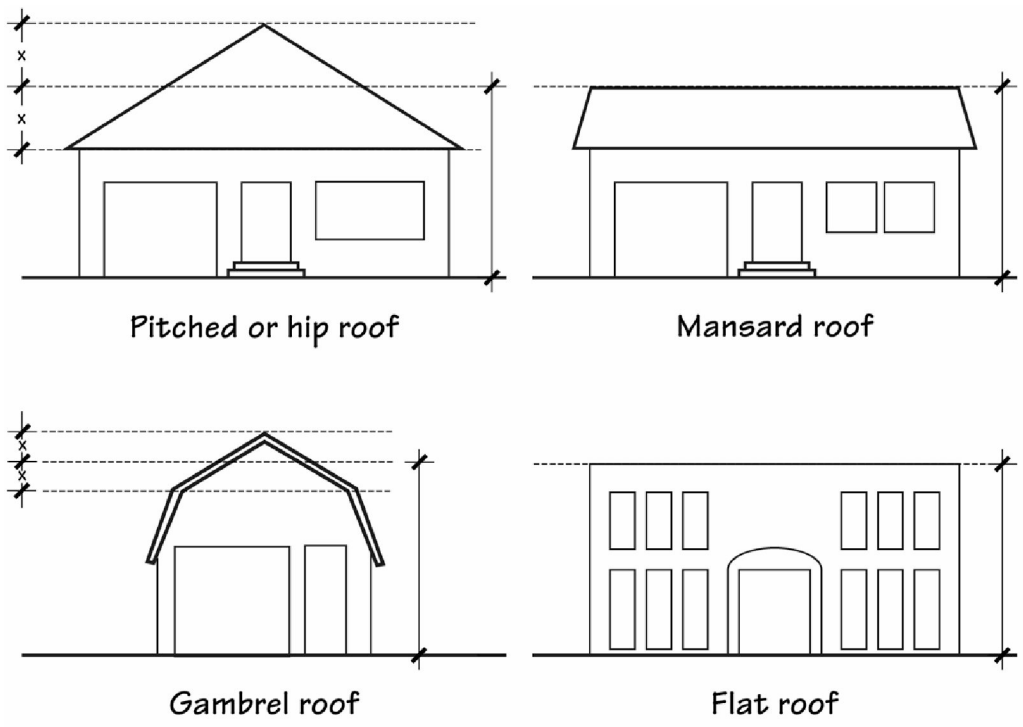
Figure 930-5. This figure is amended to provide a fourth example illustrating the height measurement for a gambrel roof.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Figure 930-5
Measuring Height – Roof Types



(Replaced with New Figure below)



Item 2: Setback Regulations

33.110 Single-Dwelling Zones
33.120 Multi-Dwelling Zones
33.130 Commercial Zones
33.140 Employment and Industrial Zones

These amendments reorganize and clarify information in the base zone chapters. There are no substantive changes.

These amendments remove the footnotes from the development standards table for all the base zones. The proliferation of footnotes has lead to an over-reliance on the tables and inconsistency between the language in the footnote and the language in the code section. By renaming the tables "Summary of Development Standard in ____ Zones," the amendment clarifies that the table is merely a summary and that the specifics of the regulation are contained in the referenced code section.

By eliminating the footnotes in the development standards table, these amendments:
- simplify the tables;
- ensure that the regulations are contained in the standards;
- eliminate some conflicting language and the potential for conflicting language in the future;
- encourage users to read the specifics in the regulation by directing them to the standards and not relying on the summary in the table.

These amendments also restructure the setback standards in each base zone chapter to ensure consistency and add clarity.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.110
SINGLE-DWELLING ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 110-3
Development Standards In Single-Dwelling Zones [1]

Standard	RF	R20	R10	R7	R5	R2.5 detached	R2.5 attached
Maximum Height (See 33.110.215)	30 ft. [2]	30 ft. [2]	30 ft. [2]	30 ft. [2]	30 ft. [2]	35 ft. [2]	35 ft. [2]
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback [3] [4] [8]	10 ft.	10 ft.	10 ft.	5 ft. [9]	5 ft. [9]	5 ft. [9]	5 ft.[5] [9]
- Rear building setback [3] [8]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback [3] [6] (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Required Outdoor Area							
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension [7] (See 33.110.235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Notes:

[1] These standards may be superseded by the regulations of an overlay zone or plan district. **[Already in 33.700.070 General Rules for Application of the Code Language]**

[2] Some lots may be subject to a different height standard. See 33.110.215.B. **[Already in this section]**

[3] No setback is required from a lot line abutting an alley. **[Added to 33.110.220.D.8, Exceptions to the required setbacks]**

[4] The side setback for lots in front of flag lots may be reduced to 3 feet. See 33.110.220.D.2. **[Already in this section]**

[5] Applies only to the perimeter of the attached unit development. See 33.110.240 C. for more information. **[Already in this section]**

[6] The walls of the garage structure are subject to 33.110.253 and the applicable front, side, or rear building setbacks. **[Added to 33.110.220.B Setbacks]**

[7] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area. **[Added to 33.110.235.B Required outdoor area sizes]**

[8] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.110.220.D.6. **[Added to 33.110.220.D.6 Exceptions to the required setbacks]**

[9] The minimum setback between an existing building and a side lot line along a proposed right-of-way or tract may be reduced to 3 feet when proposed as part of a land division. **[Already in 33.110.220.D.7 Exceptions to the required setbacks]**

RECOMMENDED ZONING CODE LANGUAGE – Item 2

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

NEW TABLE

Table 110-3
Summary of Development Standards In Single-Dwelling Zones

Standard	RF	R20	R10	R7	R5	R2.5 detached	R2.5 attached See 33.110.240.C
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.	35 ft.
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	0/5 ft
- Rear building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Required Outdoor Area							
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension (See 33.110.235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Development Standards

33.110.200 Housing Types Allowed [No change.]

33.110.212 When Primary Structures are Allowed [No change.]

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979 [No change.]

33.110.215 Height [No change.]

33.110.220 Setbacks

A. Purpose. [No change.]

B. Required setbacks. The required setbacks for buildings and garage entrances are stated in Table 110-3. The walls of the garage structure are subject to the front, side, and rear building setbacks stated in Table 110-3. The minimum setbacks for institutional uses are stated in 33.110.245. Other setbacks may apply to specific types of development or situations. For example setbacks for parking areas are stated in Chapter 33.266, Parking and Loading, special setbacks in the Laurelhurst and

Eastmoreland subdivisions are stated in Chapter 33.540, and special street setbacks are stated in Chapter 33.288.

C. Extensions into required building setbacks. [No change.]

D. Exceptions to the required setbacks.

1. Setback averaging. [No change.]

2. Flag lots. [No change.]

3. Environmental zone. [No change.]

4. Steeply sloping lots. [No change.]

5. Established building lines. [No change.]

6. Split zoning. ~~Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setback is required from that lot line.~~ No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

7. Land divisions with existing development. In the R7, R5, and R2.5 zones, the minimum setback between an existing building and a side lot line along a proposed right-of-way or tract may be reduced to three feet. Eaves on an existing building may extend one foot into the reduced setback. This setback reduction is allowed when proposed as part of a land division.

8. Alley. No side, rear, or garage entrance setback is required from a lot line abutting an alley.

33.110.235 Required Outdoor Areas

A. Purpose. [No change]

B. Required outdoor area sizes. The minimum sizes of required outdoor areas per dwelling unit are stated in Table 110-3. The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.

C. Requirements.

1. The required outdoor area must be a contiguous area and may be on the ground or above ground.

2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

3. General landscaped areas which are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.

RECOMMENDED ZONING CODE LANGUAGE – Item 2

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

33.110.240 Alternative Development Options

A. Purpose. [No change]

B. General requirements for all alternative development options. [No change]

C. Attached housing. Attached housing allows for more efficient use of land and for energy-conserving housing.

1. R20 through R5 zones. [No change]

2. R2.5 zone.

   a. Density and lot size. The density and minimum lot dimension standards are stated in Chapter 33.611, Lots in the R2.5 Zone, apply.

   b. Number of units. Up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.

   c. Building setbacks.

      (1) Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone.

      (2) Interior building setbacks. The side building setback on the side containing the common wall is reduced to zero.

      (3) Corner lots. On corner lots either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 110-8.

   d. Landscape standards. [No change]

D. Duplex in R2.5 zone. [No change]

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Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.120
MULTI-DWELLING ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 120-3
Development Standards in Multi-Dwelling Zones [1]

Standard	R3	R2	R1	RH	RX	IR
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area [2,3]	1 unit per 2,000 sq. ft. of site area [2,3]	1 unit per 1,000 sq. ft. of site area [2,3]	FAR of 2 to 1 [3,4]	FAR of 4 to 1	FAR of 2 to 1 [3,4,12]
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area [5]	1 unit per 2,500 sq. ft. of site area [5]	1 unit per 1,450 sq. ft. of site area [6]	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	none
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft. [7]	25/65 ft. [4,13]	100 ft.	75 ft. [4]
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. [15], [16] - Garage entrance setback [9], [16] (See 33.120.220)	10 ft. - - [14] 5-14 ft. [8] 18 ft.	10 ft. - - [14] 5-14 ft. [8] 18 ft.	3 ft. 3 ft. [14] 5-14 ft. [8] 5/18 ft.[10]	0 ft. 0 ft.[14] 5-14 ft. [8] 5/18 ft.[10]	0 ft. 0 ft.[14] 0 ft. 5/18 ft.[10]	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	70% of site area
Max. Building Length (See 33.120 230)	none	100 ft.[11]	100 ft [11]	none	none	none
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	No	No	No

Notes:

[1] These standards may be superseded by the regulations of an overlay zone, plan district, or the alternative development options in 33.120.270. **[Already in 33.700.070]**

[2] The density may be increased if allowed by the amenity bonus regulations in 33.120.265. **[Already in this section]**

[3] The density may be increased if allowed by the regulations in Chapter 33.229, Elderly and Disabled High Density Housing. **[Already in this chapter]**

[4] The maximum FAR is 4 to 1 in the areas shown on Maps 120-3 through 120-26. **[Added to 33.120.205.B, Maximum density]** In the areas where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 ft. of a transit station, where the maximum height is 100 ft. **[Added to 33.120.215.B, Maximum height]]**

[5] If maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit. **[Added to 33.120.205.C, Minimum density]**

[6] If the site is less than 10,000 sq. ft. in area, the minimum density is 1 unit per 2,000 sq. ft. **[Added to 120.205.C, Minimum density]**

[7] The 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line. **[Added to 33.120.215.B, Maximum height]**

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

[8] See Table 120-4. **[Added to table]**

[9] The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks. **[Added to 33.120.220.E.2, Garage entrance and structure parking setbacks]** This setback also applies to structured parking that does not allow exiting in a forward motion. **[Already in 33.120.220.E.3, Garage entrance and structured parking setbacks]**

[10] The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may not be closer to the property line than the front façade of the residential portion of the building**. [Added to 33.120.220.E.2, Garage entrance and structure parking setbacks]**

[11] The 100 ft. limit applies only to the portions of a building located within 30 feet of a street property line. **[Added to 33.120.230.B, Minimum building setbacks]**

[12] In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone. **[Added to 33.120.205.B, Maximum density]**

[13] The 25 foot height limit applies only to sites where the FAR is 2:1. On those sites, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line. **[Added to 33.120.215.B, Maximum height]**

[14] Where no street building setback is indicated, the front, side, and rear setbacks apply. Where a street setback is indicated, it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line. **[Added to 33.120.220.B, Minimum building setbacks]**

[15] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.120.220.B.1.c. **[Replace text in old 33.120.220.B.1.c with this standard in new 33.120..220.B.2.c]**

[16] No setback is required from a lot line abutting an alley. **[Added side and rear setback standard to 33.120.2220.B.2.d and garage entrance standard to 33.120.220.E.2.b(2)]**

NEW TABLE

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
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft.	25/65/75/ 100 ft.	100 ft.	75/100 ft.
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. - - See Table 120-4 18 ft.	10 ft. - - See Table 120-4 18 ft.	3 ft. 3 ft. See Table 120-4 5/18 ft.	0 ft. 0 ft. See Table 120-4 5/18 ft.	0 ft. 0 ft. 0 ft. 5/18 ft.	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	70% of site area

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Max. Building Length (See 33.120 230)	No	Yes	Yes	No	No	No
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	No	No	No

No changes are made to this table.

Table 120-4
Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones

If the area of the plane of the building wall is: [1]	The required side and rear setback is:
1,000 sq. ft. or less	5 ft.
1,001 to 1,300 sq. ft.	6 ft.
1,301 to 1,600 sq. ft.	7 ft.
1,601 to 1,900 sq. ft.	8 ft.
1,901 to 2,200 sq. ft	9 ft.
2,201 to 2,500 sq. ft.	10 ft.
2,501 to 2,800 sq. ft.	11 ft.
2,801 to 3,100 sq. ft.	12 ft.
3,101 to 3,400 sq. ft.	13 ft.
3,401 sq. ft. or greater	14 ft.

Notes:
[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.

Development Standards

33.120.200 Housing Types Allowed

[No change.]

33.120.205 Density

A. Purpose. [No change.]

B. Maximum density. The maximum densities for the multi-dwelling zones are stated in Table 120-3. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.

1. In RH and IR zones, the maximum FAR is 4 to 1 in the areas shown on Maps 120-3 through 120-26. In all other areas the maximum FAR is 2 to 1.

2. In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.

C. Minimum density. The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be

subtracted from the calculation of minimum density. A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site which bring the site closer to conformance without coming all the way into conformance.

1. In R3 and R2 zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.

2. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.

D. Floor area ratio. [No change.]

E. Transfer of density or FAR. [No change.]

33.120.210 Development on Lots and Lots of Record

[No change]

33.120.215 Height

A. Purpose. [No change.]

B. Maximum height. The maximum heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions, below.

1. In the R1 zone, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.

2. In the RH zone, where the FAR is 2:1 the maximum height is 25 feet. On those sites, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line. Where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.

3. In the IR zone, where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.

C. Exceptions to the maximum height. [No change.]

33.120.220 Setbacks

A. Purpose. [No change.]

B. Minimum ~~B~~building setbacks ~~standard~~. The required minimum ~~or maximum~~ building setbacks~~, if any, are stated in Tables 120-3 and 120-4, and~~ apply to all buildings and structures on the site except as specified in this section. ~~Transit street setbacks apply only to buildings.~~ Where no street setback is indicated in Table 120-3, the front, side, and rear setbacks apply. Where a street setback is indicated in Table 120-3 it supersedes front, side, and rear setbacks if the front,

side, or rear lot line is also a street lot line. Setbacks for parking areas are in Chapter 33.266.

1. Generally. The required minimum building setbacks, if any, are stated in Tables 120-3 and 120-4.

2.~~1.~~ Exceptions to the required building setbacks.

a. Setback averaging. The minimum front building setback and the setback of decks, balconies, and porches may be reduced, but not increased, to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.

b. Environmental zone. The required minimum front and street building setback and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to zero.

c. Split zoning. ~~Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.~~ No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

d. Alley. No side or rear building setback is required from a lot line abutting an alley.

~~d. Detached accessory structures. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-3.~~

C. Maximum building setbacks.

1. Building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Tables 120-3 and 120-4, and apply only ~~The maximum setback standards of this paragraph apply~~ to buildings that are enclosed on all sides. The building setbacks on a transit street or in a Pedestrian District are as follows:

a. Measurement. [No change.]

b. Standards. [No change.]

c. Outside a Pedestrian District. [No change.]

d. In a Pedestrian District. [No change.]

~~e. Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.~~

RECOMMENDED ZONING CODE LANGUAGE – Item 2

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

2. Exemptions.

   a. Flag lots. Flag lots are exempt from the maximum setback standards of this section.

   b. Detached accessory structures. Detached accessory structures are exempt from the maximum setback standards of this section. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-3.

D.~~C.~~Extensions into required building setbacks. [No change.]

E.~~D.~~Garage entrance and structured parking setback.

1. Purpose. [No change.]

2. ~~The required~~ Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.

   a. In R1, RH, and RX zones, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the front façade of the residential portion of the building.

   b. Exceptions.

      (1) The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

      (2) No setback is required from a lot line abutting an alley.

3. Setbacks for structured parking. ~~The setback also applies to structured parking that does not allow exiting in a forward motion.~~ Structured parking that does allow exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.

~~3. Exception. The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~

33.120.225 Building Coverage

[No change]

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33.120.230 Building Length

A. Purpose. [No change.]

B. Maximum building length. In R2 and R1, the maximum building length for the portion of buildings located within 30 feet of a street lot line is ~~stated in Table 120-3~~ 100 feet.

CHAPTER 33.130
COMMERCIAL ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 130-3
Development Standards [1]

Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR [2] (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 [3]	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line Garage Entrance Setback (12) (see 33.130.250)	0 5/18 ft.	0 5/18 ft.	0 5/18 ft.	0 5/18 ft.	0 5/18 ft.	0 5/18 ft.	0 5/18 ft.	0 5/18 ft.
Lot Line Abutting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abutting other R Zoned Lot [9]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]
Max.Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. [5] [6]	10 ft. [5] [6]	None 10 ft.	None 10 ft.
Building Coverage [10] (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area [11]	Min. of 50% of site area [11]	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Landscaping Abutting an R Zoned Lot [7] (see 33.130.215.B.)	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130 240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

RECOMMENDED ZONING CODE LANGUAGE – Item 2

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Language to be **deleted** is shown in ~~strikethrough~~

Required parking [8]	None Required	Yes	None Required	Yes	None Required	None Required	Yes	None Required

Notes:

[1] Plan district or overlay zone regulations may supersede these standards. **[Already in 33.700.070 General Rules for Application of the Code Language]**

[2] The FAR limits apply to nonresidential development. Additional floor area is allowed for residential development. See 33.130.205 and 33.130.253. **[Already in these sections]**

[3] For special restrictions on certain nonresidential development, see 33.130.253. [**Added to table]**

[4] See Table 130-4. **[Added to table]**

[5] At least 50 percent of the length of the ground level street-facing facade of buildings must be within 10 feet of the street lot line. If the site has three or more block frontages, this standard only applies to two frontages. **[Added to new 33.130.215.C.1.b, Maximum building setbacks]**

[6] For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the standards of 33.130.215.B.1.a(3) is included as part of the ground level, street-facing façade of the building. **[Added to new 33.130.215.C.1.c, Maximum building setbacks]**

[7] Does not apply to lot lines that abut a lot in the RX zone. **[Moved to new 33.130.215.B.1, Minimum building setbacks, and added "or none" to table]** Landscaping is not required where buildings abut a lot line. [**Added to new 33.130.215.B.1, Minimum building setbacks]**

[8] This part of the table is for general information purposes only; see Chapter 33.266, Parking and Loading, for the specific standards. **[Delete footnote]**

[9] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.130.215.B.2.b. **[Replace text in old 33.130.215.B.2.b with this standard in new 33.130.215.B.2.d, Minimum building setbacks]**

[10] For attached houses, the building coverage of the base zone applies to the entire site. The maximum building coverage for an individual lot is 5 percent more than the base zone allowance. **[Added to new 33.130.220.B.1, Building coverage]**

[11] This standard does not apply where any portion of the site is in an environmental overlay zone. **[Added to new 33.130.220.B.2, Building coverage]**

[12] This standard applies to houses, attached houses, manufactured homes and duplexes. See 33.130.250.E. **[Already in this section]**

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Language to be **deleted** is shown in ~~strikethrough~~

NEW TABLE

Table 130-3
Summary of Development Standards in Commercial Zones

Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 See 33.130.253	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line or Lot Line Abutting an OS, RX, C, E, or I Zone Lot	0	0	0	0	0	0	0	0
Lot Line Abutting other R Zoned Lot	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4	See Table 130-4
Garage Entrance Setback (see 33.130.250.E)	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft	5/18 ft
Max.Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. None	10 ft. None	None 10 ft.	None 10 ft.
Building Coverage (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area	Min. of 50% of site area	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Landscaping Abutting an R Zoned Lot (see 33.130.215.B.)	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none	5 ft. @ L3 or none
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130 240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Required parking [see 33.266]	None Req'd	Yes	None Req'd	Yes	None Req'd	None Req'd	Yes	None Req'd

No changes are made to this table.

Table 130-4
Minimum Building Setbacks From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zone lot	Lots abutting a rear lot line of an R zone lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone.

RECOMMENDED ZONING CODE LANGUAGE – Item 2

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Language to be **deleted** is shown in ~~strikethrough~~

Development Standards

33.130.200 Lot Size [No change.]

33.130.205 Floor Area Ratio

A. Purpose. [No change.]

B. FAR standard. The floor area ratios are stated in Table 130-3 and apply to all nonresidential development. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits.

C. Transfer of FAR from Landmarks. [No change.]

33.130.210 Height [No change.]

33.130.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

B. Minimum building setbacks. The minimum building setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.

1. Generally. There is no required minimum building setback.

2. Exceptions.

a. Lot line abutting R-zoned lot, except RX. The required minimum building setbacks along a lot line abutting an R-zoned lot, except RX, are stated in Table 130-4. Minimum required building setbacks much include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

b. Garage entrance setback. See 33.130.250.E for the required garage entrance setback for garages accessory to houses, manufactured homes, duplexes, and attached houses.

c. Setback averaging. The required minimum setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not

increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

d. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

3. Minor projections of features attached to buildings.

a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:

(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

(3) Bays and bay windows must cantilever beyond the foundation of the building; and

(4) The bay may not include any doors.

b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:

(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;

(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;

(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and

(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

c. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.

4. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in

33.130.270 below. Sign regulations are in Title 32, Signs and Related Regulations.

C.~~B.~~ Maximum ~~B~~building setbacks ~~standard~~. Except as provided in Subsection D. below, the ~~The required minimum and~~ maximum allowed building setbacks, if any, are stated in Table 130-3. The setback standards apply to all buildings and structures on the site except as specified in this section. ~~Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.~~

1. Sites in the CS and CM zones.

   a. Where these standards apply. The regulations of this paragraph apply to sites in the CS and CM zones.

   b. Standard. The maximum building setback is 10 feet. At least 50 percent of the length of the ground level street-facing façade of buildings must be within 10 feet of the street lot line. If the site has three or more block frontages, this standard only applies to two frontages.

   c. Exception. For buildings where all the floor area is in residential use, the street-facing façade of an open porch that meets the standards of 33.130.215.C.2.b(3) is included as part of the ground level, street-facing façade of the building.

2.~~1.~~ Building setbacks on a transit street or in a Pedestrian District for sites in the CN, CO, CG, and CX zones. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. ~~These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, these standards apply to all zones except the CX zone. The maximum building setbacks on a transit street or in a Pedestrian District are as follows:~~

a. Where these standards apply. The regulations of this paragraph apply to sites in the CN, CO, and CG zones, and to the CX zone outside the Central City plan district..

b.~~a.~~ Measurement.

(1) – (2) [No change.]

(3) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
- The porch must have at least one entrance facing the street; and
- The porch must have a roof that is:

- No more than 12 feet above the floor of the porch; and

- At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

c.~~b.~~ Standards. [No change.]

d.~~c.~~ Outside a Pedestrian District. [No change.]

e.~~d.~~ In a Pedestrian District. [No change.]

~~2. Exceptions to the required building setbacks.~~

~~a. Setback averaging. The required minimum setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~

~~b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.~~

3.~~c.~~ Exception. ~~Detached accessory structures.~~ The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-3.

~~3. Lot lines abutting a residential zone. Minimum required building setbacks along lot lines that abut lots in residential zones, except the RX zone, must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening.~~

D.~~C.~~Alternative maximum setback option for large retailers.

[No change.]

~~**D. Extensions into required building setbacks.**~~

~~1. Minor projections of features attached to buildings.~~

~~a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:~~

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;~~

~~(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;~~

~~(3) Bays and bay windows must cantilever beyond the foundation of the building; and~~

~~(4) The bay may not include any doors.~~

~~b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:~~

~~(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;~~

~~(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;~~

~~(3) Uncovered decks and stairways that are no more than 2 1/2 feet above the ground may fully extend into a required building setback; and~~

~~(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2 1/2 feet above the average sidewalk elevation may fully extend into a required building setback.~~

~~c. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.~~

~~2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below. Sign regulations are in Title 32, Signs and Related Regulations.~~

33.130.220 Building Coverage

A. Purpose. The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CM and CS zones, the required minimum building coverage standards promote development which will support the built-up, urban character of these zones. In the CN2 and CO1 zones, the standards promote buildings at a scale compatible with surrounding residential development.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

B. Building coverage standards. The maximum or minimum building coverage standards are stated in Table 130-3 and apply to all buildings and covered structures.

1. Attached houses. For attached houses, the building coverage of the base zone applies to the entire site. The maximum building coverage for individual lots is 5 percent more than the base zone allowance.

2. CS and CM zones. In CS and CM zones, where any portion of the site is in an environmental overlay zone, the minimum building coverage standard does not apply..

33.130.250 General Requirements for Residential and Mixed-Use Developments

A. – D. [No change.]

E. Garages.

1. Purpose. [No change.]

2. Where these standards apply. The requirements of Paragraphs E.3, E.4 and E.5, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraphs E.4 and E.5, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall. [No change.]

4. Street lot line setbacks. [No change.]

5. Garage entrance setback. The required garage entrance setback is stated in Table 130-3. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

RECOMMENDED ZONING CODE LANGUAGE – Item 2

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

EXISTING TABLE

This is the existing table. See the bracketed notes after each footnote for information on how the footnote was addressed.

Table 140-3
Development Standards [1]

Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot [4]	0 to 14 ft. [2]	15 ft.	0 to 14 ft. [2]	0 to 14 ft. [2]	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No
Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)	5 ft. @ L3 [3]	10 ft. @ L3	5 ft. @ L3 [3]	5 ft. @ L3 [3]	10 ft. @ L3	10 ft. @ L3

Notes:
[1] Plan district regulations may supersede these standards. **[Already in 33.700.070 General Rules for Application of the Code Language]**
[2] See Table 140-4. **[Added to table]**
[3] For building setbacks of 5 feet or less, landscaping is required for the entire depth of the setback. However, no landscaping is required when buildings abut a lot line. **[Added to 33.140.215.B.2]**
[4] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.140.215.B.3.b.**[Replace text in old 33.140.215.B.3.b with this standard in new 33.140.215.B.3.b]**

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

NEW TABLE

Table 140-3
Development Standards

Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-4	15 ft.	See Table 140-4	See Table 140-4	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No
Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)	5 ft. @ L3 [3]	10 ft. @ L3	5 ft. @ L3 [3]	5 ft. @ L3 [3]	10 ft. @ L3	10 ft. @ L3

No changes are made to this table.

Table 140-4
Minimum Building Setbacks From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone.

RECOMMENDED ZONING CODE LANGUAGE – Item 2

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

Development Standards

33.140.200 Lot Size [No change.]

33.140.205 Floor Area Ratio [No change.]

33.140.210 Height [No change.]

33.140.215 Setbacks

A. Purpose. The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.

B. Minimum building setbacks ~~The setback standards.~~ ~~The required building setbacks are stated in Table 140-3.~~ The setback standards apply to all buildings and structures on the site except as specified in this section. ~~The building setback standards of plan districts supersede the setback standards of this chapter.~~ Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.

~~1. Setbacks from the lot line. Setbacks are measured from the lot line.~~

1. Generally. The required building setbacks are stated in Table 140-3.

2. Required landscaping in setbacks. Building setbacks on lot lines that abut lots in residential zones must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

3. Exceptions to the building setbacks.

   a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

   b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.

4. Minor projections of features attached to buildings.

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line. Bays and bay windows extending into the setback also must meet the following requirements:

(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

(3) Bays and bay windows must cantilever beyond the foundation of the building; and

(4) The bay may not include any doors.

b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:

(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;

(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building may fully extend into a street setback;

(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and

(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.

5. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Sign regulations are in Title 32, Signs and Related Regulations.

C. Maximum building setbacks.

1.~~2.~~ Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are

enclosed on all sides. ~~These setback standards apply to the EG1 and EX zones. Except as provided in Subsection C. below, the building setbacks on a transit street or in a Pedestrian District are as follows:~~

a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.

b. ~~a.~~ Measurement. [No change.]

c. ~~b.~~ Standards. [No change.]

d. ~~c.~~ Outside a Pedestrian district. [No change.]

e. ~~d.~~ In a Pedestrian District. [No change.]

~~e. Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.~~

2. Exemption. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.

~~3. Exceptions to the building setbacks.~~

~~a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~

~~b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.~~

~~c. Detached accessory structures. The maximum building setbacks do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.~~

~~4. Lot lines abutting a residential zone. Building setbacks on lot lines that abut lots in residential zones must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening.~~

D.~~C.~~Alternative maximum setback option for large retailers. [No change.]

~~**D. Extensions into required building setbacks.**~~

~~1. Minor projections of features attached to buildings.~~

~~a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required~~

Language to be **added** is underlined
Language to be **deleted** is shown in ~~strikethrough~~

~~building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line. Bays and bay windows extending into the setback also must meet the following requirements:~~

~~(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;~~

~~(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;~~

~~(3) Bays and bay windows must cantilever beyond the foundation of the building; and~~

~~(4) The bay may not include any doors.~~

~~b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:~~

~~(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;~~

~~(2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street facing façade of a building may fully extend into a street setback;~~

~~(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and~~

~~(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.~~

~~c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.~~

~~2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Sign regulations are in Title 32, Signs and Related Regulations.~~

IV. Amendments to Title 1, General Provisions

The amendments to Title 1, General Provisions, are in this section. The next page contains commentary about the amendments; code language is on the facing, odd-numbered page.

Item 33: Comprehensive Plan Map Error Procedure

1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.

(Note the commentary from Section of 33.810.080 of the Zoning Code is included here to provide you with some background.)

33.810.080 Corrections to the Comprehensive Plan Map

A. **Mapping errors.** This amendment to 33.810.080, along with a companion amendment to Chapter 1.01 (Code Adoption), clarifies when the Planning Director may make technical, objective corrections to the Comprehensive Plan designations on the Official Zoning Maps. In 2003, Council adopted a similar amendment that clarified when the Planning Director could make technical, objective corrections to the zoning designations on the Official Zoning Maps. These corrections were limited to non-discretionary map corrections, such as:

- The line on the map differs from the legal description;
- The map does not reflect a map or description that was part of the adopting ordinance or land use decisions;
- Where there is a discrepancy and clear legislative intent as to where the line should be; or
- When the Open Space designation has been applied to property in private ownership that is not in open space use.

This amendment applies the same limitations to corrections of Comprehensive Plan designations.

1.01.037 Planning Director Authority to Correct Portland Comprehensive Plan and Zoning Code Maps.

(Added by Ordinance No. 177422, effective June 7, 2003.) Subject to the approval of the City Attorney, the Director of the Bureau of Planning shall have the authority to correct the Comprehensive Plan Map and Portland Zoning maps, including the City's Official Zoning Map:

A. When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or

B. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or

C. When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.

Comprehensive Plan and Zoning map corrections initiated under this Section must be clear and objective. Discretionary map corrections must be processed under the procedures set forth in Sections 33.810.080 and 33.855.070.

Appendix A

Summary of Regulatory Improvement Workplan

On June 26, 2002, the Portland City Council approved Resolution 36080, which sought to "update and improve City building and land use regulations that hinder desirable development." This was the beginning of the Council's charge to build an effective process of continuously improving the City's code regulations, procedures, costs and customer service. The resolution also directed that a procedure be formulated to identify both positive and negative impacts of proposed regulations. This Impact Assessment is now conducted as part of all projects where changes to City regulations are considered.

In August 2003, Council assigned ongoing responsibility for coordination of the implementation of the Regulatory Improvement Workplan (RIW) to the Bureau of Planning and the Bureau of Development Services. To develop the future workplans, the two bureaus established a process for selecting items. The process includes the following:

- An online database of potential amendments and improvements to the Zoning Code. These are items suggested by City staff, citizens, and others;
- The Regulatory Improvement Stakeholder Advisory Team (RISAT); and
- Presenting the Planning Commission with future workplan lists at the same time as proposed code language for the current workplan.

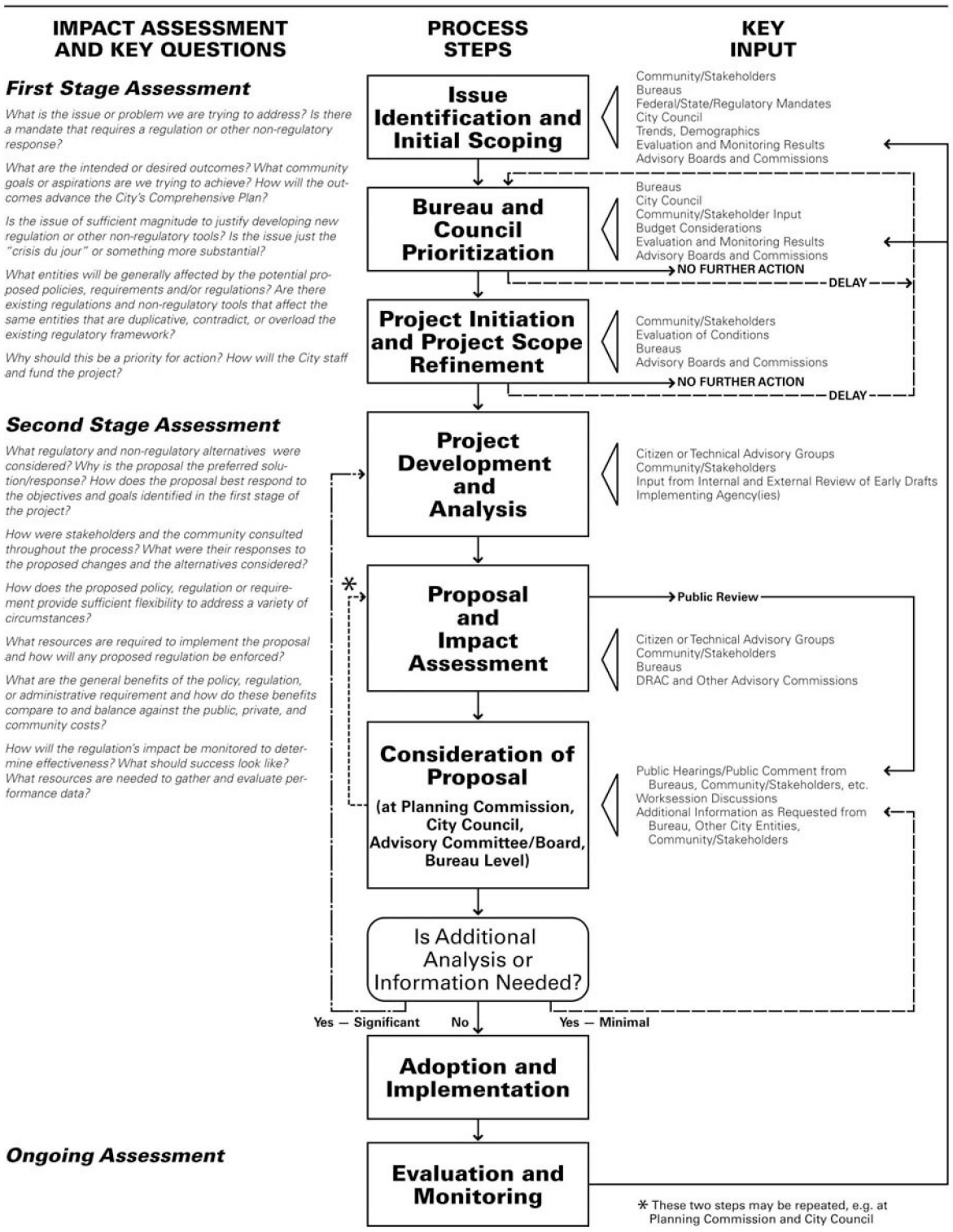
Both bureaus periodically review potential amendments and improvements to the Zoning Code and, with the assistance of the RISAT, rank the amendments and propose a workplan for the next package. The packages are called Regulatory Improvement Code Improvement Package (RICAP) 1, RICAP 2, and so on. This list of potential amendments is reviewed and adopted by the Planning Commission at a public hearing. The list selected for each package is not a list of amendments, but of issues and areas that will be researched and analyzed; each issue may or may not result in amendments to the code.

After Planning Commission adopts the workplan for the next RICAP package, the Planning Bureau, with assistance from the Bureau of Development Services, develops information and a recommendation on each issue. If an amendment to the Zoning Code is recommended, they also develop code language.

As with all projects that amend the Zoning Code, notice is sent to interested parties and all neighborhood and business associations. Open houses and public meetings are held when warranted. The Planning Commission holds a public hearing on the proposed amendments to the Code, as does City Council.

Appendix B

Model Process for Consideration and Assessment of Land Use and Development Actions



Appendix C

Stormwater Outfall Environmental Development Standards
Monitoring Report and Recommendation

Summary: When the *Environmental Code Improvement Project* was adopted by Council in September 2005, staff were directed to monitor the new stormwater outfall development standards because of a concern about increased outfalls in streams. The standards will sunset in October 2007 without additional Council Action. The results of the monitoring effort indicate that there may be a slight increase in the number of outfalls being directed to streams. Staff recommends that the monitoring continue for another 2 years. Staff also recommends that the sunset clause be deleted from the Code and a directive to continue the monitoring be placed in the ordinance. A minor change to the zoning code language is also recommended; see Item 21, Environmental Stormwater Outfall Exemption

Introduction
This monitoring report fulfills a City Council directive to monitor new environmental development standards and report to Council with findings. The standards became effective in September 2005 as part of the *Environmental Code Improvement Project*. The intent of the new development standards is to provide a "streamline" review process for a small subset of stormwater outfall projects that can meet limited size and disturbance area standards, such as those typically found in new single-family development projects.

At the City Council hearing for the *Environmental Code Improvement Project* in 2005, citizens expressed concern about adoption of the new stormwater standards. The biggest concern was that the standards would lead to an increase in the number of stormwater outfalls directed into streams. To address this concern, the City Council directed staff to monitor the use of the standards for 2 years and report back to Council with a recommendation. At the end of the 2-year timeframe, the standards are scheduled to sunset unless the sunset clause is repealed by Council.

Background
Stormwater systems are designed to improve the quality and manage the quantity of stormwater runoff. Stormwater management facilities include vegetated and sand filters, wet or dry ponds, created wetlands, marshes, infiltration facilities, underground storm sewer devices, conveyance pipelines, and outfalls. An outfall is the open end of a drain, pipe, or drainage channel where discharge is concentrated and energy dissipation can occur. Outfalls can include discharge points from stormwater management facilities, constructed open channels, and vegetated swales. An outfall typically discharges to a natural drainage, such as a stream or river, to a water quality feature such as a constructed wetland, or to a City maintained drainage ditch.

The construction and placement of a new outfall creates new disturbance on a site, and it is the new disturbance that triggers environmental review. Outfall pipes are generally buried beneath the surface of the ground with the end of the pipe

exposed in the bank of the water body that receives the discharge. In some situations, most of the vegetation and excavated soil is removed and replaced with new, shallow-rooted plants. In other cases, the outfall site may consist of a rocky bed above the pipe and rock armoring at the outfall end of the pipe to dissipate energy.

Prior to adoption of the *Environmental Code Improvement Project*, the environmental zoning regulations did not include development standards for new stormwater outfalls. Without standards, these kinds of proposed projects were reviewed through the environmental review process. Environmental review requires an "alternatives analysis" describing other options studied and findings that the chosen alternative has the least adverse impacts on sensitive natural resources.. Other approval criteria must also be addressed.

The Bureau of Environmental Services (BES) developed the Stormwater Management Manual (SWMM) in 1998 to provide a systematic process for review and approval of stormwater facilities for new development that creates more than 500 square feet of impervious surface. The SWMM establishes a hierarchy that guides the selection of stormwater facilities for specific sites. Application of the SWMM hierarchy also serves as an alternatives analysis, and requires the installation of on-site infiltration facilities instead of pipe outfalls where technically feasible. The hierarchy is applied during every stormwater facility permitting process. For sites where steep slopes or high ground water table presents problems, the option to direct an outfall to a stream or other natural water body may be the only safe choice. When stormwater pipes are directed into streams and other water bodies, the SWMM requires appropriate measures to address bank stabilization and erosion issues.

With adoption of the SWMM, the Bureau of Development Services (BDS) staff noticed an increase in the number of single-dwelling developments applying for environmental review in order to comply with the SWMM. BDS staff are responsible for reviewing development proposals in environmental zones, including those that propose to install a stormwater overflow into the environmental zone, typically into a stream. Because each outfall is subject to the SWMM evaluation hierarchy, requiring an additional alternatives analysis through environmental review provides little additional value to a project, but adds time and cost to project permitting.

As part of the *Environmental Code Improvement Project*, the City Council adopted environmental development standards that would apply to a narrow subset of stormwater outfall projects. The standards are intended to apply only to small development proposals like residential projects or small parking lots. BES and BDS staff verified that a 4-inch diameter pipe or smaller would be the size required for overflow from stormwater planter boxes as used in typical residential development projects or small parking lots.

The adopted development standards include:

- a maximum linear (temporary) disturbance width of 10 feet that must be revegetated,
- a tree replanting schedule,
- a slope limit if open channels or swales are proposed,

- a maximum outfall pipe size of 4-inches diameter, and
- planting requirements if a riprap pad is used.

Monitoring Process
The purpose of this monitoring process is to determine if establishing development standards for stormwater outfalls in environmental zones has resulted in more outfalls being directed to streams since the standards have been adopted.

To answer this question, staff used the City's TRACS permit database to identify development permits and environmental reviews for projects that included 4-inch stormwater outfalls. Since the idea is to compare "apples to apples", the research was focused on projects that could meet development standards if the standards had been available (e.g., 4-inch or smaller outfall pipes), and compare that number with the number of stormwater outfalls approved through the plan check process post-adoption.

Staff assessed the environmental reviews that were under consideration during the 20-month period prior to adoption of the standards to determine how many reviews included a 4-inch stormwater outfall. Then staff reviewed development permits and environmental reviews that were under consideration during the 19-month period since the regulations have been adopted. The results are compiled in the table below.

Findings
Table 1 (next page) show the results of the TRACS search for land use reviews and zoning permits for each time period described above. For example, in 2004 there were 21 environmental reviews (non-concurrent reviews*), and 5 of the reviews included a 4-inch stormwater outfall as part of an overall development proposal. One of the environmental reviews was for a 4-inch stormwater outfall only (the proposed dwelling is not within the environmental zone). All 5 cases were for single-family development proposals. Also in 2004 were 30 plan check permits with no stormwater outfall requests – because there were no development standards available at that time.

Based on the data, it appears there was a slight increase in the number of stormwater outfalls directed into streams. For the 20-month period prior to adoption of the standards there were 35 Type II environmental reviews, 38 plan checks, and 9 stormwater outfalls subject to review. For the 19-month period after adoption of the standards, the number of Type II environmental reviews slightly increased (to 37), the number of plan checks decreased (to 33) but the number of stormwater outfalls increased to 15.

It is interesting to note that some projects still need the 4-inch stormwater outfall reviewed through environmental review as indicated by the 6 environmental review cases submitted since the standards have been adopted. (Although staff did not thoroughly analyze the 6 cases, a few of them entailed additional development that did not meet other standards. When this happens, applicants can choose to apply

Appendix C – Stormwater Outfall EDS

Table 1. Comparison of Stormwater Outfall (SWO) Reviews

Year/month / Type of Review	2004/ all	2005/ jan-aug	(new regs) 2005/ sept-dec	2006/ all	2007/ jan-mar
Env review includes SWO*	**5**	**4**	**3**	**1**	**2**
Total Env reviews	21	14	6	23	8
Plan Check includes SWO	0	0	**3**	**3**	**3**
Total PC/year	30	8	9	20	4
Total SWO	5	4	6	4	5

* It should be noted that a handful of Type II EN reviews may be listed under another review type (such as CU or DZ), if a concurrent land use review is part of the application. Most land use reviews that involve more than one type of review are for larger, more complex projects that would not likely include something as small as a 4-inch outfall pipe. Staff did a random search of concurrent land use reviews for 2005 and 2006 and did not find any that involved stormwater outfall pipes of any size. Therefore, the assumption is that these cases represent a small or non-existent subset of cases with little impact on the applicability of the research, and staff did not spend addition time searching for concurrent cases.

for plan check for those parts of the project that can meet standards, and apply for environmental review for project elements that do not meet standards. However, it is less confusing to submit the entire project under one review or the other, so if the development standards can't be met for some parts of the project, the applicant frequently chooses to apply for environmental review for the whole project.)

Recommendation

Bureau of Planning staff recommend that the monitoring continue for another 2 years. Staff also recommends that the sunset clause be deleted from the Code and a directive to continue the monitoring be placed in the ordinance. Staff proposes collection of additional data such as total number of residential development permits per year, number of development permits within environmental zones, etc. so that a more complete picture of development trends can be assessed.

Staff also request one change to the adopted development standards to help clarify the intent of the regulation. The change will clarify that only one 4-inch outfall pipe is allowed per site. There have been several situations where applicants requested approval to use more than one 4-inch pipe as a way to meet the standard, when a larger pipe would have been required. Because the standards were developed for a very narrow subset of projects, using multiple 4-inch pipes as a way around the regulation would not be in the spirit of the original purpose.

Appendix D

RICAP 3 Workplan: List of Items

This list contains all the issues that were analyzed during the RICAP 3 process. For several of the items, the recommendation was to make no amendment. For additional information on these items, see *RICAP 3: Proposed Draft Report*, dated June 22, 2007.

RICAP 3 Workplan: List of Items (sorted by item number)

Item #	Item Name	Proposed Amendment	Zoning Code Section
1	Setbacks in e-zones	Allow parking pads within the first 10 feet from a street in e-zones	33.430.140
2	Setback regulation placement in code	Eliminate footnotes in the Development Standards tables in all the base zones	33.110 33.120 33.130 33.140
3	Garages with Gambrel vs. Gable roofs	Add overall height limit for accessory structures	33.110.250 33.110.253 33.120.280 33.120.283 33.930.050 Figure 930-5
4	Larger detached garages converted in setbacks	No amendment proposed	
5	Dormers in detached accessory structures	Add provision to allow dormer in detached garage	33.110.253 33.120.283
6	Barbed Wire Fences	Correct reference to barbed wire and electric fences.	33.110.255 33.120.285 33.130.270 33.140.275
7	Neighborhood Contact Clarification for multi-dwelling and Division St	Clarify what proposals require neighborhood contact	33.120.050 33.460.310
8	Floor Area Ratio (FAR) transfer to Park Blocks	Move restriction on Park Block FAR transfers from multi-dwelling zones to Central City Plan District	33.120.205 33.510.200
9	Quick Vehicle Servicing in CN2, CX and EX zones	Clarify limitations on Quick Vehicle Servicing uses in CN2, CX and EX	33.130.100 Table 130-1 Table 140-1
10	Exterior display/storage areas in C-zones	No amendment proposed	

Appendix D– RICAP 3 Workplan: List of Items

Item #	Item Name	Proposed Amendment	Zoning Code Section
11	Landscape Buffers Community DZ stds	Reduce the buffer requirement when across a local street	33.218.110, 140
12	Plant materials technical correction	Clarify/remove old language for existing tree calculations	33.248.030
13	Nonconforming situation documentation	Expand list of standard evidence for establishing a nonconforming situation	33.258.038
14	Nonconforming upgrade clarification	No amendment proposed	
15	Parking lot landscaping and circulation from alleys	Allow direct parking stall access to alleys	33.266.130
16	Parking interior landscaping and stormwater facilities	Clarify that the area beneath the car overhang in a parking stall can be landscaped or paved	33.266.130 Figure 266-3 Figure 266-5
17	Bike Parking Fund	Clarify when payment may be made to the bike parking fund	33.266.220
18	Modifications to High School Football Fields	Make review procedures for changes to athletic fields similar to other school related uses	33.281.050 33.920.480
19	Triplex bonus in "a" overlay	Clarify language for 3-unit bonus under 'a' overlay	33.405.070
20	DZ exemptions for RF facilities	Change code to prohibit RF facilities from using rooftop mechanical equipment design exemption	33.218.110,140,150 33.420.045 33.445.140, 230, 320, 420
21	Env. Stormwater outfall exemption	Clarify the limitation of one outfall per site.	33.430.180
22	Minor modification of e-zone boundaries	No amendment proposed	
23	Pleasant Valley Stormwater outfalls	Clarify that stormwater facilities are allowed in rights-of-way within the natural resource overlay	33.465.155 33.465.165
24	Scenic Overlay upgrade triggers	Separate scenic setback requirement from nonconforming upgrades	33.480.040
25	SOWA Public Open Space $ Trigger	Update dollar triggers to current values	33.510.205, 210, 33.560.020 33.700.075
26	Tri-Met Carpool Program in CCPD	Change reference from Tri-met to City to reflect current practice	33.510.263

Item #	Item Name	Proposed Amendment	Zoning Code Section
27	Columbia South Shore e-zone land divisions	No amendment proposed	
28	Johnson Creek Basin Development Transfers	Clarify that transfers of development from sites in the floodplain are allowed	33.537.110
29	Utility Easements and Tree Preservation	Create mitigation option for trees in utility easements that can be removed by right	33.630.300
30	Appeals in Urban Pockets	No amendment proposed	
31	Neighborhood Notice Requirements	Clarify when a Neighborhood Contact is Required	See references for item 31 below
32	Neighborhood Contact requirement placement	Move the Neighborhood Contact section to Admin Chapter, correct references	33.120.050 33.218.015 33.460.310 33.660.110 33.662.110 33.664.110 33.665.200 33.700.025, 33.730.013, 035, 045, 33.825.025 33.846.060
33	Comp Plan Map Error procedure	Streamline Comp Plan and Zone Map error correction process	1.01.037 33.810.080
34	Environmental Definitions and waterbodies	Clarify that definition includes "Identified Waterbodies"	33.910.030
35	Legal lot of Record	No amendment proposed	
36	Gateway Open Area Req.	Clarify open area requirements for land divisions	33.526.240
37	Waste Related or Recycling Operations	No amendment proposed (Decision made at Planning Commission Hearing)	
38	Yard Debris Use Classification	No amendment proposed (Decision made at Planning Commission Hearing)	
39	Pleasant Valley resource zone violation	Match Pleasant Valley resource violation procedures with other e-zones	33.465.220, 230
40	Cascade Station Public Access Easement	Remove private street easement requirement	33.508.280
41	Central City prohibition on vehicle sale/display near light rail transit	Use map to define the prohibited area instead of distance measure from light rail alignment	33.510.105, 223 Map 510-18 (New)
42	Loading Spaces in Central City	Allow back-in loading spaces outright in the Central City	33.266.310

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October 16, 2007

Mara Ulloa
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Salem OR 97301-2540

Re: Form 2 - DLCD Notice of Adoption regarding RICAP 3

Dear Mara:

Enclosed are the following:

- Form 2, DLCD Notice of Adoption regarding Regulatory Improvement Code Amendment Package 3 (RICAP 3)
- RICAP 3 Recommended Draft Report, adopted by Portland City Council on October 10, 2007 (on CD)
- City of Portland Ordinance No. 181357, adopting Code amendments effective as of November 9, 2007

If you have questions about the report, please call Rodney Jennings at 503-823-6042.

Sincerely,

Joan Hamilton
Management Assistant
Encl
C: Planning Manager, Metro Planning Department, Community Development
Multnomah County Planning Department
(printed copies)