



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/30/2008

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 006-08

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, January 12, 2009

This amendment was submitted to DLCD for review 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.

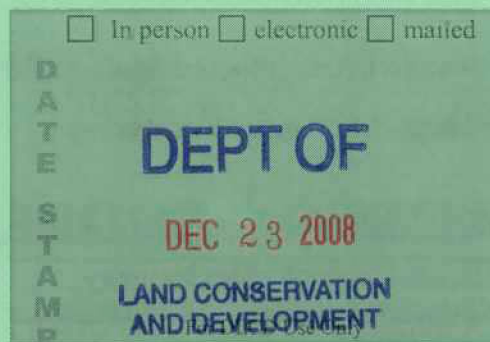
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Phil Nameny, City of Portland
Gloria Gardiner, DLCD Urban Planning Specialist
Meg Fernekees, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Amanda Punton, DLCD Regional Representative

<paa> YA/

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

Jurisdiction: **Portland**

Local file number: **N/A**

Date of Adoption: **12/17/2008**

Date Mailed: **12/22/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/27/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Corr. boundary of 2 plan dist.**

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

The Regulatory Improvement Code Amendment Package 4 (RICAP 4) is a collection of code amendments addressing 46 issues including several amendments to clarify and make the code consistent. The adoption on December 17th addressed 45 of those issues. See next section for explanation. Issues include:

- Amendments to regulations for flag and narrow lots alleys, and planned developments.
- Amendments to regulations in industrial and employment zones to comply with Metro Title 4.
- Amendments to manufactured dwelling and park regulations to be consistent with state law.

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

An amendment to the retail size limitation in existing buildings within the Division Street Main Street Overlay zone was added during the Planning Commission hearing. However, this item was submitted to the City Council under a separate ordinance and a vote is not expected until January 7, 2009. This vote will affect only pages 96 and 97 of the Exhibit of code amendments, under Chapter 33.460. A separate notice of adoption will be filled out for this item.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **N/A**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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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 file No. 006-08 (17107) [15330]

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

Metro, Multnomah County

Local Contact: **Phil Nameny**

Phone: (503) 823-7709 Extension: 0

Address: 1900 SW 4th Ave. #7100

Fax Number: 503-823-7700

City: **Portland**

Zip: 97201-5350

E-mail Address: pnameny@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: webservice.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.

CERTIFICATE OF MAILING

I hereby certify that on December 22, 2008, I mailed a correct copy of Form 2, DLCD Notice of Adoption regarding Regulatory Improvement Code Amendment Package 4 (RICAP 4) 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
Mara Ulloa
Plan Amendment Specialist


Address
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

	December 22, 2008
Name / Title Joan Hamilton, Management Assistant	Date



10. On September 11, 2008, notice was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as persons involved in land divisions, industrial interests, manufactured dwellings, radio frequency facilities, and other interested persons to notify them of the Planning Commission hearing on the proposed code changes for RICAP 4.
11. On September 16, 2008, the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 4 (RICAP 4) Proposed Draft* was published.
12. On October 14, 2008, the Planning Commission held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 4 (RICAP 4), Proposed Draft*. Staff presented the proposal and public testimony was received.
13. On October 28, 2008, the Planning Commission heard additional testimony, and considered the *Staff Amendments to the Proposed Draft* for RICAP 4.
14. At the conclusion of the hearing on October 28, the Commission voted to recommend that City Council adopt the staff recommendation for RICAP 4, including the Staff Amendments presented at the hearing.
15. On December 10, 2008, City Council held a hearing on the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 4 (RICAP 4), Planning Commission Recommended Draft*. Staff presented the proposal and public testimony was received. As part of this presentation, staff requested that regulations affecting Retail Sales And Service Uses on Division Street in the Main Street Corridor Overlay Zone be considered under separate ordinance.
16. On December 17, 2008, Council voted to adopt the *Regulatory Improvement Workplan: Regulatory Improvement Code Amendment Package 4 (RICAP 4), Planning Commission Recommended Draft* and amend the Zoning Code as shown in the report.

Findings on Statewide Planning Goals

17. 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.
18. **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 2007, Planning and BDS met monthly with the RISAT to review the selections proposed for the Regulatory Improvement Code Amendment Package 4 (RICAP 4) workplan.
 - On May 22, 2007, the Bureau of Development Services presented the Planning Commission with the findings of the Land Division Monitoring Report. This briefing was presented at a mobile session held in East Portland, and included stakeholders involved in land divisions who were invited to comment on the report.
 - 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 for the RICAP 4 workplan.

- On July 2, 2007, the *Regulatory Improvement Code Amendment Package 4 – 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 July 24, 2007, the Planning Commission held a public hearing on the RICAP 4 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 49 issues listed in the workplan.
 - On September 12, 2007, during the City Council hearing for RICAP 3, Council members heard testimony from interested parties in the Gateway open area requirements. The Council members advised staff to continue working on the Gateway open area amendments as part of the RICAP 4 workplan.
 - During the fall and winter of 2007 and 2008, staff met monthly with the RISAT to discuss proposed code solutions.
 - On August 8, 2008, notice was sent to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as persons involved in land divisions, industrial interests, manufactured dwellings, radio frequency facilities, and other interested persons to notify them of the release of the *RICAP 4 Discussion Draft* and the provision of two open houses.
 - On August 19, and August 21, 2008, staff held two open houses. The first open house was held in the Midland Library in East Portland, and the second was held downtown. 16 people attended the two open houses.
 - On September 11, 2008, notice was sent to all neighborhood associations and coalitions, and business associations in the City of Portland, as well as persons involved in land divisions, industrial interests, manufactured dwellings, radio frequency facilities, the Division Green Street / Main Street Plan, and selected persons in the Laurelhurst and Eastmoreland plan districts. The notice was for the Planning Commission Hearing on the staff proposal for the Regulatory Improvement Code Amendment Package 4 (RICAP 4) and to announce the availability of the Proposed Draft.
 - On September 16, 2008, the *Regulatory Improvement Code Amendment Package 4 (RICAP 4) Proposed Draft* 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 October 14 and 28, 2008, the Planning Commission held public hearings to discuss and take testimony on the report.
 - On November 21, 2008, notice was sent to those who testified at the Planning Commission hearings, and to people interested in RICAP 4, of the proposed City Council hearing on the Planning Commission recommendation for RICAP 4.
 - On December 10, 2008, the City Council held a public hearing to discuss and take testimony on the recommendations from the Planning Commission.
19. **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.

20. **Goals 3 and 4, Architectural Lands and Forest Lands** requires the preservation and maintenance of the state's agricultural and forest lands, generally located outside of urban areas. The amendments to the city's industrial and employment areas are consistent with this goal because they support the more efficient use of industrial and employment lands within the city, thereby reducing development pressure on agricultural and forest lands outside of urban areas.
21. **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. The amendments addressing the regulation of historic resources subsequently added to an existing historic or conservation district aid in ensuring the preservation of these resources.
22. **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 the open space requirement is triggered within the Gateway Plan District.
23. **Goal 9, Economic Development**, requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity. In general the provisions in RICAP 4 support this goal by improving the clarity of regulations. The following amendments are directly supportive of Goal 9.
 - Regulations affecting industrial and employment lands. These amendments support Goal 9 by ensuring that adequate lands are available for industrial and employment uses within the city of Portland. These amendments bring the city into compliance with recent changes made to Metro's Urban Growth Management Functional Plan, specifically Title 4. See also the findings for Metro's Title 4.
 - Regulations affecting Day Care Uses. This amendment updates the city's definition of a day care use so that family day care facilities, as defined in the state codes, are not included. This removes an inconsistency between state and city regulations for family day care operators working out of their home.
24. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. In general, the provisions in RICAP 4 support this goal by improving the clarity of regulations. The following amendments are directly supportive of Goal 10. See also findings for Portland Comprehensive Plan Goal 4, Housing and Metro Titles 1 & 7.
 - Regulations affecting land divisions. The amendments, based upon the land division monitoring report, support Goal 10 by clarifying the regulations that apply to the creation of lots through land divisions and ensuring better designed land divisions and development. Amendments include revised regulations addressing flag lots, narrow lots, planned developments, and the placement of alleys within the site. Regulations are also amended to clarify the desired development on corner lots, narrow lots, and within planned developments, as well as how garages are to be included within narrow houses. These amendments better meet the intent of the Land Division Code Rewrite, completed in 2002.
 - Regulations affecting manufactured homes and manufactured dwelling parks. These amendments bring the city's regulations into compliance with state law for manufactured homes and manufactured dwelling parks. This eliminates confusion between state and local requirements. This consistency allows the option for the placement of manufactured homes on a

lot which provides alternatives to stick built homes, in support of state affordable housing objectives.

- Regulations affecting accessory dwelling units. This amendment clarifies how living area is calculated for accessory dwelling units, to be consistent with the uniform building code as stated in the Oregon Structural Specialty Code.
25. **Goal 11, Public Facilities and Services**, requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. The amendments affecting the land divisions support this goal by clarifying the regulations that apply to land divisions and the requirements for public alleys, and the interaction between streets and driveways.
26. **Goal 12, 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. The following amendments specifically support this goal:

- Regulations affecting industrial and employment lands. Within the city's industrial and employment land designations, additional approval criteria are added to the city's conditional use review to ensure that certain uses will not impact the city's existing truck and freight movement facilities.
- Regulations affecting land divisions. As part of the amendments to the land division code, the current regulations for private and public alleys are being clarified as are the regulations for the interaction of public streets and driveway curb cuts to ensure a more efficient use of land and reduce conflicts between vehicles and pedestrians.

Findings on Metro Urban Growth Management Functional Plan

27. The following elements of the Metro Urban Growth Management Functional Plan are relevant and applicable to the RICAP 4 amendments.
28. **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. In general, the amendments are consistent with this title because they do not significantly alter the development capacity of the city.

The amendments to the city's industrial and employment lands specifically address this Title by ensuring that any legislative amendments or quasi-judicial requests to remove industrial or employment lands from the city's comprehensive plan map address Metro's goals, including the jobs capacity goal for the city.

29. **Title 4, Industrial and Other Employment Areas**, seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas, (RSIAs), Industrial and Employment Areas. Title 4 also seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services. In general, the amendments are consistent with this title because they do not significantly alter the city's policy on Industrial and Employment Areas.

One set of amendments specifically supports Title 4. Amendments to regulations in the city's industrial and employment areas ensure that there continues to be adequate land within the city for the siting of industrial and employment uses. This is accomplished by limiting the ability for applicants to divide vacant industrial land, or remove land from industrial and employment designations, unless Metro's objectives are met. The amendments also further limit the total amount of retail sales and service uses that may locate on a site in an industrial zone. Lastly, the amendments ensure that any non-industrial uses that are allowed through a conditional use review do not have an adverse impact on the area's capacity for truck and freight movement.

30. **Title 7, Housing Choice**, ensures opportunities for affordable housing at all income levels and calls for a choice of housing types. In general the amendments are consistent with this title because they do not alter the city's policy on affordable housing

The amendments to the manufactured housing and manufactured dwelling park regulations directly support this title, by bringing the city's regulations into compliance with state law. This eliminates confusion between state and local requirements. This consistency allows the option for the placement of manufactured homes on a lot which provides alternatives to stick built homes, in support of objectives for affordable housing.

Findings on Portland's Comprehensive Plan Goals

31. 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.
32. The following goals, policies, and objectives of the Portland Comprehensive Plan are relevant and applicable to RICAP 4.
33. **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. In general, 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.

Two amendments specifically support this goal. The amendments to the city's industrial and employment regulations ensure compliance with Metro's regional goals, specifically, Title 4. The amendments to the city's manufactured home and manufactured dwelling park regulations ensure consistency with current state law as stated in ORS and the State Manufactured Dwelling and Park Specialty Code.

34. **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. For the amendments to the city's industrial and employment regulations, staff consulted with Metro during the creation of the amendments.

35. **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. In addition, bringing the city's regulations into conformance with Metro's Urban Growth Management Functional Plan ensures consistency with Metro's goals for urban development within the city.

36. **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.

37. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. In general the provisions in RICAP 4 support this goal by improving the clarity of the regulations. The following amendments are directly supportive of Goal 4. See also findings for Statewide Planning Goal 10, Housing and Metro Titles 1 & 7.

- Regulations affecting land divisions. The amendments, based upon the land division monitoring report, support Goal 4 by clarifying the regulations that apply to the creation of lots through land divisions and ensuring better designed land divisions and development. Amendments include revised regulations addressing flag lots, narrow lots, planned developments, and the placement of alleys within the site. Regulations are also amended to clarify the desired development on corner lots, narrow lots, and within planned developments, as well as how garages are to be included within narrow houses. These amendments better meet the intent of the Land Division Code Rewrite, completed in 2002.
- Regulations affecting manufactured homes and manufactured dwelling parks. These amendments bring the city's regulations into compliance with state law for manufactured homes and manufactured dwelling parks. This eliminates confusion between state and local requirements. This consistency allows the option for the placement of manufactured homes on a lot which provides alternatives to stick built homes, in support of city goals for creating a range of housing.
- Regulations affecting accessory dwelling units. This amendment clarifies how living area is calculated for accessory dwelling units, to be consistent with the uniform building code as stated in the Oregon Structural Specialty Code.

38. **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. The following amendments are directly supportive of Goal 9.

- Regulations affecting industrial and employment lands. These amendments support Goal 9 by ensuring that adequate lands are available for industrial and employment uses within the city of Portland. These amendments bring the city into compliance with recent changes made to Metro's Urban Growth Management Functional Plan, specifically Title 4. See also the findings for Metro's Title 4.
- Regulations affecting Day Care Uses. This amendment updates the city's definition of a day care use so that family day care facilities as defined in the state codes are not included. This removes the inconsistency between state and city regulations for family day care operators working out of their home.

39. **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.

- Regulations affecting industrial and employment lands. As part of the amendments to the industrial and employment land designations, additional approval criteria are added to the city's conditional use review to ensure that certain uses will not impact the city's existing truck and freight movement facilities.
 - Regulations affecting land divisions. As part of the amendments to the land division code, the current regulations for private and public alleys are being clarified as are the regulations for the interaction of public streets and driveway curb cuts to ensure a more efficient use of land and reduce conflicts between vehicles and pedestrians.
40. **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.
41. **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.

42. **Goal 11, Public Facilities**, includes a wide range of goals and policies. **Goal 11-A** calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. **Goal 11-B** calls for improvements to the quality of Portland's transportation system. As part of the amendments to the land division code, the regulations for private and public alleys are clarified as are the regulations for the interaction of

public streets and driveway curb cuts to ensure a more efficient use of land and reduce conflicts between vehicles and pedestrians.

43. **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 amendments addressing the regulation of historic resources subsequently added to an existing historic or conservation district aid in ensuring the preservation of these resources.

Policy 12.1 calls for enhancing and extending Portland's attractive identity. Policy 12.6 calls for ways for new development projects to respect and strengthen neighborhood values. Several amendments to the land division code allow planners to have more discretion in considering the context of proposed land divisions and planned developments.

NOW, THEREFORE, the Council directs:

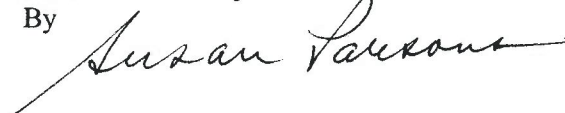
- a. Adopt Exhibit A, *Regulatory Improvement Code Amendment Package 4 (RICAP 4): Planning Commission Recommended Draft*, dated November 17, 2008, with the exception of the amendments to the retail limits on Division Street located on pages 96 and 97, which are subject to a separate ordinance;
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, *Regulatory Improvement Code Amendment Package 4 (RICAP 4): Planning Commission Recommended Draft*, dated November 17, 2008, with the exception of the amendments to the retail limits on Division Street located on pages 96 and 97, which are subject to a separate ordinance;
- c. Adopt the commentary and discussion in Exhibit A, *Regulatory Improvement Code Amendment Package 4 (RICAP 4): Planning Commission Recommended Draft*, dated November 17, 2008, as legislative intent and further findings, with the exception of the amendments to the retail limits on Division Street located on pages 96 and 97, which are subject to a separate ordinance; and
- d. Direct staff to monitor the effect of the other amendments as part of their overall monitoring program.

Passed by the Council: DEC 17 2008

GARY BLACKMER

Auditor of the City of Portland

By



MAYOR TOM POTTER

Deputy

Prepared by:
Phil Nameny Bureau of Planning
November 21, 2008

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

**(REPLACEMENT OF ORIGINAL PAGE 177 & 179
 IN RECOMMENDED DRAFT)**

**CHAPTER 33.810
 COMPREHENSIVE PLAN MAP AMENDMENTS**

33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative are found in 33.700.070.H.

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
2. When the requested amendment is [No change – This criteria address housing needs and the housing pool.]:
3. When the requested amendment is is for a site within the Guild's Lake Industrial Sanctuary plan district and involves a change from ~~an~~ the Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation to any other designation, in order to prevent the displacement of industrial and employment uses and preserve land primarily for these industrial uses, the following criteria must also be met:
 - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the ~~areaplan district~~ or compromise the area's~~district's~~ overall industrial character;
 - b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the ~~areaplan district~~. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;
 - c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the ~~areaplan district~~, including truck, rail, air, and marine facilities; ~~and~~

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

- d. The site does not have direct access to special industrial services such as multimodal freight movement facilities ~~or industrial pipelines~~;
- e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment ~~within the plan district~~ and not result in a discontinuous zoning pattern;
- f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities and;
- ~~g. If the proposed designation for the site is not Industrial Sanctuary or Mixed Employment, one of the following must be met:~~
 - ~~(1) The uses allowed by the proposed designation will not result in a loss of job capacity for the site; or~~
 - ~~(2) If there will be a loss of job capacity on the site, the proposal will not reduce Portland's ability to meet the job capacity goals for Portland as identified on Table 3.07-1 of Title 1 of Metro's Urban Growth Management Functional Plan; and~~
- gh. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
 - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
 - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
 - (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation.
 - (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

PROPOSED ZONING CODE LANGUAGE

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

(Note: We are also noting that the language in the Recommended Draft affecting Title 17 will actually be heard at a future City Council hearing, and so no decision is necessary on that part of the proposal.)

Regulatory Improvement Workplan



Regulatory Improvement Code Amendment Package 4

(RICAP 4)



CITY OF PORTLAND
BUREAU OF
PLANNING



**Planning Commission
Recommended Draft**

November 17, 2008

Regulatory Improvement Code Amendment Package 4
City Council Hearing on this recommendation

Wednesday December 10, 2008

3:00 p.m.
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.

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A digital copy of this report can be found at:
<http://www.portlandonline.com/planning/index.cfm?c=36736&a=201135>

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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 4 was adopted by the Planning Commission at a public hearing in July, 2007. Many of the items within this workplan were taken from the Land Division Monitoring report presented to the Planning Commission in May, 2007. These were combined with technical fixes that are part of each RICAP, as well as issues mandated by Metro and the State. The mandated items included changing regulations for industrial and employment zones to be in compliance with Metro's Urban Growth Management Functional Plan, and bringing the manufactured dwelling regulations into compliance with state regulations. The total number of issues approved for the workplan was 49.

At the City Council hearing for RICAP 3, Council asked staff to continue working on amendments to the open area requirements in the Gateway plan district. The Gateway amendments are included here as Item 52. In addition, the Bureau of Development Services requested that two items be added during formulation of code issues. These are Item 50 (tree protection requirements) and Item 51 (clarification of date that decision is final). Lastly, at the Planning Commission Hearing for the RICAP 5 workplan on August 26, 2008, there was considerable testimony about the retail size limitation of the Division Main Street Overlay Zone. The Planning Commission asked staff to bring forward a code amendment for this issue in time for the RICAP 4 Planning Commission hearing. This amendment is Item 53.

The table below lists the 53 items that were analyzed, along with brief descriptions of each item. Where amendments to the code are recommended, page numbers are listed. The amendments to the Zoning Code are in Section III, while the amendments to Title 17, Public Improvements, are in Section IV.

After research and analysis, staff recommended amendments to the Zoning Code for 46 of the 53 items. At the Planning Commission hearings, testimony focused on the amendments to the Division Street Main Street overlay and on the amendments related to the Industrial and Employment zones; the latter are required to achieve conformance with Title 4 of Metro's Urban Growth Management Plan. The Commission agreed with the staff-recommended amendments to the Industrial and Employment zones. The Commission agreed with the amendment proposed by the coalition of neighborhood and business groups for Division Street, which was a minor change to the staff proposal.

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 the Planning Bureau's overall monitoring program.

RICAP 4 Workplan Items

Item #	Item Name	Recommended Amendment	Zoning Code Section	Pages
1	Building Code Setbacks	No Amendment	N/A – See Proposed Draft	--
2	Measuring Lot Width in Single Dwelling Zones	Revise and clarify how to measure minimum lot width in the single dwelling zones	33.110.212, 110.213 33.278.200, 278.300 33.610.200, 611.200 33.930.100	12 80 126, 138 216
3	Land Division Monitoring – Structure Height on Narrow Lots	No Amendment	N/A – See Proposed Draft	--
4	Flag lot accessory structure setbacks	Allow certain accessory structures to be in setback, similar to standards for non-flag lots	33.110.240.F	22
5	Corner Lots – Minimum Lot Dimension Standards	Clarify lot dimension standards on corner lots	33.110.240.E	18
6	Land Division Monitoring – Adding Units to existing development on Corner Lots	Add design standards for development that uses corner lot bonus density provision.	33.110.240.E	18
7	Corner Lots – Lot Size Stds & Terminology	Clarify current terminology for lot dimension standards	33.110.240.E	18
8	Mechanical Equipment in the Setback	Remove exception that allows equipment within building to be in setback	33.110.250 33.120.280	26 36
9	Retention of accessory structure after property line adjustment	Create provision to allow an accessory structure to remain after a property line adjustment	33.110.250.B 33.120.280.B	26 36
10	Garage Doors and Narrow Lots	Clarify regulations for garages facing alleys on existing narrow lots	33.110.213	14
11	Garage setbacks and base zone design standards	Make the garage street lot line setbacks consistent	33.110.253, 33.120.283, 33.130.250, 33.140.265	30, 38 40, 50
12	Garage entrance setbacks purpose statement	Move the purpose statement for garage setbacks in multi-dwelling zones	33.120.220	32
13	Pedestrian circulation in travel lanes	No amendment	N/A – See Proposed Draft	--
14	Attached Houses and Detached Accessory Dwellings and structures	Clarify the setback requirements for accessory structures from internal lot lines.	33.110.240.C, 33.120.270.C	16 34
15	Compliance with Metro's Urban Growth Management Plan: Title 4	Amend regulations for industrial and employment zones to comply with recent changes to Title 4. Changes include use limitations, additional approval criteria for Conditional Use and Comprehensive Plan Map Amendment reviews, and limits on Land Divisions	33.140.100.B 33.515.120, 33.515.130 33.615.100 33.810.050 33.815.127, 815.130, 815.132, 815.205, 815.215, 815.222, 815.223, 815.300, 815.301, 815.302, 815.303	42 108 148 176 182, 186 186 190 192
16	Pedestrian Standards in E & I zones	Clarify where Pedestrian standards apply	33.140.240	48
17	Exterior Storage	Clarify that exterior storage may included covered structures	33.910.030	200

Item #	Item Name	Recommended Amendment	Zoning Code Section	Pages
18	Daycare and Accessory Home Occupation	Make regulations for home occupation daycare consistent with state law	33.203.020 33.920.430	52 214
19	Accessory Home Occupations and Adjustments	Clarify when adjustments and modifications are prohibited to these regulations	33.203.015, 33.203.030	52
20	Accessory Dwelling Units and Living Area	Clarify how "living area" is calculated.	33.910.030	202
21	Community Design Standards and Antenna Height	Amend code so new/ replacement antennas on <u>existing</u> towers are not subject to height limit	33.218.140	56
22	Manufactured Dwellings, Mobile Home Parks, and State Law	Amend references to, and regulations on manufactured homes and parks to be consistent with State law.	33.251 33.670 33.900.010 33.910.030 Other - Term replacement	62 164 198 200 224
23	Nonconforming situations and nonconforming development timeline	No Amendment	N/A – See Proposed Draft	--
24	Parking and Loading and Residential Paving Exception	Expand exception to allow gravel driveways if they are accessed from an unimproved alley	33.266.120	74
25	Radio Frequency Transmission Facilities Exemptions	Clarify that facilities exempt from the regulations must still be at required distance from habitable space.	33.274.030	76
26	Radio Frequency Transmission Facilities & Habitable Space	In lieu of meeting minimum distance to top of antenna, allow engineer to submit letter of FCC compliance to exposure limits.	33.274.040	78
27	Community Design Stds and Limits to Alteration	Make the tables consistent with code language regarding the maximum limits where community design standards can be used.	Tables 33.405-1, 33.420-1, 33.445-1, 33.460-1, 33.505-1, 33.536.1, 33.538-1	82, 84 92, 94 100, 116 118
28	Greenway Overlay zone and Review Exemptions	Clarify the language for greenway review exemptions	33.440.320, 440.345, 440.350	86
29	Historic Resources and Contributing Structures	Clarify how to treat resources classified as contributing after designation of historic district	33.445.330, 33.445.430, 33.445.610, 33.510.113, 33.510.119, 33.510.263, 33.815.125, 33.815.126, 33.815.129, 33.846.050, 33.846.080	88 90 102 104 180 184 196
30	Airport Noise Impact Zone	Clarify the process to correct the location of the noise contour line	33.470.030	98
31	Central City plan district and Streetcar alignment	No amendment (corrected as typo)	N/A – See Proposed Draft	--
32	Columbia South Shore plan district Office use limitation	Move floor area limitations for Office uses to the section regulating uses.	33.515.120, 515.220	106

Item #	Item Name	Recommended Amendment	Zoning Code Section	Pages
33	Laurelhurst / Eastmoreland plan district boundaries	Correct the plan district boundaries to reflect the original approved boundaries for the special setback areas	33.540	120
34	Land Division Monitoring: 15 foot curb requirement for narrow lots	Remove zoning code requirement for curb cut separation. Right-of-way is subject to PDOT regulation	33610.200.D. 33.611.200.C. Title 17	126 138 228
35	Land Division Monitoring: Garage Design for narrow lots	Clarify garage requirements for narrow lots and limit attached garages for house below 22' in width.	33.110.253 33.610.200.D. 33.611.200.C.	28 126 138
36	Land Division Monitoring: Continued issues with flag lots	Amend current standards to allow a flag lot, when density permits, as part of a 3-lot partition, or when the site precludes other configurations. Place additional standards on lot size, building coverage and open space requirements Clarify regulations for flag lots in Glendoveer. No amendment proposed for some items	33.110.240.F 33.530.050 33.610.400 33.611.400 N/A – See Proposed Draft	22 114 132 144 --
37	Land Division Monitoring: Single-dwelling development in R2 zones	Provide more standards for detached and attached houses. Allow staff discretion to require alleys. No amendment proposed for some items	33.612.200 33.641.030 33.654.110, 654.130, 654.150 N/A – See Proposed Draft	146 152 154 156 --
38	Land Division Monitoring: Flag-like lots multi-dwelling zones	Create and revise standards for lot width on lots developed with detached and attached houses	33.612.200	146
39	Land Division Monitoring: Alleys	Allow staff discretion to require alleys and to make them public where needed.	33.641.030 33.654.110, 654.130, 654.150	152 154 156
40	Land Division Monitoring: Shared courts as through streets	No Amendment Proposed	N/A – See Proposed Draft	--
41	Land Division Monitoring: Using Common Greens to create corner lots	No Amendment Proposed	N/A – See Proposed Draft	--
42	Land Division Monitoring: Creating well designed lots	Create additional measures to allow staff to require better designed lots through land divisions; this includes clearer lot dimension requirements, and alleys where needed, No amendment proposed for some items	33.610 33.611 33.641.030 33.654.110, 654.130, 654.150 N/A – See Proposed Draft	126 138 152 154 156 --
43	Planned Development Review Modifications	Remove specific height modification standard	33.665.320	158

Item #	Item Name	Recommended Amendment	Zoning Code Section	Pages
44	Land Division Monitoring: Planned Development Approval Criteria and Modifications	Clarify the approval criteria to address site layout issues and provide more general approval criteria for development-specific modifications	33.665.310, 665.320	158
45	Property Line Adjustment and nonconforming uses	Clarify standards to ensure that a property line adjustment doesn't create a nonconforming use.	33.667.300	162
46	Land Division Monitoring: Difference between flag lot and narrow lot	Revise lot width measurement method in single dwelling zones. Clarify some narrow lot and flag lot standards	33.610.200, 610.400 33.611.200, 611.400 33.930.100	126, 132 138, 144 216
47	Land Division Monitoring: Existing dwellings and flag lots	Clarify when an existing dwelling and garage can be used to justify a flag lot. Item is connected to Item #36	33.610.400 33.611.400	132 144
48	Attached House Definition	Clarify how houses can be attached	33.910.030	210
49	Corner Lot Definition	Clarify corner lot definition and through lot definition	33.910.030	204
Add #50	Tree Issues and Land Divisions	Strengthen tree protection requirements and clarify tree survey requirements for land divisions	33.248.068 33.630.200 33.730.060	58 150 172
Add #51	When a Decision is Final	Clarify the date that a Type III decision becomes final	33.730.015, 730.020, 730.025, 730.030, 730.031	168 170
Add #52	Gateway Open Area Requirements	Re-examine open area requirements	33.526.240	110
Add #53	Division Main Street Overlay Retail Limits	Revise the maximum retail size limits for existing buildings along Division St.	33.460.310.D	96

II. Impact Assessment

During each RICAP review process, an impact assessment is conducted in order 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 model impact assessment process in Appendix B of this report (p. 235) illustrates the flow and stages of a model assessment process.

Staff's consideration of each amendment is described in detail in Sections III and IV of this report. Additional information is also available in the *RICAP 4 – Proposed Workplan* report, dated July 2, 2007, and in the *RICAP 4 – Proposed Draft* of Code Language dated September 16, 2008, which also contains summaries of items for which no amendment was proposed.

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, the desired outcomes of the RICAPs are to explore nonregulatory solutions to identified problems and, where a regulatory approach is determined to be best, to 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.

The RICAP 4 selection phase differed slightly from past selection processes. Normally, Planning staff gathers the collection of issues to review internally and in conjunction with the Bureau of Development Services (BDS), and with the Regulatory Improvement Stakeholder Advisory Team (RISAT). Planning partners with BDS to come up with a list of items proposed for the workplan, based upon a ranking of the items in terms of overall relevance and resource need. However, in May, 2007, BDS presented the Land Division Code Monitoring Report to the Planning Commission. This report was a summary of research done since new land division regulations were implemented in 2002, and was the first review of the effects of the new regulations on platting and development. Planning staff had agreed with BDS to consider addressing some of the findings from the report in the next RICAP. As a result, 15 items were chosen from the report to review as part of RICAP 4.

The remainder of the issues consisted of 3 items to respond to mandates from other agencies, and 31 technical, consistency and clarification items which are automatically added to the current RICAP list. For more information, please see the *RICAP 4 – Proposed Workplan* report, dated July 2, 2007.

There can be situations after approval of the workplan when certain items may be added that are topical and should be addressed quickly. Or, staff may be directed by City Council or Planning Commission to work on specific items. For RICAP 4, two such issues were suggested by BDS and added to the list of amendments, including a tree-related item discussed further below. At the City Council Hearing on RICAP 3 in 2007, staff was directed to continue working on the Gateway Open Area as part of RICAP 4. In addition, in August, 2008, the Planning Commission directed staff to present an amendment to the Division Main Street Overlay Zone that applies to Retail Sales And Service uses in existing buildings. All four of these items were added to the end of the RICAP 4 workplan list.

Stakeholder Outreach and Feedback

During the analysis phase of this process, many of the issues were presented to the Regulatory Improvement Stakeholders Advisory Team (RISAT). Starting in October, 2007, staff presented the issues and discussed potential code solutions with the RISAT at their monthly meetings. This included issues from the land division portion of the package, such as flag lots, narrow lots, corner lots, planned developments, and alley requirements. Staff also discussed the items required by mandates such as the Metro requirements for industrial and employment zones, and the state requirements for manufactured housing. Several technical items were discussed during the winter and spring of 2008, including exterior storage, nonconforming situations, attached houses, and measuring living area. The RISAT was also provided electronic copies of most of the technical corrections and clarifications, and had the opportunity to comment on any of them during the meetings.

Staff also discussed whether to take on additional issues that were requested by BDS to be added to the RICAP 4 workplan. This included issues related to tree preservation and a technical item to clarify when a land use decision was final. Although the second item did not generate much discussion, the tree preservation item was discussed in detail at the May and June 2008 meetings. The tree issues, improving the tree preservation fencing measures and documentation of tree locations during land divisions, were felt by BDS to be significant enough that a code amendment needed to be accelerated beyond the Tree Project timeline. Several members of RISAT were concerned about taking a piecemeal approach on items that, they felt, should be part of the larger tree project. However, the consensus by staff and the RISAT was to move these items onto RICAP 4. It is listed here as ADD item 50.

Once initial code proposals were created, Eric Engstrom from Planning and Mark Bello from BDS discussed some of the land division proposals with members of the Powellhurst-Gilbert neighborhood. This neighborhood was involved in the

research that led to the creation of the Land Division Monitoring Report, which was discussed with the Planning Commission in May, 2007.

During the August 2008 Planning Commission Hearing for our next workplan (RICAP 5), several representatives of neighborhood and business organizations requested that the Commission direct staff to address the retail limits along part of SE Division Street. Their concern was that the current standard was having the unintended consequence of forcing the former Natures/Wild Oats building to remain vacant, and it was having a negative effect on the area. After hearing the testimony, the Planning Commission directed staff to prepare a code amendment on this issue as part of the RICAP 4 package of amendments.

With the release of the *RICAP 4: Discussion Draft*, there were two open houses. Staff sent out notification of the Open Houses and *Discussion Draft* availability to more than 1,000 members of the community, including those involved in neighborhood and business organizations, and stakeholders involved in issues affected by RICAP 4 such as those involved in land divisions, industrial interests, manufactured dwellings, and radio frequency facilities. The two Open Houses, one held in East Portland the second held Downtown, attracted 16 individuals. Feedback from the Open Houses, other comments from the public, and comments from City bureaus informed the *Proposed Draft*. Notice of the Planning Commission hearing was sent to those listed above and the property owners in the Laurelhurst and Eastmoreland plan districts whose mapped setbacks are changing to be consistent with the original City Council decision. Notice was also sent to those who had been involved in Division Street planning, in the adjustment requested for the former Natures/Wild Oats building, and the subsequent appeals.

The Planning Commission Hearing afforded members of the public the opportunity to testify about any of the items in RICAP 4. Most of the testimony was on the proposed changes to the Division Street retail limits. Testimony was received both in favor and opposed to the proposed changes. The Commission felt that the neighborhood's proposal to waive the limitation only within existing buildings on floors other than the ground floor was the best compromise. This option would allow greater flexibility to reuse older buildings while maintaining a streetscape that features smaller storefronts.

Additional notice and opportunities to testify have been provided with the City Council hearing, scheduled on December 10.

Approaches Considered

The decisions to recommend amendments to Title 33, Planning and Zoning, and Title 17, Public Improvements (see Sections III & IV) 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, staff is recommending an amendment to the Zoning Code.

The reasons for recommending that no amendment be made 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; and
3. More research is needed before a solid recommendation can be made.

Monitoring Effectiveness

Ongoing assessment 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 public feedback on the regulations.

III. Amendments to the Zoning Code (Title 33)

The amendments to the Zoning Code are included in this section of the report. The amendments are on the odd-numbered pages. The facing (even-numbered) pages contain commentary about the amendment. The commentary includes a description of the problem being addressed, the legislative intent of the amendment, and an assessment of the impact of the change.

Item 2 – Land Division Monitoring and Narrow Lots: Measuring the width of lots.

**CHAPTER 33.110
SINGLE-DWELLING ZONES**

33.110.212 When Primary Structures are Allowed

Under the Measurements Chapter, we are adding a section on how to measure lot width in the single dwelling zones. See the commentary for 33.930.100. With this change, it is no longer necessary to define how to measure lot width in this section, so the wording is removed.

The changes made under Section 33.930.100 will have an effect on the type of lot that can meet the requirements of this section. Under the current code, the lot must be 36 feet wide only at the front setback line (generally 10-20' behind the front property line, depending on the zone). At other points, the lot can be any width. Under the new definition, the 36 foot width will have to be maintained for 40 feet, or to the rear property line in some circumstances.

The current requirement for a width of 36 feet was intended to ensure that houses could be placed at the setback line and meet the standards of the base zone that regulate the street-facing façade, including limits on garages. Maintaining the width for a specified depth further ensures that the intent of the regulation is met, not just the letter. This is further explained in the commentary for 33.930.100.

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

**CHAPTER 33.110
 SINGLE-DWELLING ZONES**

33.110.212 When Primary Structures are Allowed

A. Purpose. The regulations of this section allow for development of primary structures on lots and lots of record, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.

B. Adjustments. Adjustments to this section are prohibited.

C. Primary structures allowed. In all areas outside the West Portland Park Subdivision, primary structures are allowed as follows:

1. On lots created on or after July 26, 1979;
2. On lots created through the Planned Development or Planned Unit Development process;
3. On lots or combinations of lots created before July 26, 1979 that meet the requirements of this paragraph, and on lots of record or combinations of lots of record that meet the requirements of this paragraph. The requirements are:
 - a. In the RF through R7 zones the lot, lot of record, or combination of lots or lots of record must:
 - (1) Be at least 36 feet wide, ~~measured at the minimum front building setback line~~, and meet the minimum lot area requirement of Table 610-2; or
 - (2) Not have abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;
 - b. In the R5 zone the lot, lot of record, or combination of lots or lots of record must meet one of the following:
 - (1) Be at least 36 feet wide, ~~measured at the minimum front building setback line~~, and be at least 3000 square feet;
 - (2-4)[No changes.]
 - c. In the R2.5 zone [No changes.]
4. [No changes.]

D-F.[No changes.]

Item 2 - Land Division Monitoring and Narrow Lots: Measuring the width of lots.

Item 10 - Garage Doors and Narrow Lots

ITEM 2

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979

B. See commentary for 33.110.212.

ITEM 10

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979

C.4 The standards of this section help ensure compatible design. The limitation on the width of the garage door prevents street-facing facades that are dominated by garages. This amendment clarifies that the standard applies only to street-facing facades, which is consistent with the purpose of the regulation, and with similar regulations elsewhere in the Code, such as the Community Design Standards. The effect is to limit the width of the garage door if it is facing the street, but not if it is facing an alley or is on the side of the structure.

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

33.110.213 Additional Development Standards for Lots and Lots of Record Created Before July 26, 1979

A. Purpose. These standards increase the compatibility of new houses on small and narrow lots.

B. Where these regulations apply.

1. RF through R7 zones. These regulations apply in the RF through R7 zones, if the lot, lot of record, or combination of lots or lots of record is less than 36 feet wide ~~measured at the minimum front building setback line~~, and has not abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date.
2. R5 zone. In the R5 zone, these regulations apply to lots, lots of record, or combinations of lots or lots of record that were created before July 26, 1979 and are:
 - a. Less than 3,000 square feet in area; or
 - b. Less than 36 feet wide, ~~measured at the minimum front building setback line~~.

3-4. [No changes]

C. Standards. Modifications to the standards of this subsection may be requested through Design Review. Adjustments are prohibited. The standards are:

1-3. [No Change.]

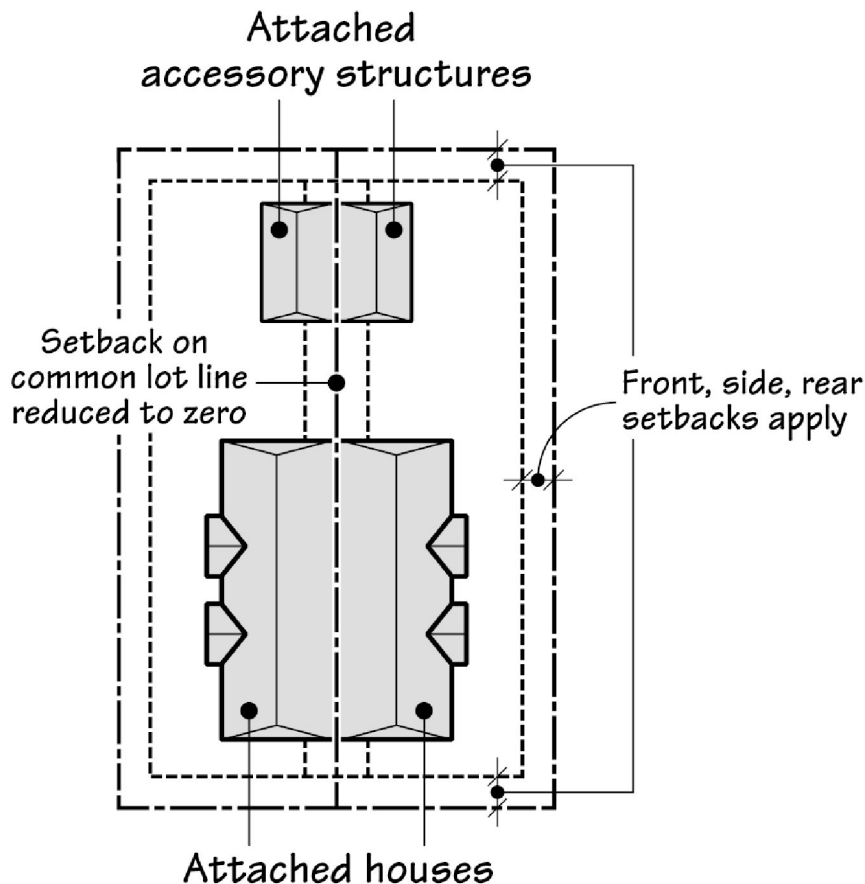
4. Garage door. In addition to meeting the requirements of 33.110.253.E, if the garage door is part of the street-facing facade, ~~the garage door~~ it may not be more than 8 feet wide. If there is more than one garage door, the combined width may not be more than 8 feet;

5-9. [No Change.]

Item 14 - Setback Requirements for Detached ADUs with Attached Houses

33.110.240 Alternative Development Options

- A. **Purpose.** This is not being amended but is included here to provide context and the policy behind the Alternative Development Options, both for Item 14 and Items 5-7 on the following pages.
- C. **Attached Houses.** Attached houses are on their own lots, but share a common wall along the common lot line. Current regulations reduce the required setback to zero along the lot line where the attached houses are joined. This amendment clarifies that the reduced setback applies along the full length of the common lot line. This makes it clear that garages, accessory dwelling units (ADUs), and other structures are allowed that are detached from the house they are accessory to, but attached to a structure on the adjacent lot.



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

33.110.240 Alternative Development Options

- A. Purpose.** The alternative development options allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:
- They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainage ways;
 - They allow for the preservation of open and natural areas;
 - They promote better site layout and opportunities for private recreational areas;
 - They promote opportunities for affordable housing;
 - They promote energy-efficient development; and
 - They allow for the provision of alternative structure types where density standards are met.
 - They reduce the impact that new development may have on surrounding residential development.

- C. Attached housing.** Attached housing allows for more efficient use of land and for energy-conserving housing.

1. R20 through R5 zones.

- a. [No Change.]

- b. Building setbacks.

- (1) Interior (noncorner) lots. On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be double the side setback standard of the base zone.

- (2) [No Change.]

- c. [No Change.]

2. R2.5 zone.

- a-b. [No Change.]

- c. Building setbacks.

- (1) [No Change.]

- (2) Interior building setbacks. The side building setback on the side containing the common wall is reduced to zero. The reduced setback extends along the full length of the lot line that contains the common or abutting wall.

[no other changes.]

Item #5 - Lot dimensions for corner lot provision

Item #6 - Attaching to existing houses on corner lots

Item #7 - Lot size standards on corner lots

Several issues have been raised related to attached houses and duplexes on corner lots . The code allows attached houses and duplexes on corner lots in the R20 through R2.5 zones as specified in the Alternative Development Options section of Chapter 33.110. The issues and code amendments are detailed below. The definition of a corner lot is being amended to close a loophole; see the changes to Chapter 33.910, Definitions.

33.110.240 Alternative Development Options (contd)

E. Duplexes and attached houses on corners.

2. Density, and 3. Lot dimension standards. In the current code, there are no dimension standards for new lots using this provision. The amendments to these paragraphs establish and clarify the lot dimensions for this type of development. The amendments also use terminology consistent with the land division regulations adopted in 2002.

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

33.110.240 Alternative Development Options (contd)

E. Duplexes and attached houses on corners. This provision allows new duplexes and attached houses in locations where their appearance and impact will be compatible with the surrounding houses. Duplexes and attached houses on corner lots can be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street.

1. Qualifying situations. This provision applies to corner lots in the R20 through R2.5 zones.

2. Density ~~and lot size in R20 through R5 zones.~~ One extra dwelling unit is allowed up to a maximum of two units. ~~For duplexes, the lot must comply with the minimum lot size standard for new lots in the base zone. For attached houses, the original lot, before division for the attached house proposal, must comply with the minimum lot size standard for new lots in the base zone.~~

3. Lot dimension standards

a. Lot dimensions in R20 through R5 zones. In the R20 through R5 zones:

(1) Duplexes. Lots for duplexes must meet the minimum lot dimension standards for new lots in the base zone.

(2) Attached houses. Where attached houses are proposed, the original lot, before division for the attached house proposal, must meet the minimum lot dimension standards for new lots in the base zone. The new lots created for the attached houses must meet the minimum lot dimension standards for new lots in the R2.5 zone.

b. Lot dimensions in R2.5 zone. In the R2.5 zone:

(1) Duplexes. Lots for duplexes must be at least 3,000 square feet in area.

(2) Attached houses. Where attached houses are proposed, the original lot, before division for the attached house proposal, must be at least 3,000 square feet. There are no minimum lot dimension standards for the new lots.

~~3. Density and lot size in R2.5 zone. One extra dwelling unit is allowed, up to a maximum of two units. For duplexes, the lot must be at least 3,000 square feet. For attached houses, the original lot, before division for the attached house proposal, must be at least 3,000 square feet.~~

4. Development standards. This new paragraph lists the development standards for duplexes and attached houses on corner lots. The standards address the recent trend to build an attached new unit to an existing house. Often, the new unit's materials, height, and roof pitch are not compatible with the existing unit. These standards will help ensure that the two units appear as one building, consistent with the original intent of the provision.

While adjustments to these standards are prohibited, a modification may be requested through design review. This approach of allowing only modifications parallels that used for development on existing narrow lots illustrated in 33.110.213.

The standards incorporate one existing standard which requires that each unit have its address and main entrance oriented to a separate street frontage. The new standards require that both units will use similar materials and trim, that their roof pitches and eaves will be the same, and that window openings will match. Standard 4.b ensures height compatibility between the two units when attached housing is proposed. Height can only be measured separately between the two units when each unit is located on its own lot, and so this standard does not apply to duplexes.

These standards are similar to those that apply when a house is expanded to accommodate an accessory dwelling unit. Since this is a comparable situation, it follows that the standards should also be similar.



A new dwelling added onto an existing dwelling often results in buildings of incompatible scale and building materials

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

4. Development standards. Both units of the duplex or attached houses must meet the following standards to ensure that the two units have compatible elements. Adjustments to this paragraph are prohibited, but modifications may be requested through Design Review. The standards are:
- a. Entrances. Each of the units must have its address and main entrance oriented towards a separate street frontage. Where an existing house is being converted to two units, one main entrance with internal access to both units is allowed;
 - b. Height. If attached housing is proposed, the height of the two units must be within four feet of each other; and
 - c. On both units:
 - (1) Exterior finish materials. The exterior finish material must be the same, or visually match in type, size and placement.
 - (2) Roof pitch. The predominant roof pitch must be the same.
 - (3) Eaves. Roof eaves must project the same distance from the building wall.
 - (4) Trim. Trim must be the same in type, size and location.
 - (5) Windows. Windows must match in proportion and orientation.
- ~~4. Entrances. Each unit of the duplex or attached house must have its address and main entrance oriented towards a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.~~

Item 4 – Flag Lots and Accessory Structure Setbacks

Item 36 – Land Division Monitoring: Issues with Flag Lots

33.110.240 Alternative Development Standards (contd)

- F. **Flag Lot Development Standards.** The amendments to this subsection are made in conjunction with changes made to land division regulations for flag lots. The amendments clarify and create standards to reduce the impact that development on flag lots has on surrounding development.
2. The landscaped buffer area is increased from 3 feet to 5 feet to provide adequate room for the required shrubs and trees. The language is clarified to allow a nine foot driveway where the flag pole attaches to the flag portion of the lot. The amendments also clarify how the landscaping requirement should be applied to lot lines within the original land division site.
 3. This new standard calculates building coverage based only on the area of the flag portion of the lot. Because the pole portion is usually reserved for utility and vehicle access, including it in the calculations has resulted in buildings with a larger footprint than would otherwise be allowed.
 4. This new standard clarifies that the landscaped buffer area cannot also be counted as part of the required outdoor area; the landscaped buffer does not provide area for outdoor relaxation or recreation.
 5. This new standard clarifies when detached garages and accessory structures on flag lots are allowed in side and rear setbacks.

Language to be **added** is underlined
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33.110.240 Alternative Development Options (contd)

F. Flag lot development standards. The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences. The following standards apply to development on flag lots:

1. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

Zone	Setback
RF, R20, R10	15 feet
R7, R5, R2.5	10 feet

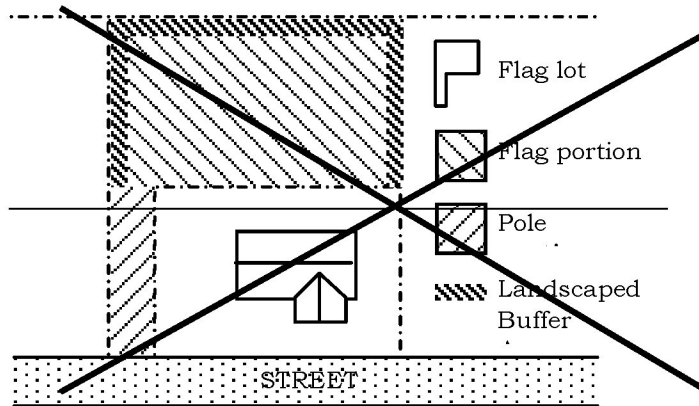
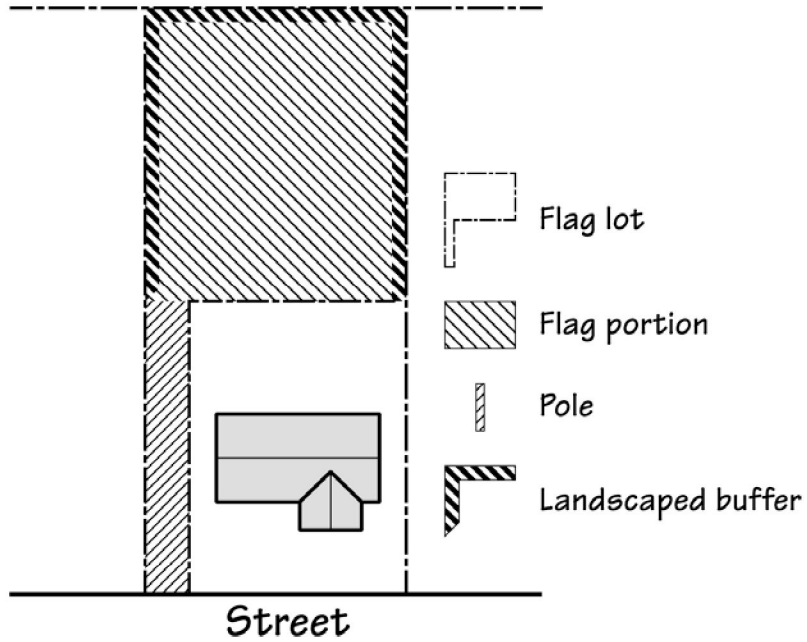
2. Landscaped buffer area. In the R7 through R2.5 zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot lines that are internal to the original land division site, or adjacent to an alley, separates the flag lot and the lot from which it was divided, are exempt from this requirement. The landscaped area must be at least ~~35~~ feet deep and be landscaped to at least the L3 standard. It may be reduced where the pole portion meets the flag portion to accommodate a 9-foot driveway. See Figure 110-9.
3. Building coverage. Only the area of the flag portion of the flag lot is considered when calculating building coverage. The area of the pole portion of the lot is not included.
4. Required outdoor area. The required outdoor area may not extend into the required landscaped buffer area required by F.2.
5. Detached garages and accessory structures. Detached garages and accessory structures may project into the flag lot setbacks as allowed in 33.110.250 and 33.110.253. However, these structures may not extend into the landscaped buffer area required by F.2.

Item 4 & 36 (contd)

Figure 110-9. This figure is updated to reflect a more accurate representation of the type of lot commonly subject to the flag lot requirements.

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

Figure 110-9
Flag Lot Description and Buffer



Item 8 - Mechanical Equipment in Setbacks

Item 9 - Retention of Accessory Structures After Property Line Adjustments.

33.110.250 Accessory Structures

ITEM 9

B. General Standards.

3. In most cases, an accessory structure is not allowed on a site without a primary structure. However, the code does allow retention of a detached accessory structure temporarily on a lot without a primary structure following a land division. For consistency, this amendment expands the provision to allow temporary retention of detached accessory structures following a property line adjustment or when there is a separation of ownership.

ITEM 8

C. Setbacks.

1. A provision was added to the code in 2001 that allows mechanical equipment within a setback if the equipment is within a fully enclosed building that is no more than 6 feet high. Because mechanical equipment generally requires access to open air to comply with manufacturer's specifications and meet building code requirements, the requirement for a fully enclosed building has proven difficult to implement. These amendments remove the allowance for mechanical equipment in the setbacks.

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

33.110.250 Accessory Structures

A. [No Change.]

B. General standards.

1-2. [No change.]

3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, or a separation of ownership may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.

a. ~~For a land division, the~~ For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.

b. For a property line adjustment or a separation of ownership, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS confirming the property line adjustment or separation of ownership is mailed. The covenant must be executed with the City before the final letter from BDS is issued.

4. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to accessory structures.

C. Setbacks.

1. Mechanical equipment.

~~a. Description.~~ Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, and water pumps.

~~b. Front setback standard.~~ Mechanical equipment is not allowed in required front, side, or rear building setbacks.

~~c. Side and rear setback standard.~~ Mechanical equipment is allowed in side and rear building setbacks if the following are met:

~~(1) It is in a fully enclosed building; and~~

~~(2) The building is no more than 6 feet high.~~

2-4. [No Change.]

D. [No Change.]

Item 35 – Land Division Monitoring: Garage and parking requirement for narrow lots

33.110.253 Garages

E. Length of street facing wall.

3. Standards. This amendment, made in conjunction with the changes to provisions for creating narrow lots in Chapters 33.610 and 33.611, recognizes that it is difficult to build a very narrow house that includes an attached garage facing the street. Generally, a garage for a single car should be at least 11 feet from one side to the other, which is enough to park a car, have room to open the car doors, and provide an adequately sized garage door (8 feet) at the entrance to the garage. In order to meet the 50 percent frontage limitation of 3.a., this would require the front façade of the house to be 22 feet long.

In several instances, houses have been proposed where the street-facing façade was less than 22 feet long, but included a garage. This was achieved by manipulating the plans to install small closets and similar space, which is accessible from the house, but extends into the garage space along the frontage to meet the 50 percent limitation. This does not meet the intent of the code, which was to ensure adequate and well-designed living area along the frontage. It can also make the garage less usable.

This amendment establishes a minimum length for a street-facing facade if a house is to have an attached garage facing the street. This establishes a clear directive, and reduces the manipulation of plans to meet the letter of the code, without meeting the intent.

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

33.110.253 Garages

A-D. [No Change.]

E. Length of street-facing garage wall.

1. Where these regulations apply. Unless exempted by Paragraph E.2, below, the regulations of this subsection apply to garages accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones.
2. Exemptions.
 - a. Garages that are accessory to development on flag lots, or development on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from the standards of this subsection.
 - b. Garages in subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this subsection.
 - c. On corner lots, only one street-facing garage wall must meet the standards of this subsection.
3. Standards.
 - a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 110-11. For attached houses on new narrow lots, this standard applies to the combined length of the street-facing façades of each unit. For all other lots and structures, the standards apply to the street-facing façade of each unit.
 - b. Where the street facing façade of a unit is less than 22 feet long, an attached garage is not allowed as part of that façade.
4. Exception. ~~Where the street facing façade of the building is less than 24 feet long and will not be~~ built on a new narrow lot, the garage wall facing the street may exceed the standards listed in Paragraph E.3 above if E.4.a and either E.4.b or c are met. be up to 12 feet long if there is one of the following. See Figure 110-12.
 - a. The garage wall facing the street is no more than 12 feet long; and
 - ba. There is interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or
 - cb. There is a covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.
5. For new narrow lots, modifications to the standards of this subsection are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

Item 11 - Consistency between garage base zone design standards

33.110.253 Garages (contd)

- F. **Street lot line setbacks.** The standards that apply to garages on lots with more than one street lot line are listed as part of the standard in one subsection of the code and as exemptions to the standard in another part. For consistency and ease of use, the code is amended so that the same structure is used in both sections.

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

33.110.253 Garages (contd)

F. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
 - a. 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 this standard.
 - b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
 - c. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.
3. Standard. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-13. ~~Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.~~
4. Exception. [No changes.]

Item 12 - Garage Entrance Setbacks

CHAPTER 33.120 MULTI-DWELLING ZONES

33.120.220 Setbacks

A. and E. This is a consistency change that moves the purpose statement for garage entrance setbacks in the Multi-dwelling zones so that it matches the location in the Single-dwelling zones. Although the original request was to amend the purpose statements in the commercial zones for consistency as well, staff noticed that these purpose items are already included in the reference to garage setbacks.

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**CHAPTER 33.120
MULTI-DWELLING ZONES**

33.120.220 Setbacks

A. Purpose. The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B.-D. [No Change.]

E. Garage entrance and structured parking setback.

- ~~1. Purpose. The garage entrance setback is intended to prevent cars from overhanging the street or sidewalk. It is also intended to provide for adequate visibility for a driver backing out of a garage. These purposes also apply to structured parking that is designed with similar characteristics.~~

[re-number 2. and 3. to 1. and 2.]

Item 14 - Setback Requirements for Detached ADUs with Attached Houses

33.120.270 Alternative Development Options

- C. **Attached Houses.** See commentary for 33.110.240.C., Attached Housing.

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

33.120.270 Alternative Development Options

A-B. [No Change.]

C. Attached houses. The development standards for attached housing are:

1. Density, height, and other development standards. The minimum and maximum density, height, building length, landscaped areas, required outdoor area, and window requirements of the base zone apply.
2. Lot size. See 33.612, Lots in Multi-Dwelling Zones, for lot size information.
3. Number of units. In the R3 zone, up to 8 attached houses may have common walls.
4. Building setbacks.
 - a. Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone. The setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit’s building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.
 - b. Interior building setbacks. The side building setback on the side containing the common or abutting wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.
 - c. Corner lots. On corner lots, either the rear setback or nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 120-7.
5. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project. The maximum building coverage for an individual lot is 5 percent more than the base zone allowance.
6. Maximum building length. The maximum building length standard stated in Table 120-3 applies to the combined length of the street-facing facades of each unit.
7. Appearance. The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached house may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.

D-I. [No Change.]

Figure 120-8
Flag Lot Description and Buffer
(Replace old figure with figure from 110-9)

Item 8 - Mechanical Equipment in Setbacks

Item 9 - Retention of Accessory Structures After Property Line Adjustments.

33.120.280 Accessory Structures

ITEM 9

B. General Standards.

3. In most cases, an accessory structure is not allowed on a site without a primary structure. However, the code does allow retention of a detached accessory structure temporarily on a lot without a primary structure following a land division. For consistency, this amendment expands the provision to allow temporary retention of detached accessory structures following a property line adjustment or when there is a separation of ownership.

ITEM 8

C. Setbacks.

1. 1. A provision was added to the code in 2001 that allows mechanical equipment within a setback if the equipment is within a fully enclosed building that is no more than 6 feet high. Because mechanical equipment generally requires access to open air to comply with manufacturer's specifications and meet building code requirements, the requirement for a fully enclosed building has proven difficult to implement. . These amendments remove the allowance for mechanical equipment in the setbacks.

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

33.120.280 Accessory Structures

A. [No Change.]

B. General standards.

1-2. [No change.]

3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, or a separation of ownership may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.

- a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
- b. For a property line adjustment or a separation of ownership, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS confirming the property line adjustment or separation of ownership is mailed. The covenant must be executed with the City before the final letter from BDS is issued.

4. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to accessory structures.

C. Setbacks.

1. Mechanical equipment.

- ~~a. Description. Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, and water pumps.~~
- ~~b. Front setback regulations. Mechanical equipment is not allowed in a required front, side, or rear setbacks.~~
- ~~c. Side and rear setback regulations. Mechanical equipment is allowed in side and rear building setbacks if the following are met:~~
 - ~~(1) It is in a fully enclosed building; and~~
 - ~~(2) The building is no more than 6 feet high.~~

2-4. [No Change.]

D. [No Change.]

Item 11 - Consistency between garage base zone design standards

33.120.283 Garages

- E. **Length of street-facing garage wall.** The standards that apply to garages on lots with more than one street lot line are listed as part of the standard in one subsection of the code and as exemptions to the standard in another part. For consistency and ease of use, the code is amended so that the same structure is used in both sections.

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

33.120.283 Garages

A-E. [No Change.]

F. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
 - a. 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 this standard.
 - b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
 - c. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.
3. Standard. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 120-11. ~~Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.~~
4. Exception. [No changes.]

Item 11 - Consistency between garage base zone design standards

**CHAPTER 33.130
COMMERCIAL ZONES**

33.130.250 General Requirements for Residential and Mixed-Use Developments

- E. Garages.** The standards that apply to garages on lots with more than one street lot line are listed as part of the standard in one subsection of the code and as exemptions to the standard in another part. For consistency and ease of use, the code is amended so that the same structure is used in both sections.

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

**CHAPTER 33.130
 COMMERCIAL ZONES**

33.130.250 General Requirements for Residential and Mixed-Use Developments

A-D. [No Change.]

E. Garages.

1-3. [No changes.]

4. Street lot line setbacks.

a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-11. ~~Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.~~

b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

(1) The street-facing garage wall is 40 percent or less of the length of the building façade; and

(2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-12. The porch must meet the following:

- The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
- The porch must have a solid roof; and
- The roof may not be more than 12 feet above the floor of the porch.

c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

5. Garage entrance setback. [No change.]

**Item #15 - Compliance with Metro's regulations in Industrial Areas:
Maximum size of Retail Sales And Service or Office uses**

**CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES**

Metro has a program to ensure protection of the region's industrial and employment lands. Metro implements this program through updates to Title 4 - Industrial and Other Employment Areas, which is part of their Urban Growth Management Functional Plan. Cities and Counties are required to implement Title 4 through our zoning codes.

Metro has made several amendments to Title 4 in the past few years. In order to remain in substantial compliance with Metro's regional goals, the City of Portland must make some minor amendments to our Zoning Code. We are implementing these changes with code amendments to several chapters of the code..

33.140.100 Primary Uses

B. Limited Uses

4. IG1 commercial limitation.
5. IG2 commercial limitation.
6. IH commercial limitation.

One of the changes to Title 4 is to further limit the collective amount of Retail Sales And Service or Office uses on a site in an industrial zone. Through a Conditional Use Review, a collection of retail or Office uses may occupy a total of 25,000 square feet of floor area and exterior display/storage on a site. To comply with Title 4, this maximum must be reduced to 20,000 square feet; the code here is amended to do so. In addition, the code is reorganized to make it easier to understand what amounts of Retail Sales And Service or Office uses are allowed, allowed as a conditional use, , or prohibited. Historic resources will continue to have an option to exceed these limits. However, this option is rarely invoked, due to the small number of landmarks in industrial zones.

The amendments affect all three industrial zones. The following pages provide the changes for the IG2, IG1 and IH zones.

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

**CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES**

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. [No change.]

B. Limited uses. [No change to paragraph.]

1-3. [No change.]

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.

b. Conditional uses.

(1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

(2) Any Retail Sales And Service or Office Use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. ~~Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 25,000 square feet, or the FAR is more than 1:1, are prohibited, except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 are prohibited.~~

c. Prohibited uses.

(1) Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet or an FAR of 1:1. More than 20,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas.

(2) For sites containing a historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 60,000 square feet or an FAR of 2:1. More than 60,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas.

33.140.100 Primary Uses

B. Limited Uses

5. IG2 commercial limitation. *See* 33.140.100.B.4.

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

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. ~~Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 25,000 square feet or the FAR is more than 1:1 are prohibited except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 are prohibited.~~
 - c. Prohibited uses.
 - (1) Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet or an FAR of 1:1. More than 20,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas
 - (2) For sites containing a historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 60,000 square feet or an FAR of 2:1. More than 60,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas

33.140.100 Primary Uses

B. Limited Uses

6. IH commercial limitation. *See* 33.140.100.B.4.

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

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. ~~Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 12,000 square feet or the FAR is more than 1:1 are prohibited except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the exterior display and storage is more than 25,000 square feet or the FAR is more than 2:1 are prohibited.~~
 - c. Prohibited uses.
 - (1) Except as allowed by (2), the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 12,000 square feet or an FAR of 1:1. More than 12,000 square feet is prohibited, and more than an FAR of 1:1 is prohibited. These limits include floor area plus exterior display and storage areas
 - (2) For sites containing a historic landmark, the total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 25,000 square feet or an FAR of 2:1. More than 25,000 square feet is prohibited, and more than an FAR of 2:1 is prohibited. These limits include floor area plus exterior display and storage areas

Item 16 – Pedestrian Standards in Employment and Industrial Zones

33.140.240 Pedestrian Standards

- B. This amendment clarifies the code by identifying the specific zones in which the standards apply.

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

33.140.240 Pedestrian Standards

A. Purpose. [No Change.]

B. The standards. The standards of this section apply to all development in the ~~Employment~~ EG1, EG2, and EX zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1.-4. [No Change]

Item 11 - Consistency between garage base zone design standards

33.140.265 Residential Development

- G. **Garages.** The standards that apply to garages on lots with more than one street lot line are listed as part of the standard in one subsection of the code and as exemptions to the standard in another part. For consistency and ease of use, the code is amended so that the same structure is used in both sections.

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

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards:

A-F. [No Change.]

G. Garages.

1-3. [No changes.]

4. Street lot line setbacks.

a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 140-11. ~~Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.~~

b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

(1) The street-facing garage wall is 40 percent or less of the length of the building façade; and

(2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 140-12. The porch must meet the following:

- The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
- The porch must have a solid roof; and
- The roof may not be more than 12 feet above the floor of the porch.

c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

Item 18 - Daycare and Accessory Home Occupation

Item 19 - Accessory Home Occupations and Adjustments

**CHAPTER 33.203
ACCESSORY HOME OCCUPATIONS**

ITEM 19

33.203.015 Adjustments Prohibited

The intent of the regulations for accessory home occupation is that they are qualifying situations. The zoning code does not allow adjustments to qualifying situations. This amendment clarifies that adjustments to any of the home occupation regulations are prohibited.

ITEM 18

33.203.020 Description of Type A and Type B Accessory Home Occupations

- D. **Family daycare.** See the commentary for 33.920.430 Daycare.

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

CHAPTER 33.203
ACCESSORY HOME OCCUPATIONS

Sections:

- 33.203.010 Purpose
- 33.203.015 Adjustments and Modifications
- 33.203.020 Description of Type A and Type B Accessory Home Occupations
- 33.203.030 Use-Related Regulations
- 33.203.040 Site-Related Standards
- 33.203.050 Impact-Related Standards
- 33.203.060 Type B Home Occupation Permit

33.203.010 Purpose

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

33.203.015 Adjustments and Modifications

Adjustments and modifications to the requirements of this chapter are prohibited.

33.203.020 Description of Type A and Type B Accessory Home Occupations

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

A-C. [No Change.]

- D. Family daycare.** Family daycare for up to ~~12~~ 16 children, including the children of the provider, is exempt from the regulations of this chapter as required by ORS 657A.440.

Item 19 - Accessory Home Occupations and Adjustments

33.203.030 Use-Related Regulations. In conjunction with the newly created qualifying section on the previous page, we are removing the language prohibiting adjustments, since it does not need to be repeated.

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

33.203.030 Use-Related Regulations

A.B. [No Change.]

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

1. Hours. [No change]
2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation provided no customers come to the site at any time. Home occupations that have customers coming to the site at any time are not allowed to have nonresident employees. For the purpose of this Chapter, the term “one nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. The term “one nonresident employee” does not allow employee shifts, with each shift staffed by a different employee, even when only one nonresident employee is at the site at any one time. ~~Adjustments to this subsection are prohibited.~~
3. Customers. [No change]
4. Retail sales. [No change]

Item 21 – Community Design Standards and Antenna Height

CHAPTER 33.218 COMMUNITY DESIGN STANDARDS

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

- E. Building Height.** This standard limits the height of structures that can be reviewed through the Community Design Standards as an alternative to discretionary design review. This means any alteration to an existing structure that is more than 55 feet in height must go through the discretionary design review process, including existing radio frequency facilities (RF) mounted on towers.

While general alterations to buildings and other structures over this height threshold can have a significant visual impact, the replacement or addition of individual antennas on an existing tower that already contains RF transmission facilities creates little or no visual impact. The Design Review staff often find that their discretionary review adds little value to the design of the alterations, and any concerns about the antenna installation and placement are adequately covered through the development standards in the Radio Frequency Transmission Facility chapter, 33.274.

This amendment allows new and replacement antennas on existing towers to be exempt from the height limiting community design standard, as long as the antennas do not project above the top of the tower. In areas such as Gateway and the Central City, where all alterations must go through a discretionary design review, this exemption will not apply. Throughout the city, RF facilities that locate on top of buildings are still subject to the height standard as well as to the standards for roof mounted equipment.

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**CHAPTER 33.218
COMMUNITY DESIGN STANDARDS**

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 Alterations of Residential Structures in Residential Zones, may be met instead of the standards of this section.

A-D. [No change.]

E. Building height.

1. Maximum height in RH, RX, and E zones. ~~Except as provided in Subsection D, above, structures may be up to 55 feet in height in RH, RX and E zones.~~
 - a.. Generally. Structures in the RH, RX and E zones may be up to 55 feet in height;
 - b. Where a site zoned RX, RH or E abuts or is across a street from an RF through R2 zone, the height may be reduced as specified in Subsection D, above.
 - c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.
2. Minimum Height. [No change]

ADD Item 50 – Tree Survey and Fencing in Land Divisions.

CHAPTER 33.248 LANDSCAPING AND SCREENING

33.248.068 Tree Protection Requirements

B. General Standards.

Background

The land division regulations require that trees be fenced off to protect them during construction. The regulations require that the trees be fenced with either 6-foot high plastic fencing secured into the ground with metal posts or with 6-foot high metal fencing supported by concrete blocks. Staff has monitored the effectiveness of these requirements at protecting trees. The conclusion from this monitoring is that, for a number of reasons, these requirements are not effective at protecting trees. The identified problems with plastic fencing are that:

- The common height for plastic construction fencing is 4 feet. 6-foot high plastic fencing is not easily available. Developers have the option of doubling up the 4-foot fencing to obtain the 6-foot height, but typically they just use the 4-foot fencing.
- Plastic fencing, regardless of height, is easily knocked down, destroyed, and removed, so it is not an adequate physical barrier.
- Plastic fencing is used for a variety of functions on a construction site. It may outline a road, mark off a stockpiling area, and so on. Those working on the site, particularly subcontractors or people delivering materials, may not know that this is a tree protection area. Because the plastic fencing is also used for these other purposes, it does not “read” clearly as tree protection.

As a result of these problems with plastic fencing, we are seeing stockpiling, maneuvering of large equipment, utility installations, grading, and other activities occur within required root protection zones.

The other fencing alternative, steel chain-link with posts on concrete blocks, addresses some of the problems of plastic fencing, but the fencing is easily moved temporarily or for long periods of time to accommodate stockpiling and the other prohibited activities listed above. Also, if the fence is moved back after the activity, it is typically not relocated at the proper protective distance for the trees.

(Commentary continues on page 60.)

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(Code Language to begin on following page)

33.248.068.B contd

This amendment proposes to replace the two existing protective fence options with a single requirement that protective fencing be 6-foot high chain link fencing secured into the ground with 8-foot metal posts driven into the ground. This will resolve the problems with implementation and enforcement from using plastic fencing and steel fencing on concrete blocks. Chain link fencing supported by posts driven into the ground will not be easily moved out of the way or to other parts of the site. It will clearly demarcate the root protection zones and protect them from heavy equipment and stored construction materials that may damage them. The code is also clarified to allow a single fence to be placed around a group of closely spaced trees to be preserved, rather than requiring an individual fence for each tree.

Fence posts that are driven into the ground are not set in cement, and are not intended to be permanent. They are simply driven into the ground, as are the posts now used to support plastic fencing.

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

**CHAPTER 33.248
LANDSCAPING AND SCREENING**

33.248.068 Tree Protection Requirements

A. [No Change.]

B. Construction fencing. A construction fence must be placed ~~around each tree~~ at the edge of the root protection zone of each tree or group of trees. The fence must be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground. The fence must be placed before construction starts and remain in place until construction is complete. ~~The fence must meet one of the following:~~

- ~~1. The fence must be 6 foot high orange plastic and be secured to the ground with 8 foot metal posts, or~~
- ~~2. The fence must be 6 foot high steel on concrete blocks.~~

C. [No Change.]

Item 22 – Manufactured Houses, Mobile Home Parks and State Law

CHAPTER 33.251 MANUFACTURED HOMES AND MOBILE HOME PARKS

Background

Oregon has been revising the regulations for manufactured homes, manufactured dwellings, and manufactured dwelling parks. The regulations are in the Oregon Revised Statutes (ORS) and the Oregon Manufactured Dwelling and Park Specialty Code.

Most of the changes over the past few years have not yet been incorporated into our zoning code. We have found several discrepancies between state and local regulations that should be addressed:

- City terminology and state terminology for manufactured homes, manufactured dwellings, mobile homes, and parks is not consistent.
- State law directs that city regulations should regulate small groups of manufactured homes under similar regulations as those that apply to multi-dwelling development.
- City regulations addressing landscaping, vehicle and pedestrian circulation for manufactured dwelling or mobile home parks are inconsistent with state regulations.

The intent of these code amendments is to bring city regulations into conformance with state regulations, to ensure that they are applied consistently, and to avoid confusion for residents, owners, home installers, and those implementing the regulations.

33.251.010 Purpose. This amendment is part of a code-wide change to make Portland's terminology consistent with state regulations. State regulations refer to the parks as Manufactured Dwelling parks, so our terminology and definitions are amended to be consistent.

33.251.020.

- B. Zones and types of manufactured homes allowed.** These amendments clarify existing code and recognize that state law allows up to 6 manufactured homes on a site without triggering the requirements for a manufactured dwelling park.

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

CHAPTER 33.251
MANUFACTURED HOMES AND MANUFACTURED DWELLING~~MOBILE HOME~~ PARKS

Sections:

- 33.251.010 Purpose
- 33.251.020 Manufactured Homes on Individual Lots
- 33.251.025 More Than One Manufactured Home on a Site
- 33.251.030 Manufactured Dwelling~~Mobile Home~~ Park Regulations

33.251.010 Purpose

This chapter provides standards which will allow the placement of manufactured homes, mobile homes and manufactured dwelling~~mobile home~~ parks in residential areas without changing the character of existing neighborhoods. These regulations promote additional housing options and provide locational opportunities for manufactured dwellings~~mobile homes~~.

33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Speciality Code (the Uniform Building Code as amended by the State.)
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
 - 1. In all zones where houses are an allowed housing type~~use~~, except in ~~designated~~ ~~Historical design~~ ~~Districts~~ where they are prohibited; ~~and~~
 - 2. In zones where multi-dwelling development is allowed, two to six manufactured homes may be allowed if they meet the provisions of this Chapter; and
 - 3. On individual lots in manufactured dwelling~~mobile home~~ parks that were created under the provisions of Chapter 33.642.
- C. Development standards.** Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling~~mobile home~~ parks that were created under the provisions of Chapter 33.642.

- D. **Other regulations.** The requirement to backfill a foundation to leave only a 12" difference from grade is an optional state requirement. Because it discourages a more traditional finished floor elevation with stairs up to a porch, we are dropping it from our requirements.

33.251.025 More than one manufactured home on a site.

Current zoning regulations require two or more manufactured homes placed on a site to be reviewed as a mobile home park. State regulations do not consider a collection of manufactured homes to be a "park" unless there are at least four on a site. State regulations also allow a collection of four to six manufactured homes to either follow the regulations for manufactured dwelling parks or to be regulated under local codes for standard development.

The amendments here provide a new section to make our code consistent with the state regulations and are done in conjunction with amendments to Chapter 33.910, Definitions.

- A. **Two or three manufactured homes.** This amendment clarifies that two or three manufactured homes may be placed anywhere that multiple dwellings are allowed on a site. The requirements for development in the zone must be met.
- B. **Four to six manufactured homes.** This amendment allows the applicant placing four to six manufactured homes on a site to choose to be regulated as multi-dwelling development or as a manufactured dwelling park.
- C. **Seven or more manufactured homes.** Seven or more manufactured homes on a site must meet the standards for Manufactured Dwelling Parks.
- D. **Historic and Conservation Districts.** Current zoning regulations prohibit any manufactured homes from locating in a historic district, and prohibit a collection of two or more (currently defined as a mobile home park) from locating in a conservation district. This regulation clarifies the existing policy for historic and conservation districts.

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

D. Other regulations. Manufactured homes must meet the following standards:

1. Floor area. The manufactured home must be at least 1,000 square feet in floor area.
2. Roof. The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, shakes, or tile. Eaves from the roof must extend at least 1 foot from the intersection of the roof and the exterior walls.
3. Foundation. The manufactured home must be set on an excavated, back-filled foundation-and enclosed at the perimeter-~~so that the manufactured home sits no more than 12 inches above grade.~~
4. Exterior siding. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.
5. Hauling mechanisms. The transportation mechanisms including the wheels, axles and hitch must be removed.

33.251.025 More than one manufactured home on a site. The following standards apply when more than one manufactured home is located on a site:

A. Two or three manufactured homes. Two or three manufactured homes on a site are regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D., above

B. Four to six manufactured homes. Four to six manufactured homes on a site must meet one of the following standards:

1. Four to six manufactured homes on a site may be regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D., above; or
2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations;

C. Seven or more manufactured homes. Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.

D. Historic Districts and Conservation Districts. Manufactured homes are prohibited in Historic Districts. More than one manufactured home on a site is prohibited in Conservation Districts.

33.251.030 Manufactured Dwelling Park Regulations Most of the amendments in Section A through F section provide consistency between the terminology used by the State and the City. See the commentary from 33.251.025 for explanation of the new subsection B. The purpose statement is also being expanded to cover the range of regulations that apply to manufactured dwelling parks. These regulations include the review of open area, pedestrian systems, parking and vehicle circulation, either through the city regulations or by applying the standards required by State Law.

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

33.251.030 Manufactured Dwelling~~Mobile Home~~ Park Regulations

- A. Purpose.** Manufactured dwelling~~Mobile home~~ parks are allowed in certain high-density residential zones to provide locational opportunities for manufactured dwellings~~mobile homes~~. The manufactured dwelling~~mobile home~~ park requirements ~~are intended to~~ provide standards for orderly development, adequate ~~emergency~~ vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Where these regulations apply.** These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.
- CB. Zones allowed.** Manufactured dwelling~~Mobile home~~ parks are allowed only in the R3 and R2 zones. An exception is Historic Districts and Conservation Districts ~~in the R3 and R2 zones~~, where they are prohibited.
- DC. Uses allowed.** In manufactured dwelling~~mobile home~~ parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- ED. Density.** The maximum density allowed in a manufactured dwelling~~mobile home~~ park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve four~~two~~ or more manufactured dwelling~~mobile home~~ spaces.
- FE. Types of structures allowed.**
1. All types of manufactured dwellings~~mobile homes~~ are allowed in manufactured dwelling~~mobile home~~ parks. Recreational vehicles, if owned by a manufactured dwelling~~mobile home~~ park resident, may be parked on the required parking space but may not be used for residential purposes.
 2. In manufactured dwelling~~mobile home~~ parks that have been divided under the provisions of Chapter 33.642, Land divisions of Manufactured Dwelling~~Mobile Home~~ Parks, residential structure types other than manufactured dwellings~~mobile homes~~ are prohibited.

33.251.030 Manufactured Dwelling Park Regulations (contd)

G. General Park Requirements.

Oregon does not allow jurisdictions to implement regulations that are more lenient or more restrictive than provided in State regulations. There are some exceptions where a jurisdiction may be more restrictive if the regulations are the same as that applied to development in the underlying zone.

The amendments to this subsection address the instances where our code is either more lenient than state requirements or contains requirements that are not consistent with the base zone.

1. Perimeter landscaped area. This requirement is reduced from an L3 to a L1 landscaping to match development requirements of the R3 and R2 zone.
2. Individual outdoor area. This is amended to match the requirement of the base zone.
3. Common outdoor area. This adds the State's allowed exception to common outdoor play areas for parks that do not cater to families with children

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

GF. General park requirements.

1. Perimeter landscape area. A 10-foot deep area landscaped to at least the L13 standard must be provided around the perimeter of the manufactured dwellingmobile home park. Vehicle areas, including driveways and parking areas, must meet the perimeter landscaping requirements in Section 33.266.130.G.
2. Individual ~~outdoorlandscaped~~ areas. An individual area landscaped to at least the L1 standard or surfaced with pavers or decking is required for each manufactured dwellingmobile space. The minimum size is ~~4850~~ square feet. The minimum dimension is 65 feet. The individual ~~outdoorlandscaped~~ area must be placed on or adjacent to each manufactured dwellingmobile home space. Common outdoor areas, as required by Paragraph G.3. below, may not be counted towards meeting this requirement.
3. ~~Common~~Required outdoor areas.
 - a. Generally. A commonrequired outdoor area of 2,500 square feet in area or 100 square feet per unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required common open areas must be available for the use of all park residents. The open areas must be landscaped to at least the L1 standard or be developed as a playground for children, or a combination of both options.
 - b. Exemption. A manufactured dwelling park that does not accommodate children who are under 14 years of age does not have to meet this requirement if the property owner executes a covenant with the City of Portland specifying that the manufactured dwellings will not accommodate children under 14 years of age. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
4. Trees. The City Forester may require trees along all public or private streets and driveways which serve two or more manufactured dwellingmobile home spaces, within a manufactured dwellingmobile home park as provided in 20.40, Street Tree and Other Public Tree Regulations.
5. Other structures. Other structures within the manufactured dwellingmobile home park for uses accessory to the operation of the manufactured dwellingmobile home park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the site development regulations of the base zone. Any accessory use that draws its trade from outside the park is prohibited. These structures may not be located within commonrequired outdoor areas.

33.251.030 Manufactured Dwelling Park Regulations (contd)

H. Vehicle and pedestrian circulation and parking.

1. Vehicle circulation. The Oregon Manufactured Dwelling and Park Specialty Code has specific standards for park streets and alleys. The streets are generally private and managed by the park owners. There are several inconsistencies between the City and State regulations for streets and alleys. Rather than restate the state requirements in our code, we are providing a reference to the Specialty Code for all private streets and alleys, as well as for driveways. This removes the need to amend our code when a change is made to the state requirements.

However, we do have jurisdiction over how the park relates to the public realm (i.e. public streets that border the park). We are adding a requirement to ensure that the frontage on streets abutting the park is not dominated by vehicle area.

2. Pedestrian circulation. This minor amendment ensures that the pedestrian circulation size requirements are consistent with those stated in the Oregon Manufactured Dwelling and Park Specialty Code.
3. Parking. The Oregon Manufactured Dwelling and Park Specialty Code includes a large section on requirements for resident and guest parking. To ensure consistency with the state code now and in the future, this amendment provides a reference to the Specialty Code.

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

HG. Vehicle and pedestrian circulation and parking.

1. Vehicle areas, access, and circulation.
 - a. ~~Access and circulation within the manufactured dwelling mobile home park may be provided by streets, public or private, or driveways. All public streets must be approved by the City Engineer. All private streets, private alleys, and driveways must meet the standards of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supercede the requirements of this Title. Access must be provided to each space. All private streets and driveways which serve two or more mobile home spaces in mobile home parks must be a minimum of 20 feet in width or 30 feet if parking is allowed on the street or driveway. Streets and driveways which serve two or more mobile home spaces which do not allow parking must be posted as not allowing parking. All private streets and driveways which serve two or more mobile home spaces must be paved. All private streets must be named and posted with their names. Driveways which serve two or mobile home spaces may be named and posted with their names. Circulation plans for manufactured dwelling mobile home parks must be approved by the Fire Bureau and Office of Transportation.~~
 - b. Vehicle areas. Where the site abuts a street that is not part of the site, the standard of 33.266.130.C.3.a must be met.
2. Pedestrian circulation.
 - a. A pedestrian circulation system must connect each space with the internal street or driveway system, to other areas of the site, such as parking areas, recreational areas, and to adjacent streets.
 - b. The pedestrian circulation system must be at least ~~46~~ feet wide and hard-surfaced. Where the pedestrian system crosses driveways or parking areas, it must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c-d. [No changes.]
3. Parking. Parking must be provided in conformance with the parking regulations of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supercede the requirements of this Title. One parking space per unit is required. This parking space must be located in the area designated as part of a mobile home space. The parking space must be paved.

33.251.030 Manufactured Dwelling Park Regulations (contd)

I. Individual manufactured dwelling space requirements

2. The Oregon Manufactured Dwelling and Park Specialty Code has specific standards for the individual space's access to driveways and streets. Rather than restate the state requirements in our code, we are providing reference to the Specialty Code.

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

II. Individual manufactured dwelling~~mobile home~~ space requirements.

1. Minimum size. Spaces for manufactured dwellings~~mobile homes~~ must be a minimum of 30 feet in width and a minimum of 40 feet in depth.
2. Access. Each space must have access to a street or driveway that meets the standards of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks ~~serving two or more mobile home spaces.~~
3. Other regulations. All manufactured dwelling~~mobile home~~ parks must meet all building, sanitation, lighting, plumbing, and fire protection standards.

J. Nonconforming manufactured dwelling~~mobile home~~ parks. Existing manufactured dwelling~~mobile home~~ parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development. Listed below are situations where the manufactured dwelling~~mobile home~~ park is given nonconforming status.

1. Existing manufactured dwelling~~mobile home~~ parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.
2. Existing manufactured dwelling~~mobile home~~ parks in RF, R20, R10, R7, R5, R2.5, R1, RH, RX, C, and IR zones are nonconforming developments, because residential uses are allowed but manufactured dwelling~~mobile home~~ parks are not an allowed type of development.
3. Existing manufactured dwelling~~mobile home~~ parks may have nonconforming densities and development depending on the standards of the base zone.
4. Existing manufactured dwelling~~mobile home~~ parks in the R2 and R3 zones may have nonconforming densities and/or development depending on individual situations.

Item 24 - Paving Exception for Gravel Alley Driveways

CHAPTER 33.266 PARKING AND LOADING

33.266.120 Development Standards for Houses and Duplexes

- E. **Paving.** The code allows gravel driveway surfaces when the abutting street is not paved. This amendment clarifies that that gravel driveways are allowed when accessing unpaved alleys as well as streets.

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

**CHAPTER 33.266
PARKING AND LOADING**

33.266.120 Development Standards for Houses and Duplexes

A-D. [No Change.]

E. Paving.

1. Generally. All driveways and parking areas must be paved.
2. Exceptions.
 - a. Gravel surfaces may be approved by BDS when the abutting street or alley is not paved, and the applicant executes a covenant agreeing to pave the area if the street or alley is paved in the future.
 - b. Utility trailers and non-motorized accessory recreational vehicles may be stored on unpaved surfaces. A gravel surface is not required.

Item #25 - Radio Frequency Facilities Exempt from Regulations

CHAPTER 33.274 RADIO FREQUENCY TRANSMISSION FACILITIES

33.274.030 Facilities Exempt from the Chapter

- A. The current exemption allows for the replacement and repair of existing facilities to be made without invoking the requirements of this chapter, provided that there is no significant change in visual impact. BDS staff require that repaired or replaced facilities stay in conformance with the emission levels and antenna requirements listed under the general requirements of 33.274.040. This amendment codifies legislative intent and current practice to ensure that antenna replacements or repairs do not cause a facility to go out of conformance with these standards.

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

CHAPTER 33.274
RADIO FREQUENCY TRANSMISSION FACILITIES

33.274.030 Facilities Exempt from this Chapter

All of the following are allowed without a conditional use and are exempt from the regulations of this chapter:

- A.** Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities;
- B.** ~~or~~ Replacement of transmitters, antennas, or other components of previously approved facilities, provided that these actions:
 - 1. ~~which do~~ Do not create a significant change in visual impact;
 - 2. Do not result in ~~or~~ an increase in radio frequency emission levels above 1,000 watts ERP; and
 - 3. Do not cause the facility to go out of conformance with the standards of 33.274.040.C.5 and C.6;

B-K. [Revise lettering to C-L.]

33.274.035 [No change.]

Item #26 – Radio Frequency Facilities and distance to habitable area

33.274.040 Development Standards

C. General requirements

6. Antenna requirements. This standard requires that antennas maintain a minimum distance from habitable area, both from the closest point of the antenna and from the top of the antenna. Some members of the wireless industry have stated that FCC requirements for exposure to facilities do not include these standards, and that other FCC standards ensure adequate exposure limits between antennas and habitable areas. Staff has reviewed the FCC guidelines and has not found a comparable separation requirement to the top of the antenna as stated in Table 274-2. In addition, local regulations cannot be used to address public health issues as those regulations are under the domain of the FCC. Although we recognize that a larger review of our radio frequency transmission facilities may be warranted, it makes sense to provide an exception to the minimum distance requirement if the applicant provides a letter from their engineer that the facility does not exceed the FCC health exposure requirements. This is an interim measure to ensure that our code does not violate FCC regulations, until a more holistic review of our regulations and FCC standards can be done.

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

33.274.040 Development Standards

C. General requirements

1-5. [No changes.]

6. Antenna requirements.

a. Generally. The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table 274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the highest point of the antenna (not the tower) to the structure, and Point B is measured from the closest point of the antenna to the structure.

b. Exceptions. The antenna on any tower or support structure does not have to meet the minimum siting distance from Point A to the habitable areas of structures shown in Table 274-2 if the applicant submits a letter from a qualified licensed engineer showing that the placement of the antennas will not cause any habitable area of a structure to exceed the Federal Communication Commission’s (FCC’s) limits for human exposure to radio frequency electromagnetic fields.

7-12. [No change.]

Table 274-2 Distance Between Antenna and Habitable Area of Structure (Where f is frequency in megahertz.)			
Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)
< 100 watts		10	3
100 watts to 999 watts		15	6
1,000 watts to 9.999 Kw	< 7	11	5
	7 - 30	$f/0.67$	$f/1.5$
	30 - 300	45	20
	300 - 1500	$780/\sqrt{f}$	$364/\sqrt{f}$
10 Kw plus	> 1500	20	10
	< 7	17.5	8
	7 - 30	$f/0.4$	$f/0.91$
	30 - 300	75	33
	300 - 1500	$1300/\sqrt{f}$	$572/\sqrt{f}$
	1500	34	15

Item 2 - Land Division Monitoring and Narrow Lots: Measuring the width of lots.

**CHAPTER 33.278
PERMIT READY HOUSES**

33.278.200 Where These Regulations May Be Used

33.278.300 Where These Regulations May Not Be Used

See commentary for 33.110.212.

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

CHAPTER 33.278
PERMIT-READY HOUSES

33.278.200 Where These Regulations May Be Used

The regulations of this chapter apply to new Permit-Ready houses proposed for lots and lots of record that are less than 36 feet wide ~~as measured at the front setback~~. The regulations of this chapter apply only to the house; other development on the site is subject to the regulations of this Title.

33.278.300 Where These Regulations May Not Be Used

While Permit-Ready houses may be built on any lot where a house is allowed, the regulations of this chapter may not be used in the following situations:

- A. Lots at least 36 feet wide.** If the lot or lot of record is 36 feet or wider, ~~as measured at the front setback~~;
- B. Exterior changes and alterations.** If changes or alterations are proposed that affect the exterior of the Permit-Ready house;
- C. Adjustments and modifications.** If adjustments or modifications to any development standards are proposed; or
- D. Historic and conservation districts.** If the Permit-Ready house is proposed in an historic or conservation district.

Item 27 - Community Design Standards for Exterior Alterations

CHAPTER 33.405 ALTERNATIVE DESIGN DENSITY OVERLAY ZONE

Table 405-1 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #1 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

**CHAPTER 33.405
 ALTERNATIVE DESIGN DENSITY OVERLAY ZONE**

Table 405-1 Maximum Limits for Use of the Community Design Standards	
Zones	Maximum Limit—New Dwelling Units or Floor Area
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. ††
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

[†] ~~Alterations to the street facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.~~

Item 27 - Community Design Standards for Exterior Alterations

CHAPTER 33.420 DESIGN OVERLAY ZONE

Table 420-1 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #2 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

**CHAPTER 33.420
 DESIGN OVERLAY ZONE**

Table 420-1 Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [2]
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential use.

~~[2] Alterations to the street facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.~~

Item 28 - Exemptions from Greenway Review

CHAPTER 33.440 GREENWAY OVERLAY ZONES

33.440.320 Exemptions from Greenway Review

33.440.345 Supplemental Application Requirements

33.440.350 Approval Criteria

These amendments simplify and clarify use of the code by moving references to the application requirements and applicable approval criteria to the sections of the code where these requirements and criteria are located and where they are less likely to be overlooked.

There are no substantive changes.

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

**CHAPTER 33.440
 GREENWAY OVERLAY ZONES**

Greenway Review

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

A. [No Change.]

~~**B.** River dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the requirements of Section 33.440.345, Supplemental Application Requirements, and the approval criteria of Subsection 33.440.350.G.~~

C-M. [No Change.]

33.440.345 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, Application Requirements, the ~~following~~ information below is required for Greenway review applications: River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from these Supplemental Application Requirements.

A-B. [No Change.]

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A.-F. [No Change.]

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the ~~following~~ approval criteria below must be met: River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.

1-5. [No Change.]

H. [No Change.]

Item 29 - Historic District Contributing Structures ("consent" item)

CHAPTER 33.445 HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.330 Demolition of Historic Resources in a Historic District

A. Demolition review.

1.

- a. The Zoning Code distinguishes between properties classified as "contributing" or "noncontributing" in Conservation and Historic districts based on "the analysis done in support of a Historic [or Conservation] District's creation." This language does not reflect the fact that a property may have been classified as contributing or noncontributing after the district's creation and that such classifications can change over time.

Several provisions of the code apply to contributing structures, including preservation incentives and demolition review. A strict reading, hinging on the word "creation," could preclude use of preservation incentives and exempt from demolition review many properties that the City, the State Historic Preservation Office, and the National Park Service currently classify as contributing, but which were not classified "in the analysis done in support of a Historic District's creation." Two such situations are:

- Properties that were originally classified as noncontributing, but which have subsequently been reclassified as contributing or vice versa.
- Properties in historic or conservation districts whose nominations were prepared before the current classifications of contributing/noncontributing were used. This situation is common in Portland's oldest historic districts. While some properties were assigned such classifications at a later date, this process was not a part of the "analysis done in support of a Historic District's creation."

A review of reports that have amended these provisions over time makes it clear that the legislative intent was for the zoning provisions to apply to properties based on their current classifications. In effect, each time a property is reclassified, it has been understood to be an amendment to, or a "re-creation" of, the district and its supportive analysis, and therefore consistent with the current definitions in the Code cited above. Bureau of Development staff has consistently applied the Code in this manner for many years. The amendments to these provisions implement the original intent.

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

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.330 Demolition of Historic Resources in a Historic District

Historic Landmarks in a Historic District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Historic District are subject to the regulations of Section 33.445.240. Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection B, below, demolition of a historic resource in a Historic District is subject to demolition review if:
 - a. It is a structure that ~~was classified as contributing in the analysis done in support of a Historic District's creation~~ is identified as contributing to the historic significance of a Historic District; or
 - b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource.
2. [No Change.]

B. [No Change.]

33.445.430 Demolition of Historic Resources in a Conservation District

C. Exempt from demolition review and demolition delay review.

2. *See commentary for 33.445.330.*

33.445.610 Historic Preservation Incentives

B. Eligibility for historic preservation incentives.

See commentary for 33.445.330.

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

33.445.430 Demolition of Historic Resources in a Conservation District

Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Conservation District are subject to the regulations of Section 33.445.240. Demolition of other historic resources in a Conservation District requires one of two types of review to ensure the resource’s historic value is considered prior to or during the development process. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A.-B. [No Change.]

C. Exempt from demolition review and demolition delay review. The following are exempt from demolition review and demolition delay review:

1. [No change.]
2. Demolition of a structure that ~~was classified as noncontributing in the analysis done in support of a Conservation District’s creation~~ is identified as noncontributing to the historic significance of a Conservation District.

33.445.610 Historic Preservation Incentives

A. Purpose. Historic preservation incentives increase the potential for historic resources to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of historic resources because they provide flexibility and economic opportunities.

B. Eligibility for historic preservation incentives. Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsection C if the requirements of Subsection D are met. Sites with resources identified as contributing ~~in the analysis done in support of a Historic District’s creation~~ to the historic significance of a Historic District or a Conservation District are eligible to use the incentives in Paragraphs C.3 through C.8 if the requirements of Subsection D are met.

C.-D. [No Change.]

Item 27 - Community Design Standards for Exterior Alterations

Table 445-1 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #1 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

Table 445-1 Maximum Limits for Use of the Community Design Standards	
Zones	Maximum Limit—New Dwelling Units or Floor Area
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [+]
IR Zone	See institution's Impact Mitigation Plan.

Notes:

~~[+] Alterations to the street facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through historic design review.~~

Item 27 - Community Design Standards for Exterior Alterations

CHAPTER 33.460 MAIN STREET CORRIDOR OVERLAY ZONE

Table 460-1 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #2 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

**CHAPTER 33.460
 MAIN STREET CORRIDOR OVERLAY ZONE**

Table 460-1 Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
R1, RH, RX, C & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
<hr/>	
Zones	Maximum Limit—Exterior Alterations [2]
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.
IR Zone	See institution's Impact Mitigation Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential uses.

[2] ~~Alterations to the street facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.~~

ADD Item 53 - Division Main Street Overlay Retail Limits

Division Street Regulations

33.460.300 Purpose

33.460.310 Additional Standards

The Division Green Street / Main Street Plan went into effect in March 2006. One of the regulations added to the Zoning Code was a limitation on the size of individual Retail Sales And Service uses to 10,000 square feet of net building area. Supermarkets are exempt from the limitation.

According to the commentary in the adopting report, the purpose of the regulation was: "The community places a high value on retaining the local scale of retail along Division. Although this does not prohibit chain stores less than 10,000 square feet, it sends a message that the scale of retail along Division is local serving, rather than providing a regional draw. Supermarkets require larger floor area to provide local services and are exempt from this regulation."

After the plan took effect, a grocery store in the plan area closed, and the building owner has had difficulty finding a tenant for the space. The floor area of the existing building is more than 10,000 square feet and includes a second story, but potential tenants must either use only part of the building, or seek an adjustment to the 10,000 square foot limitation. One potential tenant did request an adjustment; the City approved it, but it was appealed to LUBA and remanded to the City.

Concerned about the potentially blighting effect of a long-vacant large building, the neighborhoods in the area asked that the 10,000 square foot limitation be lifted in very limited circumstances. We considered two options. The first, and simplest was originally offered by staff, and would exempt buildings that were larger than 10,000 square feet on the date the Division Street Plan took effect. The second option was one suggested by several neighborhood associations. This would apply the 10,000 square foot limitation only to the ground floor of buildings. Based upon the testimony of neighbors, the Planning Commission recommends the second option.

At the Planning Commission hearings, there was a considerable amount of testimony, both in favor and against the proposal. The Commission felt that the proposal from the coalition of neighborhood groups was the best approach to retain the desired neighborhood character of smaller storefronts, while increasing the flexibility to re-use buildings. The area this regulation applies to is small, and this regulation affects only a few buildings. This analysis was specific to the Division Street corridor. A separate analysis should be done in any future areas that consider incorporating the Division Street retail limitations.

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

Division Street Regulations

33.460.300 Purpose

These regulations promote development that fosters a pedestrian- and transit-oriented main street and reinforces the pattern of older industrial, commercial, and residential buildings along the street. These regulations ensure that development:

- Activates Division Street corners and enhances the pedestrian environment;
- Steps down building heights to reduce the negative impacts of larger scale buildings on the adjoining single-dwelling zones;
- Is constructed with high quality materials in combinations that are visually interesting;
- Consists of retail that primarily serves the surrounding neighborhood, and is small in scale and promotes pedestrian activity; and
- Provides neighbors with the opportunity to give early input to developers on significant projects.

33.460.310 Additional Standards.

A-C. ~~[No change.]~~

D. Floor area for Retail Sales And Service.

1. Generally. Each individual Retail Sales And Service use is limited to 10,000 square feet of net building area.

2. Exceptions.

a. Supermarkets are exempt from this regulation.

b. A Retail Sales And Service use may exceed 10,000 square feet if:

(1) The building it is in had more than 10,000 square feet of floor area on March 17, 2006; and

(2) The maximum floor area of that use on the ground level of the building is no more than 10,000 square feet.

E. ~~[No change.]~~

Item 30 – Airport Noise Overlay and Appeal of Location of Contour Line

CHAPTER 33.470 PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT ZONE

33.470.030 Applying the PDX Noise Zone

D. Appeal (Corrections)

The noise overlay zone limits residential uses and requires noise insulation in certain circumstances. Within the overlay zone, the regulations vary by "noise contours" shown on a map in the Development Services Center. The map is based on the *1990 Portland International Airport Noise Abatement Plan Update*.

This provision allows owners to seek a correction if the contour mapped for their property does not match the contours in the 1990 document. At the time this provision was written, all corrections to the Zoning Map were reviewed under Section 33.855.070. Since then, the types of corrections have been split: Those that require no discretion are under the authority of the Planning Director, as set out in Title 1. Those that require discretion are reviewed by the Director of BDS as set out in 33.855.070..

Because this regulation allows a correction only if there is specified, objective evidence, it should be reviewed under the Title 1 provisions. These amendments correct the reference from 33.855 to Title 1, clarify that the correction is handled by the Planning Director, and rename the subsection to "corrections."

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

CHAPTER 33.470
PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT ZONE

33.470.030 Applying the PDX Noise Zone

A.-C. [No change]

D. ~~Appeal.~~Corrections. An owner may request that the Planning Director initiate a correction to appeal the location of the noise contour(s) shown on the PDX Noise Zone Maps for their property ~~to the Director of BDS.~~ The owner must show, and the Director must find, that the noise contour(s) do not conform with the location shown in the *1990 Portland International Airport Noise Abatement Plan Update* ~~or the Ldn 68 noise contour.~~ Appeals Corrections are processed as stated in 1.01.037-A.

Item 27 - Community Design Standards for Exterior Alterations

CHAPTER 33.505 ALBINA COMMUNITY PLAN DISTRICT

Table 505-1 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #2 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

**CHAPTER 33.505
 ALBINA COMMUNITY PLAN DISTRICT**

Table 505-1 Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [2]
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential use.

~~[2] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.~~

Item 29 - Historic District Contributing Structures

**CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT**

33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

B. Historic Resources.

1. See commentary for 33.445.330.

33.510.119 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones

- A. Where these regulations apply. See commentary for 33.445.330.**

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

**CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT**

33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

A. [No Change.]

B. Historic resources.

1. Where these regulations apply. The regulations of this subsection apply in the IG1 Zone to historic resources that are listed on the National Register of Historic Places or are identified as contributing ~~in the analysis done in support of a Historic District's creation~~ to the historic significance of a Historic District or a Conservation District.

2-3. [No Change.]

C. [No Change.]

33.510.119 Retail Sales And Service and Office Uses in Specified Historic Resources in the IG2 and IH Zones

A. Where these regulations apply. The regulations of this subsection apply in the IG2 and IH Zones to historic resources that are listed on the National Register of Historic Places or ~~are identified as contributing in the analysis done in support of a Historic District's creation~~ to structures or objects that are identified as contributing to the historic significance of a Historic District or a Conservation District.

B-C. [No Change.]

Item 29 - Historic District Contributing Structures

33.510.263 Parking in the Core Area

B. Preservation Parking.

4.

a.

(2) See commentary for 33.445.330.

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

33.510.263 Parking in the Core Area

The regulations of this section apply in the Core area shown on Map 510

A. [No Change.]

B. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to the regulations of Subparagraph B.4.c. and B.4.i., below may be requested. Adjustments of the other regulations of this subsection are prohibited.

1.-3. [No Change.]

4. Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the following must be met:

a. Maximum ratio.

- (1) Parking based on net building area of buildings that are individually listed in the National Register of Historic Places or classified as contributing in the analysis done in support of a Historic District's creation is limited to the maximum ratios for Growth Parking;
- (2) Parking based on net building area of buildings that are not individually listed in the National Register of Historic Places or ~~classified as contributing in the analysis done in support of a Historic District's creation~~ identified as contributing to the historic significance of a Historic District or a Conservation District is limited to a maximum ratio of 0.7 spaces per 1,000 square feet of net building area.

b.-i. [No Change.]

C.-L. [No Change.]

Item 32 - Columbia South Shore Office Limits Location

**CHAPTER 33.515
COLUMBIA SOUTHSORE PLAN DISTRICT**

Table of Contents: Section 33.515.220 is removed from the table of contents. The language is moved to section 33.515.120 which regulates uses. Also see commentary for 33.515.220.

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

CHAPTER 33.515
COLUMBIA SOUTH SHORE PLAN DISTRICT

Sections:

General

- 33.515.010 Purpose
- 33.515.020 Where the Regulations Apply
- 33.515.025 Relationship Among Subdistrict Regulations

Use Regulations

- 33.515.110 Uses in the Industrial Business Opportunity Subdistrict
- 33.515.120 Commercial Uses
- 33.515.130 Additional Conditional Uses

Development Standards

- 33.515.200 Streetscape Standards
- 33.515.205 Airport Way Streetscape
- 33.515.210 Airport Way Landscaping
- 33.515.215 Marine Drive Streetscape
- ~~33.515.220 Office Use Floor Area Limitation~~
- 33.515.225 Transfer of Floor Area
- 33.515.230 View Corridors
- 33.515.235 Rooftops
- 33.515.240 Exterior Display
- 33.515.245 Signs
- 33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems
- 33.515.257 Pedestrian Standards
- 33.515.260 Public Recreational Trails
- 33.515.262 Archaeological Resource Protection

Environmental Zones

- 33.515.265 Purpose
- 33.515.268 Where These Regulations Apply
- 33.515.270 Overlay Zones
- 33.515.272 Items Subject to These Regulations
- 33.515.274 Items Exempt From These Regulations
- 33.515.276 Use Regulations
- 33.515.278 Development Standards
- 33.515.280 Columbia South Shore Environmental Review

Map 515-1 Columbia South Shore Plan District and Subdistricts

Map 515-2 Columbia South Shore Streetscape Standards

Map 515-3 Maximum Building Heights

Map 515-4 Columbia South Shore Slough Trail

Map 515-5 Environmental Transition Areas

Map 515-6 Areas of Archaeological Interest in Columbia South Shore

Map 515-7 Areas Where Confirmation Testing is Required

**Item #15 - Compliance with Metro's regulations in Industrial Zones:
Maximum size of Retail Sales And Service uses in Columbia South Shore
Item 32 - Location of Columbia South Shore Office Limits**

33.515.120 Commercial Uses

ITEM #32

- B. This is a new location for the language that was originally provided under 33.515.220.
See the commentary under 33.515.220

ITEM #15

See commentary for 33.140.100

- C.. Applicants in the Industrial subdistrict of the Columbia South Shore plan district may request a Conditional Use for up to 60,000 square feet of Retail Sales And Service uses. To comply with Title 4, the amount allowed through a Conditional Use is reduced to 20,000 square feet. In addition, the standard that triggers a Conditional Use is moved from this section to the section below on "Additional Conditional Uses".

ITEM #15

33.515.130 Additional Conditional Uses

- D. **Retail Sales and Service.** For the IG2 zone, the maximum amount of Retail Sales And Service uses that can be on a site is reduced from 60,000 square feet to 20,000 square feet, to comply with Metro's Title 4. In addition the paragraph is amended to provide a better description of the situations that trigger a conditional use review for Retail Sales And Service uses.

ITEM #32

33.515.220 Office Use Floor Area Limitation

The Columbia South Shore plan district limits Office uses in the EG2 zone. This amendment moves the regulation to the Use Regulations section where similar regulations are located.

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

Use Regulations

33.515.120 Commercial Uses

- A.** Retail Sales And Service uses in the EG2 zone are limited to 25,000 square feet or less of floor area including any exterior storage or nonconforming exterior display per site. The 25,000 square foot limitation does not apply to hotels or motels.
- B.** Office uses within the EG2 zone are limited to a floor area ratio (FAR) of 0.45 to 1. Structured parking is not included in the FAR calculation.
- CB.** The IG2 zone regulations allow four Retail Sales And Service uses of up to 3,000 square feet each of floor area including any exterior storage or nonconforming exterior display per site without a conditional use review. Within the Industrial Business Opportunity subdistrict, sites zoned IG2 are allowed a single Retail Sales And Service use of up to 12,000 square feet of floor area including any exterior storage or nonconforming exterior display without a conditional use review, in lieu of the four separate uses. ~~Retail Sales And Service uses where the floor area including any exterior storage or nonconforming exterior display exceed 60,000 square feet are prohibited.~~

33.515.130 Additional Conditional Uses

A-C. [No changes.]

D. Retail Sales And Service.

- 1. ~~For sites zoned EG2, a Retail Sales And Service uses that have~~ floor area plus exterior display and storage area in excess of the limits in 33.515.120.A or C ~~are~~ 25,000 square foot limitation is allowed only through a conditional use review. The approval criteria are in 33.815.303, Retail Sales and Service Uses in the Columbia South Shore plan district. The total area of all the Retail Sales And Service and Office uses on a site, taken together, may not exceed 20,000 square feet. More than 20,000 square feet is prohibited unless allowed by Paragraph 2. below. These limits include floor area plus exterior display and storage areas.
- 2. Retail Sales And Service uses that have floor area plus exterior display and storage area in excess of 25,000 square feet, which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, may change to another use in the same use category without a land use review if there is no increase in floor area or exterior improvement area.

Development Standards

~~**33.515.220 Office Use Floor Area Limitation**~~

~~Office uses within the EG2 zone are limited to a floor area ratio (FAR) of 0.45 to 1. Structured parking is not included in the FAR calculation.~~

ADD Item 52 - Gateway Open Area Requirements

CHAPTER 33.526 GATEWAY PLAN DISTRICT

In 2007, as part of the RICAP 3 Amendments package, City Council directed the Bureau of Planning to work with Gateway stakeholders on further amendments to the Gateway open area requirements of the zoning code (33.526.240). The Open Area requirement specifies that when development occurs on sites over 80,000 square feet, a portion of open area must be provided on site, up to 15% of the total site area. During RICAP 3, stakeholders expressed concern that the existing code did not provide sufficient flexibility for design, and in some cases when combined with other development fees and requirements, acted as a disincentive to the type of urban development expected in the Gateway Regional Center.

Staff has worked with community stakeholders to better understand the development dynamics of the Gateway area, the open area needs in the area, and the original intent of the code. The existing open area requirement proposal applies to sites over 80,000 square feet (1.8 acres) in area. The group found that the current requirement:

- may be a disincentive to aggregate lots for redevelopment;
- adds costs to development;
- has not resulted in significant open areas;
- has the appearance of redundancy with SDCs;
- may limit flexibility for some small sites;
- may be easier to accommodate on larger parcels;
- extended influence beyond the areas originally targeted;
- may be perceived as a barrier to development.

To address the issues the Bureau of Planning proposes to:

- raise the parcel size threshold for the open area requirement to 5.0 acres;
- raise the development threshold that triggers the requirement to 5,000 square feet;
- make other minor revisions to increase flexibility when open area is required.

Summary of key code changes:

33.526.240.B Excludes public right of way dedications from the site and lot area.

33.526.240.C Changes the size of sites to which this code is applicable from 80,000 square feet to 5 acres.

33.526.240.D Changes the threshold for amount of development that activates the provision from 2,000 square feet to 5,000 square feet.

33.526.240.D.2(1) Allows additional flexibility for off site open area locations.

33.526.240.E Changes site size thresholds for land divisions consistent with other revised thresholds.

Commentary on this item continues with examples on next commentary page.

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. Calculations. For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;

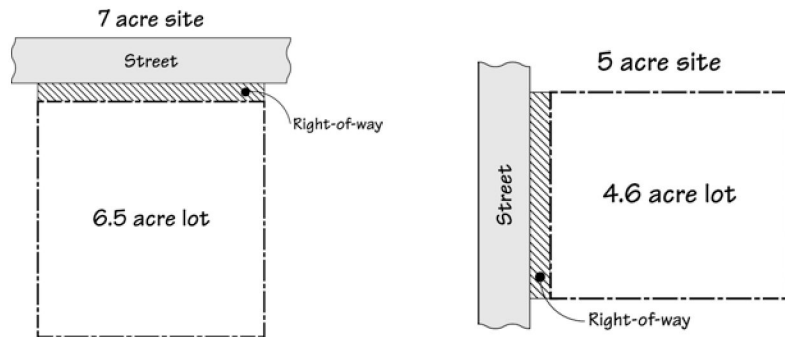
CB. Where these regulations apply. The requirements of this section apply to sites 5 acres ~~80,000 square feet~~ or more in area.

CD. 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~~ 5,000 square feet of floor area on the site. The applicant may choose from the three options below:

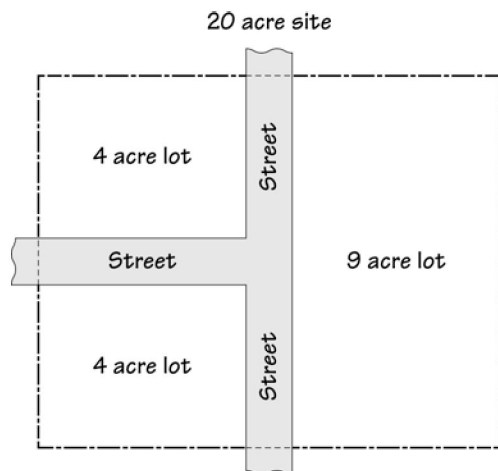
1. On-site option. [No change.]
2. Off-site option. If the open area will be off-site, the following standards must be met:
 - a. ~~The area that will be used to meet this requirement~~proposed open area site must be:
 - (1) Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;
 - (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. [No change.]

The following examples demonstrate the application of this requirement:

Example 1: Sites that are not being divided. In the 7 acre site example below, a dedication for additional public right-of-way reduces the site area on which the open area is calculated to 6.5 acres. In the 5 acre site example, a public right-of-way dedication reduces the site area to 4.6 acres, and therefore the open area requirement does not apply.



Example 2: Sites that are being divided. In the 20 acre site example below, public streets were dedicated and new lots created. The open area requirement is apportioned to the 4 acre parcels at the time of land division because the "parent" parcel was over 5 acres and subject to the open area requirement. The 9 acre parcel is subject to the open area requirement at the time of development or further division.



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

33.526.240 (contd)

ED. 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 5 acres ~~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 5 acres ~~80,000 square feet~~ in area.

a-c. [No change.]

Item 36 – Land Division Monitoring: Issues with Flag Lots

CHAPTER 33.530 GLENDOVEER PLAN DISTRICT

33.530.040 Building Setbacks

A recent project changed the standards in the base for detached garages. In error, those standards were not updated in the *Glendoveer* plan district; this amendment does so.

33.530.050 Additional Standards for Flag Lots

This is a new section that both clarifies existing standards and establishes new ones for flag lots in the *Glendoveer* plan district. These standards apply in addition to the standards for flag lots in the base zone that address building coverage, landscaping, etc.

- A. **Minimum lot dimensions.** It has not been clear whether base zone or plan district lot dimension standards should apply to flag lots in *Glendoveer*. This amendment clarifies that the plan district lot dimension standards apply.
- B. **Setbacks.** It has not been clear whether base zone or plan district setbacks should apply to flag lots in *Glendoveer*. This amendment clarifies that the plan district rear setbacks apply.
- C. **Maximum Height.** The *Glendoveer* plan district was annexed into Portland from Multnomah County in the 1980s. The specific regulations were part of Multnomah County's development code. As part of the annexation, Portland agreed to maintain the same development rules, but inadvertently missed the provision that established a height limit on flag lots that was different than that for other lots in *Glendoveer*. This amendment corrects that omission.

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

**CHAPTER 33.530
 GLENDOVEER PLAN DISTRICT**

Sections:

- 33.530.010 Purpose
 - 33.530.020 Where the Regulations Apply
 - 33.530.030 Minimum Lot Size
 - 33.530.040 Building Setbacks
 - 33.530.050 Additional Standards for Flag Lots
- Map 530-1 Glendoveer Plan District

33.530.040 Building Setbacks

A. Building setback standards. The minimum building setbacks are:

<u>Setback</u>	<u>Distance</u>
Front setback	30 feet
Side setback	10 feet
Rear setback	15 feet

B. Setback standards for detached garages. Detached garages are allowed in side and rear building setbacks that do not abut a street if all of the following are met:

1. The garage entrance is at least 50 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;
2. The garage has dimensions that do not exceed 24 feet by 24 feet; ~~and~~
3. The garage is no more than 15 feet high and the garage walls are no more than 10 feet high, excluding the portion of the wall within a gable;
4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation; and
5. Dormers meet the setback standards of Subsection A., above.

33.530.050 Additional Standards for Flag Lots

- A. Minimum lot dimensions.** Flag lots are exempt from the minimum front lot line standard. The minimum lot width and minimum lot depth required for each flag lot is 70 feet. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the "flag" portion of the lot. All other lot dimension standards must be met.
- B. Setbacks.** Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are 15 feet.
- C. Maximum Height.** The maximum height for all structures on flag lots is 25 feet.

Item 27 - Community Design Standards for Exterior Alterations

CHAPTER 33.536 HOLLYWOOD PLAN DISTRICT

Table 536-2 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #2 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

**CHAPTER 33.536
 HOLLYWOOD PLAN DISTRICT**

Table 536-2 Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
R1, RH, RX, C & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	Maximum Limit—Exterior Alterations [2]
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.
IR Zone	See institution's Impact Mitigation Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential uses.

[2] ~~Alterations to the street facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade must go through design review.~~

Item 27 - Community Design Standards for Exterior Alterations

CHAPTER 33.538 KENTON PLAN DISTRICT

Table 538-1 - Maximum Limits for Use of the Community Design Standards

This amendment removes footnote #2 from the table. The footnote restates the language that is already in the table but has caused confusion.

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

**CHAPTER 33.538
 KENTON PLAN DISTRICT**

Table 538-1 Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
RI, RH, RX, C & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	Maximum Limit—Exterior Alterations [2]
All except IR	<ul style="list-style-type: none"> •Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected.
IR Zone	See institution's Impact Mitigation Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential uses.

~~[2] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade must go through design review.~~

Item #33—Laurelhurst/Eastmoreland plan district boundaries

CHAPTER 33.540 LAURELHURST / EASTMORELAND PLAN DISTRICT

Maps 540-1 and 540-2

In 1937, the City adopted special setbacks for the Eastmoreland and Laurelhurst plats. The ordinances included maps showing the setbacks. Before 1991, the setbacks were not included in the Zoning Code, but were implemented as if they were.

A version of the maps adopted with the two 1937 ordinances was, for many years, taped to the back of quarter section maps in the Zoning Atlases, and there is still a copy of the map rolled up in the Development Services Center (DSC). However, that map does not show some areas that were included on the map attached to the 1937 ordinance.

In 1991, a new Zoning Code took effect. In designating these two areas as a plan district, both areas were mapped. We recently discovered that the boundaries of the plan districts do not match the boundaries shown on the maps adopted with the 1937 ordinances. Further, we discovered that the plan district boundaries did not match the map in the DSC.

In essence, we have three maps, each different: The original maps from 1937, the map in the DSC, and the plan district boundaries.

After discussions with the City Attorney, we concluded that the only option was to correct the boundaries of the plan district to match the 1937 maps, except where they had been specifically amended by the Hollywood-Sandy Plan. We need to make two types of amendments to the plan district boundaries:

1. Areas that should be in the plan district but aren't; and
2. Areas that shouldn't be in the plan district but are.

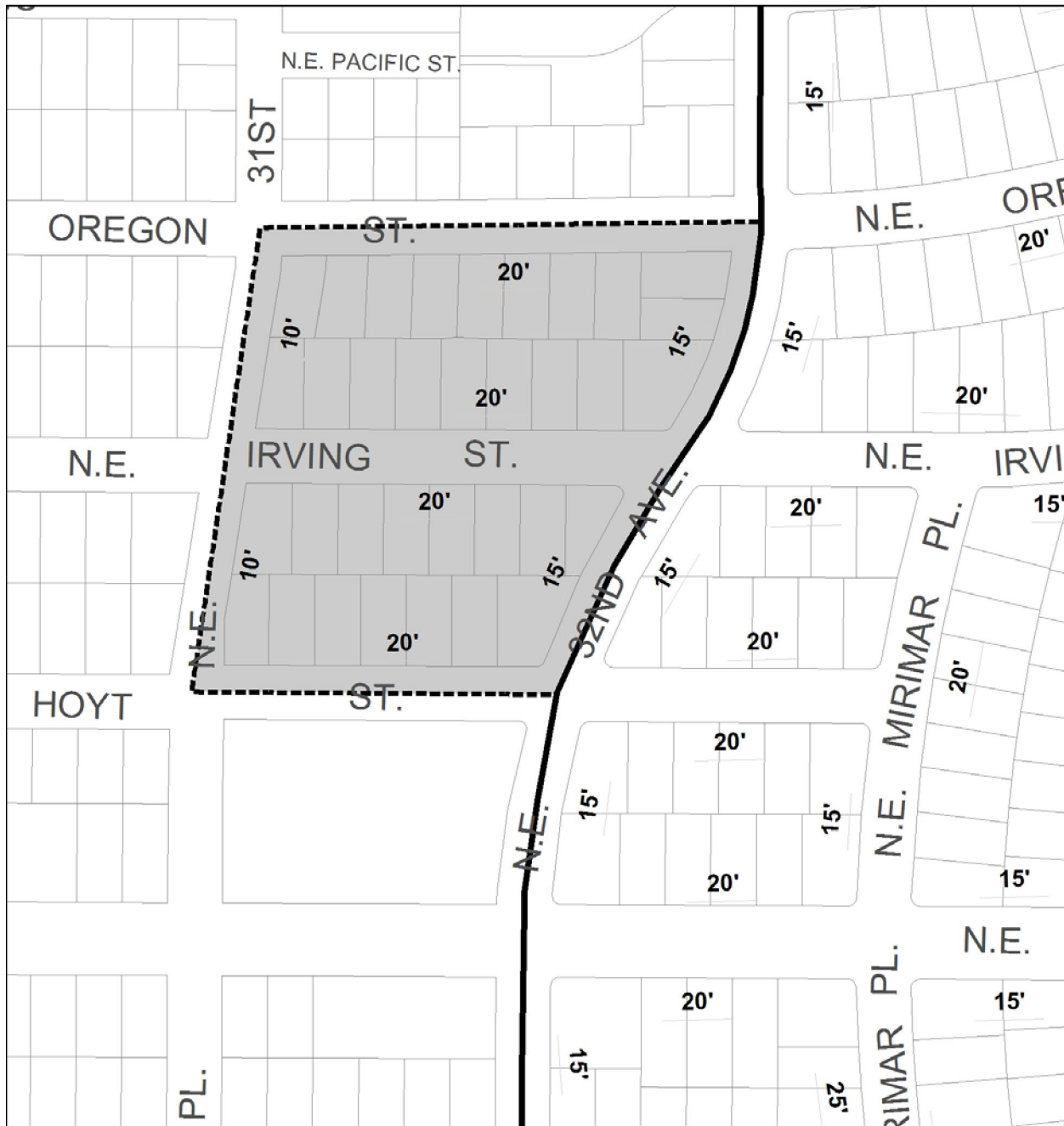
These areas are shown on the maps below.

Maps 540-1 and 2 in the Zoning Code and the Official Zoning Map should be amended to reflect these corrections.




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

**CHAPTER 33.540
LAURELHURST / EASTMORELAND PLAN DISTRICT**

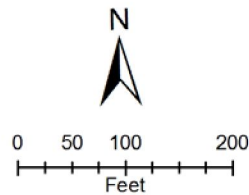
See next page for Map changes



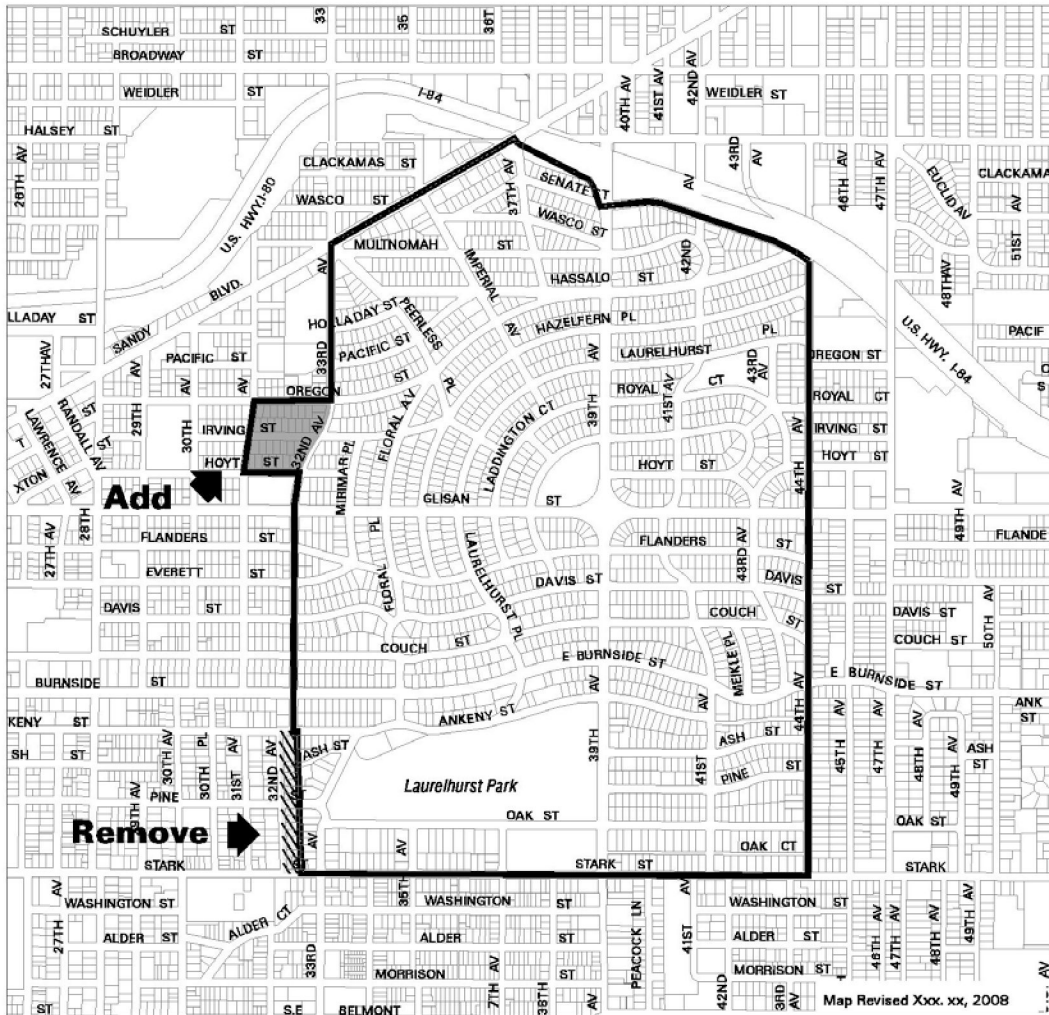
Proposed Minimum Setbacks for Area to be added to Laurelhurst Plan District

-  Existing Laurelhurst Plan District Boundary
-  Proposed Laurelhurst Plan District Boundary
-  Area to be added to Laurelhurst Plan District

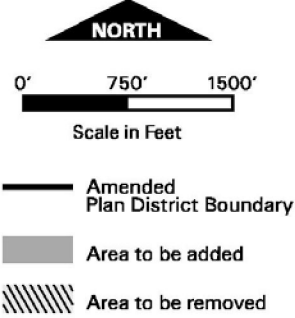
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Map Revised Xox.xx, 2008



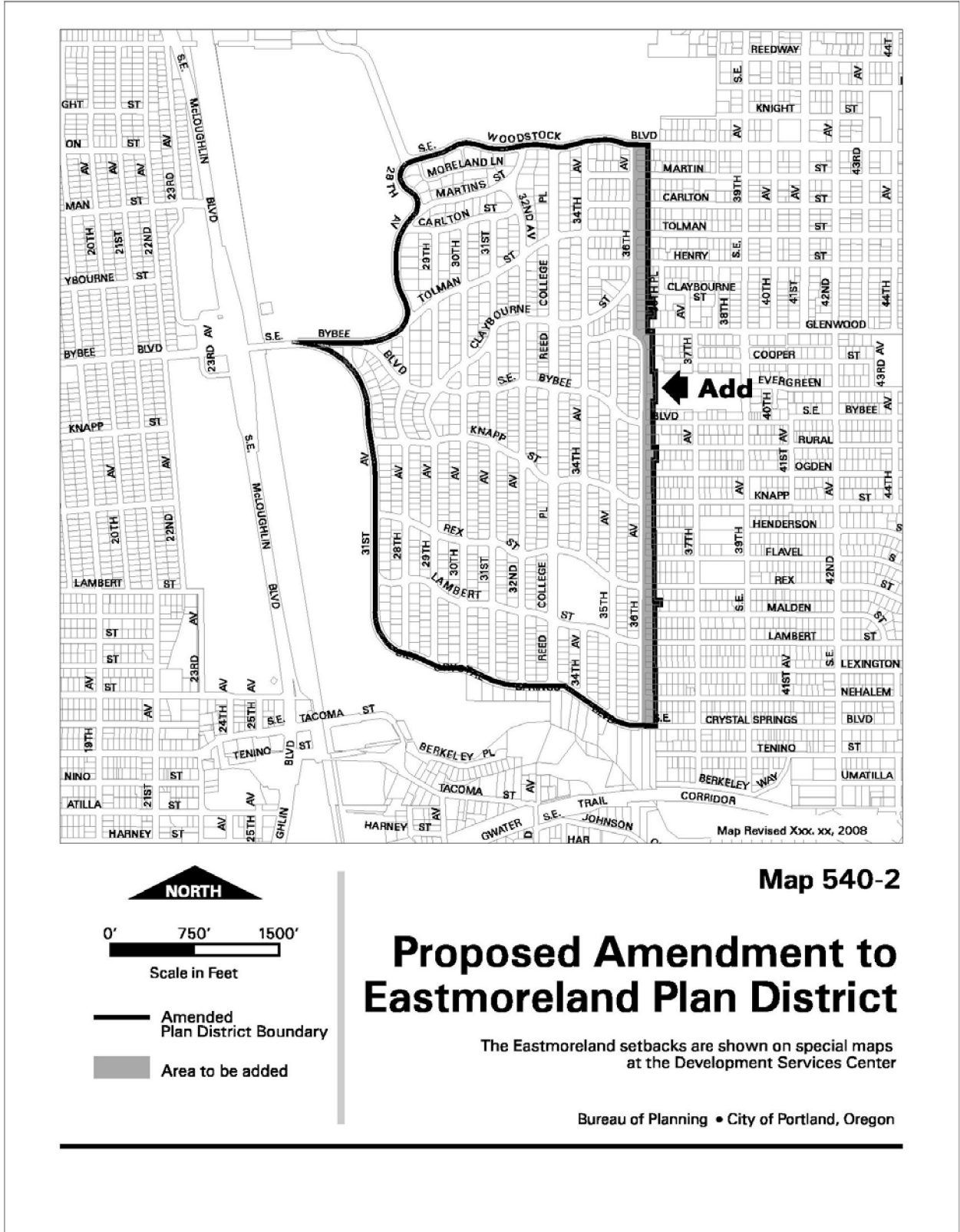
Map 540-1

Proposed Amendment to Laurelhurst Plan District

The Laurelhurst setbacks are shown on special maps at the Development Services Center

Bureau of Planning • City of Portland, Oregon

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



Item 2 - Land Division Monitoring: Measuring the width of lots.

Item 34 - Land Division Monitoring: 15 foot curb requirement for narrow lots

Item 35 - Land Division Monitoring: Garage and parking requirement for narrow lots

Item 42 - Land Division Monitoring: Creating well designed lots

Item 46 - Land Division Monitoring: Difference between flag and narrow lot

**CHAPTER 33610
LOTS IN RF THROUGH R5 ZONES**

ITEM 46

33.610.010 Purpose

33.610.020 Where These Regulations Apply.

33.610.200 Lot Dimension Standards

Discretionary approval criteria have been added to the review of narrow and flag lots. As a result, it is incorrect to refer to all the regulations of this chapter as Standards. This amendment removes this discrepancy.

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

**CHAPTER 33.610
 LOTS IN RF THROUGH R5 ZONES**

33.610.010 Purpose

This chapter contains the density and lot dimension ~~requirements~~standards for approval of a Preliminary Plan for a land division in the RF through R5 zones. These ~~requirements~~standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

RF Through R5 Zones

33.610.020 Where These ~~Regulations~~Standards Apply

The ~~regulations~~standards of this chapter apply to land divisions in the RF through R5 zones.

33.610.200 Lot Dimension ~~Regulations~~Standards

Lots in the RF through R5 zones must meet the lot dimension ~~regulations~~standards of this section.

A. Purpose. The lot dimension ~~regulations~~standards ensure that:

- Each lot has enough room for a reasonably-sized house and garage;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with existing lots;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services; and
- Lots are not landlocked.

Table 610-2 Lot Dimension Standards					
	RF	R20	R10	R7	R5
Minimum Lot Area	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width	60 ft.[1]	60 ft.[1]	50 ft.[1]	40 ft.[1]	36 ft.[1]
Minimum Front Lot Line	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:

[1] See 33.930.100.A for how lot width is measured~~33.610.200.D~~.

B-C. [No change.]

ITEM 2

33.610.200D Minimum lot width

Because we are moving the description of how to measure lot width to Chapter 33.930, Measurements, the description of how to measure in 33.610,200.D is no longer needed.

ITEMS 34, 35 & 46

D.2. Exception to minimum lot widths.

Table 610-2 lists the minimum lot widths for new lots in the single dwelling zones. However, there is no minimum lot width if a set of standards are met at the time of the land division. Since this provision was adopted in 2002, there have been several unintended consequences, including:

- The creation of "flag-like" lots using the narrow lot provisions. This results in lots that have the same neighborhood impacts as flag lots, but are not subject to the special development standards for flag lots;
- Even where on-site parking is not required, BDS requires land division applicants to show how they will provide the parking. This is due to problems with conditioning this requirement, and ensuring communication to a future developer. Without a mechanism to track a "no parking" agreement for these narrow lots, staff requires land division applicants to show how the parking can be met on-site in all cases; and
- Problems in applying the zoning code to the right-of-way to determine if the required distance between curb cuts is met. The jurisdictional oversight is unclear.

The amendments to this section address these issues by:

- Ensuring that the proposed lots have dimensions that are consistent with the purpose statement of the lot dimension regulations. This allows staff the discretion to determine whether the lots will still provide an adequate building area which orients to the street, so that development can easily meet the development standards.
- Establishing a minimum lot width of 25 feet for proposed lots to be developed with detached houses. This provision, in conjunction with the new method for measuring lot width (see Chapter 33.930) will discourage using this provision to create "flag-like" lots.
- Keeping the provision to waive minimum lot width for lots to be developed with attached houses. There have been fewer problems with attached houses being proposed on "flag-like" lots, and waiving the minimum lot width allows more flexibility in developing those projects.
- Removing the requirement for a minimum distance between curb cuts. The Portland Office of Transportation will still have the authority to limit or combine curb cuts as part of their review, if there is a need to preserve on-street parking or address safety issues. In addition, combined with amendments to other parts of this Title, both BDS and Transportation will have additional opportunities to require alley access to garages if it mitigates transportation impacts.

Commentary continues on page 130

Language to be **added** is underlined
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D. Minimum lot width. ~~For the purposes of this subsection, width is measured at the minimum front building setback line. Where this setback line is curved, width is measured from the intersection points of the setback line with the side lot lines. Each lot must meet one of the following regulationsstandards. Lots that do not meet these regulationsstandards may be requested through Planned Development Review. Adjustments to the regulationsstandards are prohibited.~~

1. Each lot must meet the minimum lot width standard stated in Table 610-2; or
2. ~~The m~~Minimum lot width may be reduced below the dimensions stated in Table 610-2, if for lots that meet all of the following are met:
 - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;
 - b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;
 - ~~cb.~~ If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;
~~There must be at least 15 contiguous feet of uninterrupted curb space for each lot being created under these provisions. This distance is measured along the face of the curb, or along the edge of the roadway pavement if there is no curb. Each lot's space must be located along the street that the lot's front lot line abuts, and must abut the land division site; however, each space does not have to be located directly in front of its associated lot. See Figure 610-1. Lots that abut a pedestrian connection, common green or have vehicle access from an alley are exempt from this standard;~~
 - ~~de.~~ Lots must be configured so that development on the site will be able to meet the 50 percent garage limitation standard of Subsection 33.110.253.E at the time of development;
 - ~~ed.~~ Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
 - ~~e.~~ When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley.

Items 34, 35 & 46 (contd)

- Allowing an applicant to meet some of the garage and vehicle area standards by not providing on-site parking if the area is well served by transit. Applicants choosing this option will need to complete a covenant to be recorded with the deed to the property. The covenant will inform developers, builders, and future owners of the property that a standard garage with access from the street in front of the house may not be feasible or permitted on this lot. The covenant will include language so that if future regulations change to allow a parking space in the setback, a future owner does not have to remove the covenant prior to installing a driveway in conformance with the regulations at that time.

Figure 610-1 Examples That Meet The Uninterrupted Curb Standard.

This figure illustrates a standard that is being removed from the code, and so it is no longer needed.

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

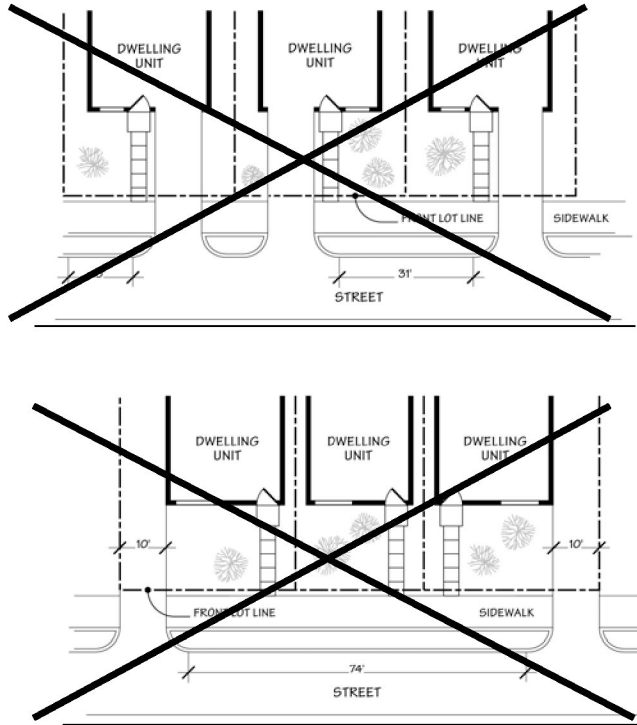
f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.b and c. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:

- (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
- (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
- (3) Be attached to, and recorded with the deed for the new lot.

E. Minimum front lot line. [No change.]

F. Minimum lot depth. [No change.]

Figure 610-1
Examples That Meet the Uninterrupted Curb Standard
THESE FIGURES WILL BE REMOVED



Item 36 – Land Division Monitoring: Issues with Flag Lots

Item 46 – Land Division Monitoring: Difference between flag lot and narrow lot

Item 47 – Land Division Monitoring: Existing Dwellings and flag lots

33.610.400 Flag Lots

Land division regulations adopted in 2002 sought to limit where flag lots could be created in single dwelling zones, and to encourage lots to orient more closely to streets and the public realm.

We have received a number of complaints about the regulations. Neighbors of flag lots sometimes see development on the flag lots as an intrusion into existing neighborhood privacy and character. Developers and BDS planners have noted that the regulations can limit land division options away from more desirable patterns, because one lot is proposed to be a flag lot.

Because of these somewhat opposite views, we are attempting to address some of the concerns, but recognize that these amendments will not completely address the different issues. The amendments will add some flexibility and discretion to the review of land divisions and, in concert with the amendments to 33.110.240, will address some of the concerns over privacy, screening, curb cuts, and the size of houses on flag lots.

- A. **Purpose.** The changes to the purpose statement clarify that the provisions are a mixture of qualifying situations, standards, and approval criteria. Mention of the provision to limit curb cuts is added.
- B. **When a flag lot is allowed.** Currently, flag lots are allowed only when one lot is being divided into two, and where the location of an existing house precludes the creation of non-flag lots. The amendments to this subsection do several things:
 - Clarify that an attached garage may be part of the structure precluding non-flag lots
 - Require that the existing house or attached garage be on the lot for at least 5 years; this is to prevent an applicant from first building a house that will preclude a non-flag lot division, and then applying for the flag lot exemption
 - Allow sites that are vacant, but too narrow and deep to provide two standard lots, to use the flag lot provisions, as that is the only feasible way to get a second lot

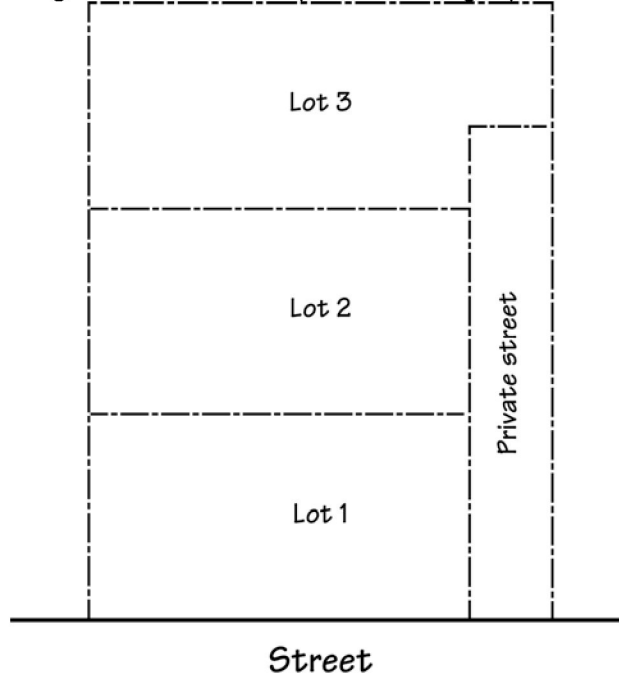
The most significant change is to allow flag lots in situations where three lots are proposed. When a site is wide enough for two houses but not three, or when the site is a long, through lot with frontage on two parallel streets, we generally see a three-lot land division with a private street or common green. These often result in houses oriented to the private street, rather than to the public street. In addition, the lot farthest from the public street has the same impacts on the neighbors as a flag lot, but does not have to meet the special flag lot development standards.

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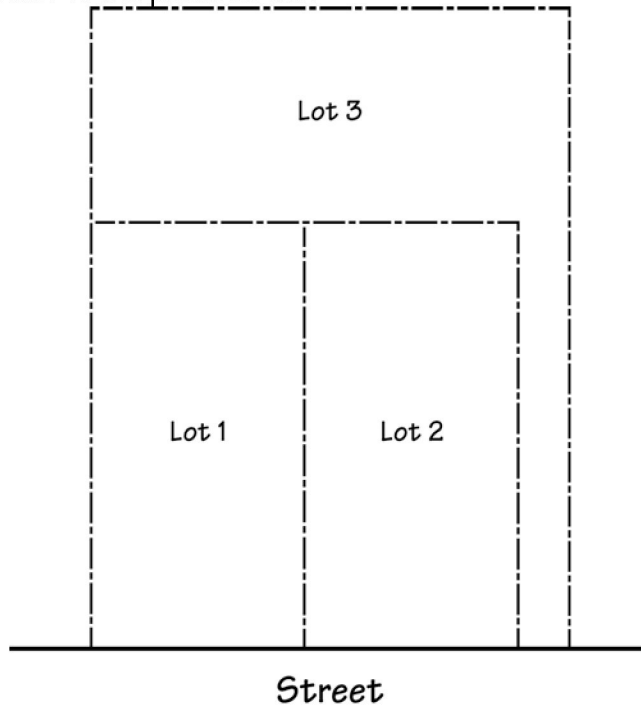
Commentary Contd.

To address this issue, these amendments will allow a three -lot land division to include one flag lot. This ensures that development on two of the three lots will orient to the public realm, continuing the development pattern along the street.

Instead of only being able to do a 3-lot partition along a private street,

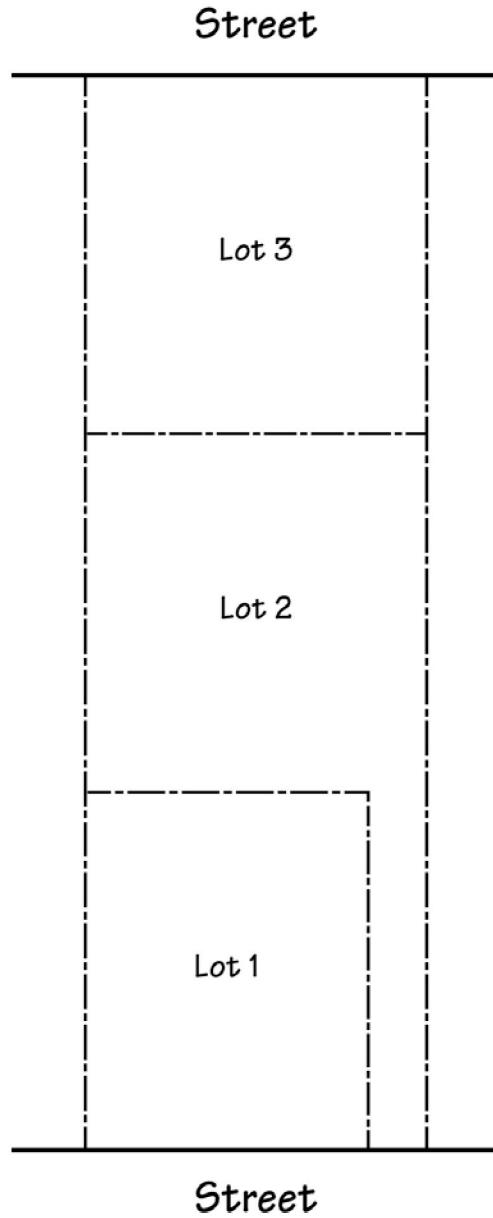


Applicants may choose to do a 3-lot partition with a flag lot that allows two of the three lots to orient to the public street.



Commentary Contd.

In addition, allowing a flag lot as part of a 3-lot partition will enable a through lot with frontages on two streets to place a flag lot in between the two street facing lots, without having to create a private street, or split the land division into two phases.



The code amendments follow on the next page.

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33.610.400 Flag Lots

The following ~~regulations~~standards apply to flag lots in the RF through R5 zones:

- A. Purpose.** These ~~regulations~~standards allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
1. One of the following are met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or
 - b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1.;
 2. Up to three~~Only two~~ lots are proposed, only one of which is a flag lot; and
 3. Minimum density requirements for the site will be met.

- D. **Minimum lot area.** A new standard is created to calculate the minimum lot area needed for a flag lot. Current code bases the calculation on the total lot size, including the pole. Since the pole is not buildable, this amendment ensures that the flag portion of the lot is an appropriate size.
- E. **Minimum lot dimensions.** These standards are not changing but are reorganized into a more clear sequence.
- F. **Vehicle access.** City bureaus and neighbors are concerned that flag lots create an overabundance of driveways and curb cuts, which affect the ability to provide swales for stormwater, can require the movement of utilities such as poles and hydrants, and reduce on-street parking. However, current approval criteria do not give the City the discretion to require driveways to be shared between the flag lot and the lots in front of the flag lot. This new criterion allows the City to require the sharing of vehicle access and curb cuts by two or more lots when appropriate.

Language to be **added** is underlined
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- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:

1-3. [No changes.]

- D. Minimum lot ~~dimensions~~area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.

E. Minimum lot dimensions.

1. Flag lots are exempt from the minimum front lot line standard.
2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
3. For the purposes of this subsection, width and depth are ~~is~~ measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.

- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

Item 2 - Land Division Monitoring and Narrow Lots: Measuring the width of lots.

Item 34 - Land Division Monitoring: 15 foot curb requirement for narrow lots

Item 35 - Land Division Monitoring: Garage and parking requirement for narrow lots

Item 42 - Land Division Monitoring: Creating well designed lots

Item 46 - Land Division Monitoring: Difference between flag and narrow lot

**CHAPTER 33.611
LOTS IN R2.5 ZONES**

Item 46

33.611.020 Where These Regulations Apply.

33.611.200 Lot Dimension Standards

Discretionary approval criteria have been added to the review of narrow and flag lots. As a result, it is incorrect to refer to all the regulations of this chapter as Standards. This amendment removes this discrepancy. In addition, the purpose statement is being clarified to reflect the intended purpose for land divisions in the R2.5 zone

Item 2

33.611.200C Minimum lot width

See commentary for 33.610.200.D.

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**CHAPTER 33.611
 LOTS IN THE R2.5 ZONE**

33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

33.611.020 Where These ~~Regulations~~Standards Apply

The ~~regulations~~standards of this chapter apply to land divisions in the R2.5 zone.

33.611.200 Lot Dimension ~~Regulations~~Standards

Lots in the R2.5 zone must meet the lot dimension ~~regulations~~standards of this section. Lots that do not meet these ~~regulations~~standards may be requested through Planned Development Review. Adjustments to the ~~regulations~~standards are prohibited.

A. Purpose. The lot dimension ~~regulations~~standards ensure that:

- Each lot has enough room for a reasonably-sized attached or detached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street; and
- Lots are compatible with existing lots while also considering the purpose of this Chapter;

B. Minimum lot area. Each lot must be at least 1,600 square feet in area.

C. Minimum lot width. ~~For the purposes of this subsection, width is measured at the minimum front building setback line. Where the setback line is curved, width is measured from the intersection points of the setback line with the side lot lines.~~ Each lot must meet one of the following ~~regulations~~standards. Lots that do not meet these ~~regulations~~standards may be requested through Planned Development Review. Adjustments to the ~~regulations~~standards are prohibited.

1. Each lot must be at least 36 feet wide; or

Items 34, 35 & 46

C.2. Exception to minimum lot widths.

See the commentary for 33.610.D.2.

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2. ~~The m~~Minimum lot width may be reduced below 36 feet, if for lots that meet all of the following are met:
 - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of this section;
 - b. The minimum width for lots that will be developed with detached houses may not be reduced below 25 feet;
 - ~~c~~b. If the lot abuts a public alley, then vehicle access must be from the alley. This requirement will be imposed as a condition of approval of the land division;
~~There must be at least 15 contiguous feet of uninterrupted curb space for each lot being created under these provisions. This distance is measured along the face of the curb, or along the edge of the roadway pavement if there is no curb. Each lot's space must be located along the street that the lot's front lot line abuts, and must abut the land division site; however, each space does not have to be located directly in front of its associated lot. See Figure 610-1. Lots that abut a pedestrian connection, common green or have vehicle access from an alley are exempt from this standard;~~
 - ~~d~~e. Lots must be configured so that development on the site will be able to meet the ~~50 percent~~ garage limitation standard of Subsection 33.110.253.E at the time of development;
 - ~~e~~d. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
 - ~~e~~. ~~When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley.~~
 - f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate onsite vehicle access and parking. Such lots do not have to meet the requirements of subparagraphs 2.b and c. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
 - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
 - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
 - (3) Be attached to, and recorded with the deed for the new lot.

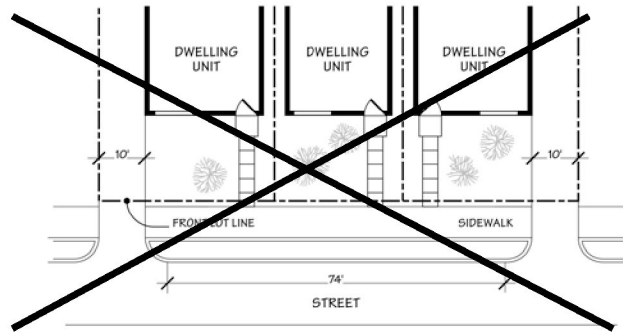
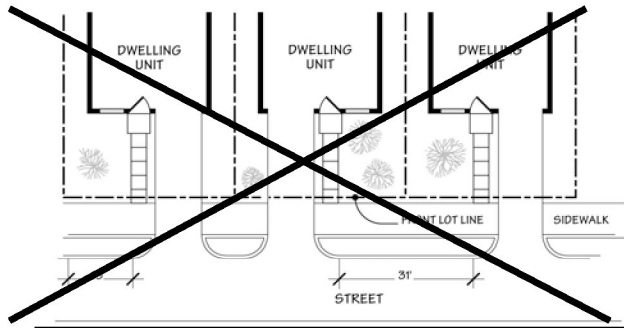
Items 34, 35 & 46 (contd)

Figure 611-1 Examples That Meet The Uninterrupted Curb Standard.
See commentary for Figure 610-1.

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- D. Minimum front lot line.** Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph .C.2. above, may reduce the front lot line to equal the width of the lot.
- E. Minimum lot depth.** Each lot must be at least 40 feet deep.

Figure 611-1
Examples That Meet the Uninterrupted Curb Standard
THESE FIGURES WILL BE REMOVED



Item 36 – Land Division Monitoring: Issues with Flag Lots

Item 46 – Land Division Monitoring: Difference between flag lot and narrow lot

Item 47 – Land Division Monitoring: Existing Dwellings and flag lots

33.611.400 Flag Lots.

- A. **Purpose.** See the commentary for amending the purpose statement under 33.610.400.
- B. **When a flag lot is allowed.** These amendments are similar to the amendments to 33.610.400, with one exception: the widths in B.1.b address that proposals in the R2.5 zone are often for attached and detached houses narrower than those found in RF through R5 zones.
- D. **Minimum lot area.** See the commentary for 33.610.400.D.
- E. **Minimum lot dimensions.** See the commentary for 33.610.400.E.
- F. **Vehicle access.** See the commentary for 33.610.400.F.

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

33.611.400 Flag Lots

The following ~~regulations~~ standards apply to flag lots in the R2.5 zones:

- A. Purpose.** These ~~regulations~~ standards allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
 - 1. One of the following are met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.611.200.C.1. The dwelling unit and attached garage must have been on the site for at least five years; or
 - b. The site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.
 - 2. Up to three~~Only two~~ lots are proposed, only one of which is a flag lot; and
 - 3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - 1-3. [No changes.]
- D. Minimum lot ~~dimensions~~area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Lot dimensions.**
 - 1. Flag lots are exempt from the minimum front lot line standard.
 - 2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 - 3. For the purposes of this subsection, width and depth is measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

Item 37 - Land Division Monitoring: Single-dwelling development in the R2 zone

Item 38 - Land Division Monitoring: Flag-like lots in multi-dwelling zones

**CHAPTER 33.612
LOTS IN MULTI-DWELLING ZONES**

In 2003, the City Council directed staff to amend the code to allow a greater variety of single-dwelling houses on small lots in the multi-dwelling zones. Regulations addressing the dimensions of new lots to be developed with attached and detached houses were minimized to allow the greatest amount of flexibility. This has occasionally resulted in lots that have the appearance of flag lots (narrow access pole in front, larger buildable area in the back). Although these lots meet the minimum dimension and size standards for new lots in the zone, the development takes place in the rear of the lot, similar to the development pattern on flag lots, even though new flag lots are not supposed to be allowed. The intent of the 2003 amendments was to allow for a certain amount of flexibility in the creation of lots, but not to create a 'loophole' for flag lots.

These amendments add a minimum lot width for attached houses, and create a new set of standards for detached houses. These standards will continue to allow flexibility to create a variety of lots, but the minimum width standards will limit the ability to create flag lots.

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**CHAPTER 33.612
 LOTS IN MULTI-DWELLING ZONES**

33.612.200 Lot Dimension Standards

A. Purpose. These standards ensure that:

- Each lot has enough room for development that meets all the requirements of the zoning code;
- Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.
- The multi-dwelling zones can be developed to full potential; and
- Housing goals for the City are met.

B. Lot dimensions. Minimum lot dimensions are stated in Table 612-1.

1. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 612-1.
2. Nonconforming uses. [No change.]

Table 612-1 Minimum Lot Dimensions						
	R3	R2	R1	RH	RX	IR (1)
Lots to be developed with: Multi-Dwelling Structures or Development:						
Minimum Lot Area	6,000 sq. ft.	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	None	10,000 sq. ft.
Minimum Lot Width	50 ft.	33 ft.	70 ft.	70 ft.	None	70 ft.
Minimum Lot Depth	70 ft.	70 ft.	70 ft.	100 ft.	None	100 ft.
Minimum Front Lot Line	50 ft.	30 ft.	70 ft.	70 ft.	10 ft.	70 ft.
Attached or Detached Houses						
Minimum Lot Area	1,600 sq. ft.	1,600 sq. ft.	None	None	None	None
Minimum Lot Width	15 ft. None	15 ft. None	15 ft. None	None	None	None
Minimum Lot Depth	None	None	None	None	None	None
Minimum Front Lot Line	15 10 ft.	15 10 ft.	15 10 ft.	10 ft.	10 ft.	10 ft.
Detached Houses						
Minimum Lot Area	<u>1,600 sq. ft.</u>	<u>1,600 sq. ft.</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
Minimum Lot Width	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>None</u>	<u>None</u>	<u>None</u>
Minimum Lot Depth	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>None</u>
Minimum Front Lot Line	<u>25 ft.</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
Duplexes						
Minimum Lot Area	4,000 sq. ft.	2,000 sq. ft.	None	None	None	2,000 sq. ft.
Minimum Lot Width	50 ft.	33 ft.	None	None	None	None
Minimum Lot Depth	50 ft.	50 ft.	None	None	None	None
Minimum Front Lot Line	50 ft.	30 ft.	10 ft.	10 ft.	10 ft.	30 ft.

Notes:

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

**Item #15 - Compliance with Metro Title 4 Industrial Lands Changes:
Issues addressing Land Divisions**

**CHAPTER 33.615
LOTS IN INDUSTRIAL ZONES**

See commentary also for 33.140.100

33.615.100 Minimum Lot Dimension Standards

- C. Additional regulations for large sites.** Metro's changes to Title 4 for land divisions ensure that large, relatively undeveloped industrial sites remain intact to allow larger firms to move into the area without having to spend the time and expense to assemble properties from a number of owners. In general, the regulations require that existing sites that are larger than 50 acres contain at least one lot of at least 50 acres after the land division.

Current city land division code in the industrial zones has minimum lot size standards for new lots, but does not have any special criteria that apply to sites over 50 acres. This amendment adds a new section to specifically address large sites, in conformance with Metro's requirements. In compliance with the exceptions that Metro allows to the rule, new lots can be less than 50 acres if more than 40 percent of the existing site has already been developed for industrial uses, or if the land division creates lots that are to be used for public facilities or to protect an environmental resource.

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**CHAPTER 33.615
 LOTS IN INDUSTRIAL ZONES**

33.615.100 Minimum Lot Dimension Standards

All lots must meet the following minimum size and dimension standards. An exception is allowed under the provisions of Section 33.615.200.

- A. IG1 zone.** All lots in the IG1 zone must meet Standard B stated in Table 615-1.
- B. IG2 and IH zones.**
 - 1. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 615-1 and the remainder must meet Standard B.
 - 2. For land divisions of fewer than 10 lots, all but one lot must meet Standard A stated in Table 615-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.

Table 615-1 Minimum Lot Size and Dimension in Industrial Zones			
	Minimum Lot Area	Minimum Dimension	Minimum Front Lot Line
Standard A	40,000 sq. ft.	150 ft. x 150 ft.	35 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.	35 ft

C. Additional regulations for large sites. To ensure an adequate supply of large sites for future industrial uses, the following regulations apply to sites larger than 50 acres:

- 1. Except as allowed by C.2, after the land division, at least one lot must be at least 50 acres; or
- 2. A land division may result in all lots and tracts being less than 50 acres if one of the following is met:
 - a. The site proposed for the land division includes existing buildings and exterior improvements that cover more than 40% of the site and are currently in use by industrial uses allowed in the zone;
 - b. The proposed configuration of lots is necessary to provide a public facility or service; or
 - c. The proposed configuration of lots is necessary to protect a natural resource, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality as described in ORS 465.225;

33.615.200 Exception [No change.]

Item ADD 50 - Tree Survey and Fencing in Land Divisions.

**CHAPTER 33.630
TREE PRESERVATION**

33.630.200 Tree Preservation Methods. See commentary for 33.248.068.

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**CHAPTER 33.630
TREE PRESERVATION**

33.630.200 Tree Preservation Methods

Trees must be preserved either in a tract or by use of a tree preservation plan.

A. Tree preservation tracts. The following standards apply to sites where trees will be preserved in tracts:

1. [No Change.]

2. Construction fencing.

a-c. [No Change.]

d. The fence must ~~meet one of the following:~~ be 6-foot high chain link and be secured to the ground with 8-foot metal posts driven into the ground.

~~(1) The fence must be 6-foot high orange plastic and be secured to the ground with 8-foot metal posts, or~~

~~(2) The fence must be 6-foot high steel on concrete blocks.~~

B. [No Change.]

Item 37 - Land Division Monitoring: Single-dwelling development in the R2 zone

Item 39 - Land Division Monitoring: Triggers for Public and Private Alleys

Item 42 - Land Division Monitoring: Creating well designed lots

**CHAPTER 33.641
TRANSPORTATION IMPACTS**

33.641.030 Mitigation. Alleys may help alleviate the traffic and design impacts of development. Provision of an alley can move garage access away from busy streets, reduce the number of driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Because of this, this amendment adds construction of alleys to the list of mitigation options.

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**CHAPTER 33.641
TRANSPORTATION IMPACTS**

33.641.030 Mitigation

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

Item 37 - Land Division Monitoring: Single-dwelling development in the R2 zone

Item 39 - Land Division Monitoring: Triggers for Public and Private Alleys

Item 42 - Land Division Monitoring: Creating well designed lots

**CHAPTER 33.654
RIGHTS-OF-WAY**

33.654.110 Connectivity and Location of Rights of Way

B. Approval Criteria

4. Alleys in all zones. Current land division regulations allow applicants to decide whether to include an alley as part of a land division. The regulations do not provide direction allowing staff to require alleys when they would be appropriate, for example, to mitigate for transportation impacts or to limit curb cuts on a street, which would result in a better designed land division. This amendment allows staff to use discretion in requiring alleys where they would provide mitigation or complement future development.

33.654.130 Additional Approval Criteria for Rights-of-Way

- E. **Ownership of Alleys.** There are many instances where requiring a proposed alley to be dedicated to the public would serve a public purpose by allowing adjacent sites to access the alley when the adjacent sites develop, redevelop, or are divided. Currently the City has no mechanism to require this.

This new approval criterion allows the City the discretion to require that a proposed alley be dedicated to the public. However, the City will not require dedication if the Office of Transportation does not agree to accept the alley as a public right of way. The Office of Transportation also determines the design and layout of any alley to be dedicated to the public.

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

**CHAPTER 33.654
 RIGHTS-OF-WAY**

33.654.110 Connectivity and Location of Rights-of-Way

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

B. Approval criteria.

1-3. [No changes.]

4. Alleys in all zones. ~~Alleys may be provided where appropriate.~~ Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Where alleys are not required, applicants may choose to provide them.

33.654.130 Additional Approval Criteria for Rights-of-Way

A-D.[No changes.]

E. Ownership of alleys. Where the proposed alley abuts sites that may be divided or further developed under current zoning, the alley may be required to be dedicated to the public. Factors to be considered include the spacing of existing rights-of-way, whether adjacent sites are already fully developed under the current zoning, and whether the alley can provide vehicle access to adjacent developable sites. The Office of Transportation must approve the dedication and configuration of any public alley improvements.

33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

B. Ownership

7. *Alleys. Current regulations on alley ownership are designed to provide maximum flexibility to the applicant. Alleys serving more than 5 lots may be either dedicated to the public or privately owned in common by the adjacent property owners. Alleys serving 5 or fewer may be dedicated to the public, owned in common by adjacent property owners, or be in an easement. As mentioned above there are situations where a public purpose would be served by requiring some alleys to be dedicated to the public. This amendment provides a reference to the new approval criterion in 33.654.130 for the determination of whether an alley should be public or private. The remaining two standards are clarified for situations when the alley is in private ownership.*

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

33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

A. Purpose. To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.

B. Ownership. Ownership of rights-of-way is determined through the following standards:

1-6. [No change.]

7. Alleys.

a. Determination of whether an alley must be dedicated to the public or may be privately owned is made under 33.654.130.E.

ba. If an alley is not dedicated to the public and serves~~Alleys serving more than 5 lots, it must be~~ ~~may be dedicated to the public or~~ ~~owned in common by the owners of property within the land division site or the Homeowners' Association.~~

cb. If an alley is not dedicated to the public and serves~~Alleys serving 5 or fewer lots, it must either~~ ~~may be dedicated to the public,~~ placed in an easement, or owned in common by the owners of the property within the land division site or the Homeowners' Association.

8-10. [No change.]

Item #43 - Modification of Planned Development Standards

Item #44 Planned Development Review Approval Criteria and Modifications

**CHAPTER 33.665
PLANNED DEVELOPMENT REVIEW**

33.665.310 Approval Criteria for Planned Developments in All Zones.

The 2002 Land Division Code Rewrite Project shifted the focus of Planned Development reviews more to the design of proposed buildings than the configuration of development on the site.

This shift in focus has made it difficult for BDS staff to address many site design issues such as the layout of the buildings, streets, driveways, and common areas. These amendments add more considerations into the approval criteria; this allows staff to look at how a proposed Planned Development as a whole integrates into the fabric of the surrounding area. Some of the changes also reduce repetition.

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

**CHAPTER 33.665
 PLANNED DEVELOPMENT REVIEW**

33.665.300 Approval Criteria in General

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

- A.** Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.
- B.** Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330.
- C.** Proposals that do not include a land division must meet the criteria in Section 33.665.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

33.665.310 Approval Criteria for Planned Developments in All Zones

Configure the site and design development to:

- A.** Visually integrate ~~the development into~~with both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:
 - 1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;
 - 2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
 - ~~B~~—3. Inclusion of ~~include~~ architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
 - ~~C~~—4. Mitigation of ~~Mitigate~~ differences in appearance through means such as setbacks, screening, landscaping, and other design features;
 - ~~D~~—5. Minimizing ~~Minimize~~ potential negative effects on surrounding residential uses; and
 - ~~E~~—6. Preservation of ~~Preserve~~ any City-designated scenic resources; and
- BF.** Provision of adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multi-dwelling structures. Open area does not include vehicle areas. ~~If the proposal is in the RF through R2.5 zones and includes attached houses, duplexes, attached duplexes, or multi-dwelling structures, adequate open space will be provided. Open space does not include vehicle areas.~~

33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

- A. Modification of specified site-related development standards.** These approval criteria were created to apply to Planned Development proposals that don't meet some of the narrow lot development standards. The criteria have, in practice, turned out to be too narrowly focused and specific to the individual standard that is not being met. As a result, it is difficult to analyze the total result of and needed mitigation for modifying the standards. BDS staff must analyze the individual aspects of the development proposal rather than the proposal as a whole, resulting in projects that meet the specific approval criteria but aren't better designed. BDS staff thinks that the general approval criteria that apply to all other modifications can better address these site standards and also require the applicant to show consistency with the original purpose of the regulations being modified. We agree. This amendment removes the specific narrow lot modification approval criteria. All modifications will be subject to the more general modification criteria of 33.665.320.B., which will better satisfy the original purpose of the regulations.

By removing the approval criteria in subsection A, we are also removing an incorrect height reference that existed in A.3.

Language to be **added** is underlined
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33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

~~**A. Modification of specified site-related development standards.** The approval criteria of this subsection apply to proposals to modify any of the following standards:~~

- ~~33.610.200.D, Minimum lot width;~~
- ~~33.611.200.C, Minimum lot width;~~
- ~~33.110.215.B.2;~~
- ~~33.110.230.D, Distance from grade;~~
- ~~33.110.240.C.1.d, Landscape standards;~~
- ~~33.110.240.C.2.d, Landscape standards;~~
- ~~33.110.253.E.3; or~~
- ~~33.110.275.A, Access to parking.~~

The design of the proposed development will:

- ~~1. Limit the amount of vehicle maneuvering, parking, and garage area that can be seen from the sidewalk or street so that the vehicle area and garage are not the dominant visual feature of the dwelling;~~
- ~~2. Through the use of landscaping, adequately mitigate and visually soften the appearance of the vehicle area and garage that is visible from the sidewalk or street;~~
- ~~3. Where the height to width ratio exceeds 1.2 to 1, use architectural or landscape features that minimize the visual impact of the height of the structure; and~~
- ~~4. Where the front door will not be within four feet of grade, employ architectural features that will ensure that the first floor of the structure is visually connected to the public realm.~~

~~**B. Modifications of other site-related development standards.** The following criteria apply to modifications of site-related development standards, including parking standards, except those listed in Subsection A, above. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:~~

- ~~**A. 1. Better meets approval criteria.** The resulting development will better meet the approval criteria of Section 33.665.310, above; and~~
- ~~**B. 2. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.~~

Item 45 – Property Line Adjustments and nonconforming uses

CHAPTER 33.667 PROPERTY LINE ADJUSTMENTS

33.667.300 Regulations

- A. **Properties.** The property line adjustment (PLA) is a nondiscretionary process to move a property line between two properties. In order to be approved, the property line adjustment must meet several standards, including standards to ensure that development such as setbacks, etc that currently meet the code. do not move out of conformance. The standards for PLAs do not address the creation of a nonconforming use. An example would be if an allowed accessory use was separated from the primary use, but was not itself a primary use allowed in the zone. This amendment adds a standard to prevent such a situation.

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

CHAPTER 33.667
PROPERTY LINE ADJUSTMENT

33.667.300 Regulations

A request for a Property Line Adjustment will be approved if all of the following are met:

A. Properties. For purposes of this subsection, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line.

1. The Property Line Adjustment will not cause either property or development on either property to move out of conformance with any of the regulations of this Title, including those in Chapters 33.605 through 33.615 except as follows:
 - a. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation;
 - b. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard; and
 - c. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard.
2. The Property Line Adjustment will not configure either property as a flag lot, unless the property was already a flag lot;
3. The Property Line Adjustment will not result in the creation of street frontage for a land-locked property;
4. If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met; ~~and~~
5. The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone; and
6. The Property Line Adjustment will not create a nonconforming use.

B-C. [No change.]

Item 22 - Mobile Home Parks and State Law

CHAPTER 33.670 REVIEW OF LAND DIVISIONS OF MOBILE HOME PARKS

Most of the amendments to this chapter are changes to terminology for consistency with State law. See commentary for Chapter 33.251, and Chapter 33.910.

The only substantive amendment is to 33.670.130.E, and is described on the next commentary page.

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

CHAPTER 33.670
REVIEW OF LAND DIVISIONS OF MANUFACTURED DWELLING~~MOBILE HOME~~ PARKS

33.670.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions of manufactured dwelling~~mobile home~~ parks that existed on July 1, 2001. The regulations apply in all zones. Sites with manufactured dwelling~~mobile home~~ parks are eligible to use the regulations and procedures of chapter 33.660 through 33.665 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.670.030 Application Requirements

A complete application for a land division of a manufactured dwelling~~mobile home~~ park under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size, and be suitable for reproduction.

A. Preliminary Plan. [No change.]

B. Final Plat. An application for a Final Plat must include all of the following:

1. Final Plat survey. [No change.]
2. Supplemental plan. A supplemental plan, the number determined by the Director of BDS, that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. This includes the information from the Preliminary Plan that shows the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling~~Mobile Home~~ Parks;
- 3-6. [No changes.]

33.670.130 Approval Criteria

E. Services and Utilities.

1. State law allows vehicle access to up to 4 dwellings in a manufactured dwelling park by a common driveway. Access to more than 4 dwellings requires a public or private street or alley.

Zoning Code regulations for manufactured dwelling parks that are going through a land division limit the number of dwellings using a shared driveway to two. This amendment brings the Zoning Code into conformance with the State regulations.

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

33.670.130 Approval Criteria

The Preliminary Plan for a land division of a manufactured dwelling~~mobile home~~ park will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. Legal status of manufactured dwelling~~mobile home~~ park.** One of the following must be met:
 1. The manufactured dwelling~~mobile home~~ park is a legal nonconforming use; or
 2. The BDS Code Compliance Division has not issued a written code violation notice as of July 2, 2001.
- B. Number of lots.** The number of lots proposed is the same or less than the number of manufactured dwelling~~mobile home~~ spaces previously approved or legally existing in the manufactured dwelling~~mobile home~~ park.
- C. Development standards.** The Preliminary Plan does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling~~Mobile Home~~ Parks.
- D. Boundary.** The proposal does not change the boundary of the manufactured dwelling~~mobile home~~ park.
- E. Services and utilities.**
 1. Areas that are used for vehicle access, such as driveways, and that serve more than ~~four~~two lots, must be in a tract. The tract must be shown on the Preliminary Plan;
 2. All other services and utilities that serve more than one lot must be in a tract or easement. Where a service or utility serves only one lot, but crosses another, it also must be in a tract or easement. The tracts and easements must be shown on the Preliminary Plan;
- F. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements, must be met.

ADD Item 51 - When a Decision is Final and Effective

CHAPTER 33.730 QUASI-JUDICIAL PROCEDURES

33.730.015 Type I Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

This amendment clarifies that the date a land use decision becomes "final" and the date it becomes "effective" are the same. This was the basis of an appeal of a City land use decision. Although the City's interpretation of the code was upheld in that case, the appeal made it apparent that the use of these terms needed to be clarified. State law defines the final decision date as the date the decision is signed by the local decision maker, unless a local ordinance provides that the decision becomes final at a later date. There is no definition of the effective date in State law. It is useful to have an "effective" date, because it establishes a clear date when other permits can be issued or a use can commence after all local appeals periods have expired. Because State law refers to a final date, and not an effective date, it is also useful to include the term "final" in the City code to clarify that it is the same as the effective date.

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**CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES**

33.730.015 Type I Procedure

A-F [No change.]

G. Date that decision is final and effective. ~~Effective date of decision.~~ ~~The decision of the BDS Director is final and effective on the day the notice of decision is mailed.~~ ~~The Director of BDS's decision takes effect on the day the notice of decision is mailed.~~

33.730.020 Type II Procedure

A-G [No change.]

H. When no appeal is filed. If no one appeals the decision, ~~an approved request takes effect~~ the decision is final and effective on the day after the last day to appeal.

I. When an appeal is filed.

1-8. [No change.]

9. Date that decision is final and effective. ~~Effective date of decision.~~ ~~The decision of the review body is final and effective on the day the notice of decision is mailed.~~ ~~The review body's decision takes effect on the day the notice is mailed.~~

10. [No change.]

33.730.025 Type IIx Procedure

A-G No change.

H. When no appeal is filed. If no one appeals the decision, ~~an approved request~~ the decision ~~takes effect~~ is final and effective on the day after the last day to appeal.

I. When an appeal is filed. Appeals must comply with this subsection.

1-8. No change.

9. Date that decision is final and effective. ~~Effective date of decision.~~ ~~The decision of the review body is final and effective on the day the notice of decision is mailed.~~ ~~The review body's decision takes effect on the day the notice is mailed.~~

10. No change.

33.730.030 Type III Procedure

33.730.031 Type IV Procedure

See commentary for 33.730.015

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

33.730.030 Type III Procedure

A-F [No change.]

G. When no appeal is filed. If no one appeals the decision, ~~an approved request takes effect~~ the decision is final and effective on the day after the last day to appeal.

H. When an appeal is filed. Appeals must comply with this subsection.

1-7. [No change.]

8. Date that decision is final and effective. Effective date of decision. The decision of City Council is final and effective on the day notice of decision is mailed by the City Auditor. ~~The City Council's decision takes effect on the day the notice of decision is mailed by the City Auditor.~~

9. [No change.]

33.730.031 Type IV Procedure

A-E [No change.]

F. Decision by review body.

1-4. [No change.]

5. Date that decision is final and effective. Effective date of decision. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor. ~~The review body's decision takes effect on the day the notice is mailed by the City Auditor.~~

6. [No change.]

ADD Item 50 – Tree Survey and Fencing in Land Divisions.

33.730.060 Application Requirements

D. Required information for land divisions.

Land division reviews require a plan for the preservation of trees during and after construction. Inspectors reviewing tree requirements in the field find that trees are not always represented correctly on the plans. This leads to confusion and delays in the field and the following situations:

- misidentification of which trees need to be preserved;
- incorrectly located tree protection fencing;
- conflicts between erroneous location of root protection zones and proposed development;
- trees to be protected actually being off-site, in the right-of-way, or closer to existing structures than noted; and
- More or fewer trees actually being on the site.

These problems sometimes lead inspectors to either write incorrect approvals or misinformed correction notices. Aside from delays, these may result in future violations for the developer or new property owners if trees to be preserved are erroneously removed. Any of these situations cause the inspector to have to verify with other sources for accurate information and causes delays. In cases where an error can be clearly identified and problems ensue, the applicant may have to request an amendment to the land division, or go through a tree review to address changes or corrections, or address unforeseen impacts. These all result in additional expense – time and money – for both the applicant and the City.

These amendments address the problems by requiring that the locations of tree trunks be surveyed and shown on site plans for land divisions. Including trees on the survey will provide better information at the preliminary phase of the land division when key decisions about infrastructure location and lot configuration are made, and at which time there is ample flexibility to address potential conflicts. Staff experience and interviews with surveyors indicate that, in many cases, all of the trees on a site are being surveyed now, particularly on smaller sites. Advances in technology have made surveying trees less labor intensive than in the past. Since many surveyors already take steps in the direction of showing trees, making the survey a requirement will standardize the practice. For larger sites, there may be an additional cost, but we expect this to be balanced by the reduction in costs created by the problems noted above.

(Commentary continues on Page 174.)

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. Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:

a-c. [No Change.]

- d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:

(1) [No Change.]

- (2) Existing conditions map. The following existing site conditions must be shown:

Surveyed information:

- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- All trees on the site at least 6 inches in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. Trees on a Land Division site that propose to use the Tree Preservation Standard in 33.630.100.A.5 Option 5 do not have to be surveyed;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;

There is an exception where a tree-by-tree survey is not necessary. If the land division proposal includes tracts where all of the trees will be preserved, whether it is a tree preservation tract, stormwater tract, or other type, the potential conflicts are reduced. This occurs most often on larger sites, where there are large stands of trees, but could occur on any site. Because the trees in the interior of the tract will be located outside of areas where they might be affected by the construction of roads, utilities, and other development, it is not crucial to know their precise location through survey. Trees near the boundary of a tract, which do have the potential to be affected by construction activity, will still need to be surveyed. For this reason, the amendments exempt trees located within a tract where all trees will be preserved, if the trees are more than 25 feet from the tract boundary.

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

Surveyed information (contd):

- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of 100-year floodplains, and FEMA Floodway boundaries. Sites that contain a water body not shown on the FEMA maps must identify the location of the flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
- Location, dimensions, and purpose of existing easements on and abutting the site;

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

e. Tree map. A tree map showing the following:

- Proposed lots and tracts;
- Surveyed location of a~~All trees required to be surveyed by D.1.d(2). over 6 inches in diameter;~~
- Tree numbers corresponding to the arborist report;
- Significant Trees, showing type and size, and indicating which will remain and which will be removed;
- Heritage and Historic Landmark Trees;
- Location, type, and size of trees to be removed;
- Location, type, and size of trees to be preserved; and
- Existing and proposed tree preservation tracts.

f. Tree Report. A tree report including the following:

- How the regulations of Chapter 33.6340, Tree Preservation, are met; and
- An arborist's report as required in Chapter 33.630, Tree Preservation.

g-1. [No Change.]

2-4. [No Change.]

**Item #15 - Compliance with Metro Title 4 Industrial Lands Changes:
Comprehensive Plan Map Amendments involving industrial and employment
lands.**

**CHAPTER 33.810
COMPREHENSIVE PLAN MAP AMENDMENTS**

See commentary also for 33.140.100

33.810.050 Approval Criteria. As part of the amendments to Title 4, Metro created specific criteria in to allow cities and counties to amend the designation of small areas now designated for Industrial or Employment uses. If the approval criteria are met, then applicants do not need to get a separate approval from Metro.

- A. Quasi Judicial.** In Portland, individual property owners can request the City to change the designation of their property on the Portland Comprehensive Plan map. The process for this case-by-case review is called "quasi-judicial." Applicants must meet certain criteria to receive approval from the City.

To comply with Title 4, applicants requesting a change from an Industrial or Employment designation must meet additional approval criteria and regulations. These criteria and regulations actually apply now; they simply are not reflected in our Zoning Code. This requires applicants to receive both City and Metro approval through two different procedures. To avoid this two-step process, we are incorporating the approval criteria and regulations into our Code. This will provide a better process and more clarity for applicants, staff, and neighbors.

The changes needed to do this fall into several areas:

A.3.a-c, e First, we must consider whether the uses allowed by the proposed new designation will have a significant adverse effect on existing industrial and employment uses in the area, or on the industrial character of the area as a whole. We must also consider the effect of the new uses on transportation, particularly truck, rail, air, and marine transportation, and the effect of the proposal on the physical continuity of the industrial or employment area. Physical continuity can mean both geographic location as well as the extent to which a site is integrated physically into the industrial or employment area through transportation and capital infrastructure. These criteria are similar to those currently applied to re-designations in the Guilds Lake plan district, but differ here to apply citywide.

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**CHAPTER 33.810
 COMPREHENSIVE PLAN MAP AMENDMENTS**

33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative are found in 33.700.070.H.

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
2. When the requested amendment is [No change – This criteria address housing needs and the housing pool.];
3. When the requested ~~amendment is is for a site within the Guild’s Lake Industrial Sanctuary plan district and involves a change from an~~ Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation to any other designation, in order to prevent the displacement of industrial and employment uses and preserve land primarily for ~~these~~ industrial uses, the following criteria must also be met:
 - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the ~~areaplan district~~ or compromise the ~~area’s district’s~~ overall industrial character;
 - b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the ~~areaplan district~~. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;
 - c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the ~~areaplan district~~, including truck, rail, air, and marine facilities; ~~and~~

A. Quasi Judicial (contd.)

A.3.d & f. Second, we must add two criteria to preserve the link between industrial land and infrastructure, and to discourage the spread of retail and cultural facilities outside of Metro- and City-designated centers. Criterion d ensures that land with special advantages for industrial development, such as direct access to multi-modal transportation facilities, is not removed from the industrial land supply. Criterion f is added to keep industrial or employment lands from attracting major retail, cultural, or civic facilities that are more appropriately located in the Central City, Regional Centers, or Town Centers.

A.3.g Third, we must add a criterion to address job capacity. Title 1 of Metro's Urban Growth Management Functional Plan contains a table that establishes the minimum amount of job growth that each jurisdiction must meet. The City of Portland is on target to reach these minimum job numbers. However, to ensure that the trend continues, we are adding a criterion so that the number of jobs is not reduced as a result of removing land from the industrial or employment land supply. If the analysis reveals a net loss of jobs, then an analysis will be needed to verify that the amendment won't cause the city to fail to meet Metro's job capacity target. *(Note: Staff, with permission from the Planning Commission, is still doing an analysis to determine whether this approval criterion is needed, or whether our existing and future jobs capacity already far exceeds the Metro goals. We hope to reach a conclusion by the December 10th hearing.)*

A.3.h. Finally, we must limit the amount of land that may be considered for redesignation on a case-by-case basis. These limitations allow quasi-judicial Comprehensive Map Amendments on smaller sites without the need to gain approval from Metro. The sizes, set by Metro, vary with the designation of the property both on the Portland Comprehensive Plan map and on Metro's map of Regionally Significant Industrial Areas.

Redesignation of larger areas must be reviewed as part of a legislative project, which will consider the effects of changes on the larger area. The legislative procedure also provides more opportunity for discussion with Metro.

B. Legislative. This amendment clarifies that all legislative projects must provide findings of consistency with the Metro Urban Growth Management Functional Plan. In general, the Planning Bureau already does this, but the amendment places it in the zoning code and ensures consistent review of projects against city, regional, and state goals.

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- d. The site does not have direct access to special industrial services such as multimodal freight movement facilities or industrial pipelines;
- e. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary ~~or Mixed Employment within the plan district~~ and not result in a discontinuous zoning pattern-;
- f. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities;
- g. If the proposed designation for the site is not Industrial Sanctuary or Mixed Employment, one of the following must be met:
 - (1) The uses allowed by the proposed designation will not result in a loss of job capacity for the site; or
 - (2) If there will be a loss of job capacity on the site, the proposal will not reduce Portland's ability to meet the job capacity goals for Portland as identified on Table 3.07-1 of Title 1 of Metro's Urban Growth Management Functional Plan; and
- h. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
 - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
 - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
 - (3). If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation.
 - (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

Item 29 - Historic District Contributing Structures

CHAPTER 33.815 CONDITIONAL USES

33.815.125 Specified Uses in Industrial Zones

See commentary for 33.445.330.

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

See commentary for 33.445.330.

Language to be **added** is underlined
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**CHAPTER 33.815
 CONDITIONAL USES**

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Central City Plan District may use approval criteria 33.815.126: Office Uses in the IG1 Zone in the Central City Plan District, if they contain characteristics of manufacturing businesses. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing ~~in the analysis done in support of a Historic District's creation~~ to the historic significance of a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea in the Central City Plan District may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

A-E. [No Change.]

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing ~~in the analysis done in support of a Historic District's creation~~ to the historic significance of a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. The approval criteria are:

A-E. [No Change.]

**Item #15 – Compliance with Metro Title 4 Industrial Lands Changes:
Approval criteria for Conditional Use reviews.**

See commentary also for 33.140.100

33.815.127 (and other sections: see below)

Additional approval criteria for various Conditional Uses. As part of Metro's changes to Title 4, language was added to ensure that cities and counties do not allow non-industrial uses to have an adverse effect on the system of freight routes and the movement of freight.

Many of these non-industrial uses require a conditional use to be established, or to be larger than a certain size. During the conditional use review, staff considers whether they will negatively affect the city's transportation network. For some uses, such as Retail Sales And Service and Office uses, the current approval criteria also allow staff to review the potential effect on truck and freight traffic. The amendments to this chapter require staff to consider the potential effect on truck and freight traffic for additional non-industrial uses.

These amendments affects several sets of approval criteria. However, each of the criteria contains similar amendments. The following pages show amendments to the sections listed below:

- 33.815.127** Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.130** Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.132** Office uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District.
- 33.815.205** Detention Facilities
- 33.815.215** Major Event Entertainment
- 33.815.222** Park-and-Ride Facilities for Mass Transit
- 33.815.223** Public Safety Facilities
- 33.815.300** Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301** Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302** Professional/Technical Facilities in the Columbia South Shore Plan District
- 33.815.303** Retail Sales and Service Uses in the Columbia South Shore Plan District

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33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild’s Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

- A.** The proposed offices will not have significant adverse effects on nearby industrial firms or result in conflicts with industrial activities. Evaluation factors include:
 - 1. The impact of traffic generated by the proposed offices on industrial use of the transportation system, considering the access, maneuvering, ~~and loading,~~ truck and freight movement needs of industrial uses; and
 - 2. The extent to which the proposed offices are designed to minimize and mitigate negative impacts from industrial activities on those working in the offices. Impacts include noise, fumes, and dust.
- B.** The transportation system is capable of supporting traffic generated by the proposed offices in addition to the existing uses in the plan district. Evaluation factors include street designations and capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies; and
- C.** Industrial uses will be maintained as the primary use of the site and the proposed office use will not compromise the ability of the site to continue to be used for industrial operations.

Item 29 - Historic District Contributing Structures

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

See commentary for 33.445.330.

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33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote preservation of historic resources that are listed on the National Register of Historic Places or are identified as contributing ~~in the analysis done in support of a Historic District's creation to the~~ historic significance of a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

A-D. [No Change.]

**Item #15 - Compliance with Metro Title 4 Industrial Lands Changes:
Approval criteria for Conditional Use reviews.**

33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones. See commentary for 33.815.127.

33.815.132 Office uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. See commentary for 33.815.127. In addition, the truck impact language in Subsection B is removed to avoid repetition.

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33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry.

Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. In the IG1, IG2, and IH zones, criterion A., B., ~~and C.~~, and D must be met. In the EG1 and EG2 zones, criterion A. ~~and B.~~, and C. must be met and either DC. or ED. The approval criteria are as follows:

- A. The proposed use will not have a significant adverse effect on truck and freight movement;
- BA. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;
- CB. City-designated scenic resources are preserved; and
- DC. The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses; or
- ED. The proposal is for new development where:
 1. The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and
 2. The proposal includes a design, landscape, and transportation plan which will limit conflicts between residential, employment, and industrial uses.

33.815.132 Office uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District.

These approval criteria promote preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for compatible employment intensive businesses. The approval criteria are:

- A. The proposed use will not have a significant adverse effect on truck and freight movement;
- BA. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; ~~impacts on truck and freight movement;~~ and adequate transportation demand management strategies;
- CB. The nature of the business does not typically require customers or clients to visit the site.

Item #15 (contd.)

33.815.205 Detention Facilities. *See commentary for 33.815.127.*

33.815.215 Major Event Entertainment. *See commentary for 33.815.127.*

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33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

A-B. [No change.]

C. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

[Renumber 2 & 3 to 3 & 4]

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

[Renumber 2 & 3 to 3 & 4]

B-D. [No change.]

Item #15 (contd.)

33.815.222 Park and Ride Facilities for Mass Transit. See commentary for 33.815.127.

33.815.223 Public Safety Facilities. See commentary for 33.815.127.

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33.815.222 Park-and-Ride Facilities for Mass Transit

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

- A. The proposal will not by itself, or in combination with other on-site parking areas, significantly detract from the overall desired character of the area, including existing or planned transit-supportive, high-density residential or mixed-use development;
- B. The park-and-ride facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

[Reletter C.-F. to D.-G.]

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

A-B. [No change.]

C. Public services.

- 1. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

[ReNUMBER 1.-2. to 2.-3.]

D. Livability. [No change.]

E. Radio Frequency Transmission Facilities. [No change.]

Item #15 (contd.)

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District. See commentary for 33.815.127.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District. See commentary for 33.815.127.

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33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

A-D.~~[No change.]~~

E. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

~~**F.**~~ The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District

These approval criteria apply to industrially oriented office uses specified in 33.515.110 of the Columbia South Shore Plan District. The approval criteria~~en~~ allows these uses in the Industrial Business Opportunity subdistrict when there is excess capacity available in the transportation system. The application must include a traffic impact analysis acceptable to the Office of Transportation. The approval criteria~~en~~ areis:

A. There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the district is determined by Comprehensive Plan designations. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

Item #15 (contd.)

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District.
See commentary for 33.815.127.

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District. See
commentary for 33.815.127.

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33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

- A. The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

[Reletter B. - E. to C. - F.]

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, 25,000 square feet only approval criteria A through ~~DC~~ apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

- A. The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

[Reletter B. - D. to C. - E.]

Item 29 - Historic District Contributing Structures

CHAPTER 33.846 HISTORIC REVIEWS

33.846.050 Historic Preservation Incentive Review

C. Approval Criteria.

See commentary for 33.445.330.

33.846.080 Demolition Review

A. Purpose.

See commentary for 33.445.330.

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**CHAPTER 33.846
 HISTORIC REVIEWS**

33.846.050 Historic Preservation Incentive Review

- A. Purpose.** These provisions increase the potential for Historic Landmarks and Conservation Landmarks, and contributing structures to be used, protected, renovated, and preserved.
- B. Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.
- C. Approval criteria.** The use of a historic preservation incentive in a Historic Landmark, Conservation Landmark, or a resource identified as contributing ~~in the analysis done in support of a Historic District's creation~~ to the historic significance of a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1-2. [No Change.]

33.846.080 Demolition Review

- A. Purpose.** Demolition review protects resources that have been individually listed in the National Register of Historic Places ~~and those that have been classified as contributing in the analysis done in support of a Historic District's creation~~ or are identified as contributing to the historic significance of a Historic District or a Conservation District. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.

B-C. [No Change.]

Item 22 - Mobile Home Parks and State Law

**CHAPTER 33.900
LIST OF TERMS**

33.900.010 List of Terms

The changes here reflect the new terminology for manufactured homes and manufactured dwelling parks that is being implemented in other parts of the code. See commentary for Chapter 33.251.

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CHAPTER 33.900
LIST OF TERMS

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Main Entrance

Major Event Entertainment *See Chapter 33.920, Descriptions of the Use Categories*

Major Remodeling

Manufactured Dwelling *See Residential Structure Types*

Manufactured Dwelling Park

Manufactured Dwelling Space

Manufactured Home *See Residential Structure Types*

Manufacturing And Production *See Chapter 33.920, Descriptions of the Use Categories*

Marina

Mass Shelter

Mass Shelter Beds

Medical Centers *See Chapter 33.920, Descriptions of the Use Categories*

Medium Truck *See Truck under Vehicle Types*

Mining *See Chapter 33.920, Descriptions of the Use Categories*

Mitigate

Mixed-Use

Mobile Home *See Residential Structure Types*

~~Mobile Home Park~~

~~Mobile Home Space~~

Motor Home *See Recreational Vehicle, under Vehicle Types*

Motor Vehicle *See Vehicle Types*

Residential Facility

Residential Home

Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Duplex
- Dwelling Unit
- Group Living Structure
- House
- Houseboat Moorage
- Manufactured Dwelling~~Mobile Home~~
 - Manufactured Home
 - Mobile Home
 - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Single Room Occupancy Housing (SRO)
- Triplex

Residential Trailer *See Residential Structure Types*

CHAPTER 33.910
DEFINITIONS

Item 17 - Exterior Storage

Item 22 - Mobile Home Parks and State Law

33.910.030 Definitions

ITEM 17

Exterior Storage.

The code defines exterior storage as "the outdoor storage of goods," and requires setbacks, screening, and landscaping between exterior storage areas and neighboring properties and streets. The code defines building as "A structure that has a roof and is enclosed on at least 50 percent of the area of its sides." For example, a structure with a roof and only two sides would be considered a building. When goods are stored in such a structure, the storage can have the same negative visual impacts on neighboring properties as if it were completely unenclosed. However, because the code considers the goods to be indoors, the storage area is not subject to the same setbacks, screening, and landscaping standards.

This amendment clarifies that exterior storage includes storage of goods inside a building that is not fully enclosed.

ITEM 22

Garage. This amendment provides consistency with State law terminology. See commentary for Chapter 33.251.

Language to be **added** is underlined
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**CHAPTER 33.910
 DEFINITIONS**

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities.

If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage.

See also, Exterior Display and Exterior Work Activities.

Garage. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, manufactured dwellings~~mobile homes~~, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

Item 20 - Accessory Dwelling Units - Definition of Living Area

33.910.030 Definitions (contd)

Living Area The definition of living area in the zoning code is not consistent with definitions of floor area used in the building code. In the zoning code, living area is measured along the outside of the exterior walls of the structure. Gross floor area is measured from inside the exterior walls in the building code. Accessory dwelling units (ADUs) are limited by the zoning code to a maximum of 800 feet of living area. The discrepancy between the area definitions in the building code and the zoning code has led to conflicts when ADUs are designed to comply with one code and end up not complying with the other. This Amendment makes the zoning code definition of living area more similar to the building code definition.

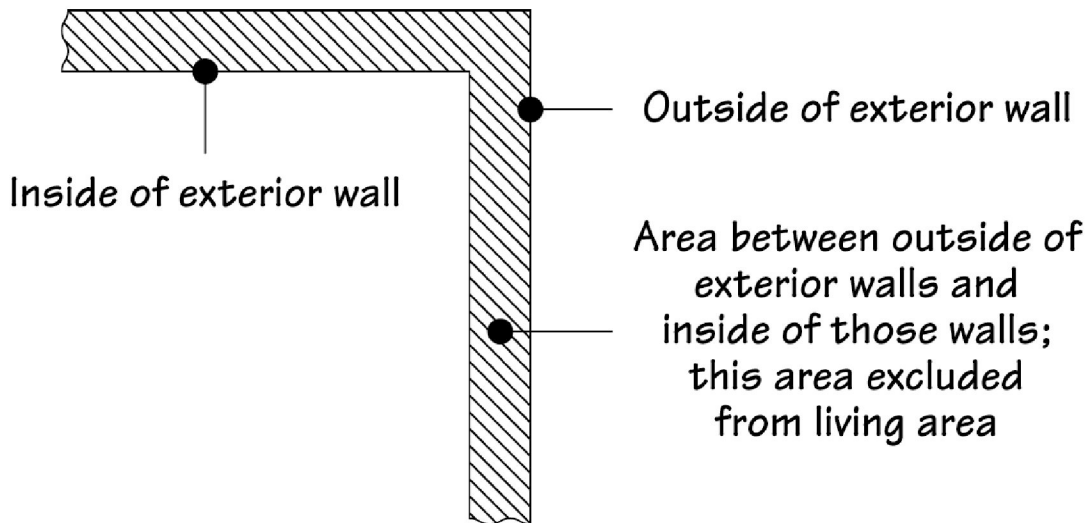
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33.910.030 Definitions (contd)

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches; and
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet;
- area between the outside of exterior walls and the inside of those walls. See Figure 910-**

Figure 910-**



Item #49 - Definition of Corner Lot

33.910.030 Definitions (contd)

Lot

Corner Lot. The zoning code contains certain bonuses and allowances for corner lots. A corner lot is defined as having frontage on more than one intersecting street. This definition may be read to include lots that have frontages on two streets that eventually intersect, but not along the frontage of the lot. This amendment clarifies the original intent to define a corner lot as the lot where the streets intersect.

Through Lot. This amendment clarifies that lots that have frontage on two streets, but not at the point of intersection, should be defined as "through lots". Figure 910-4 is modified to illustrate both corner and through lots. The existing illustrations of corner lots are incorporated into the new illustration.

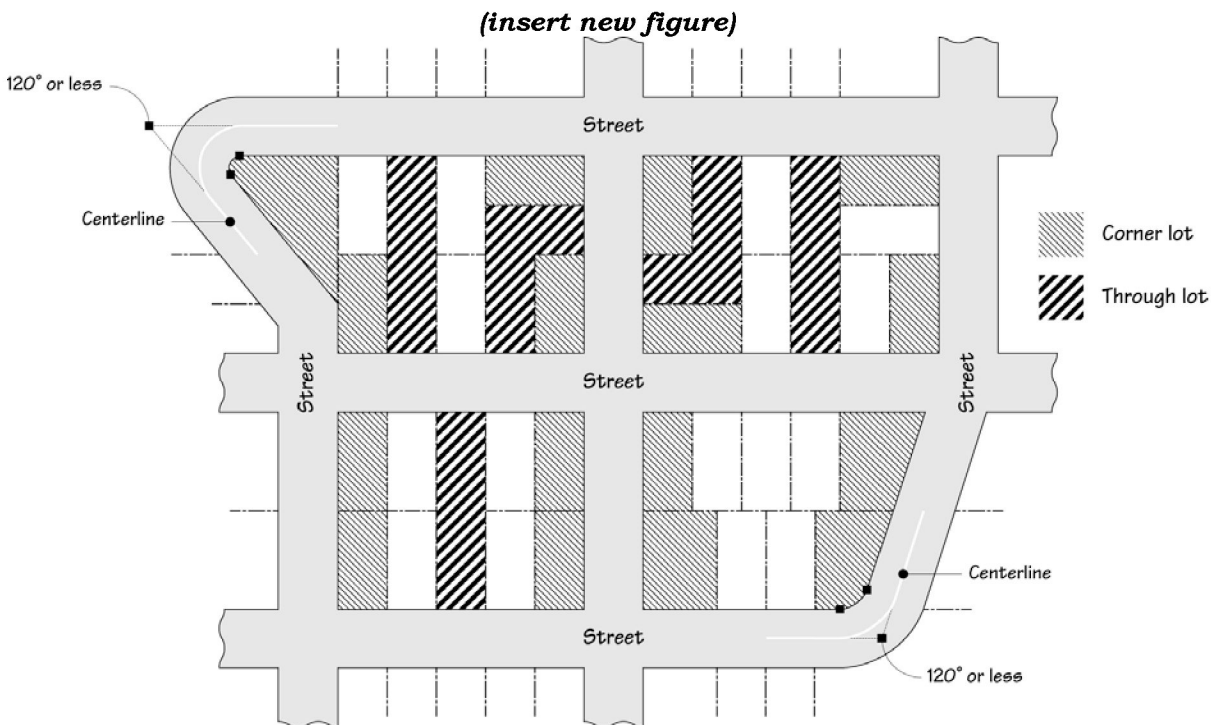
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33.910.030 Definitions (contd)

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), **and** parcel, (result of partitioning). See also, Ownership and Site.

- **Corner Lot.** A lot that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4.
- **Flag Lot.** [No change.]
- **New Narrow Lot.** [No change.]
- **Through Lot.** A lot that has frontage on two ~~parallel or approximately parallel~~ streets, and where the lot frontages do not intersect. See Figure 910-XX.

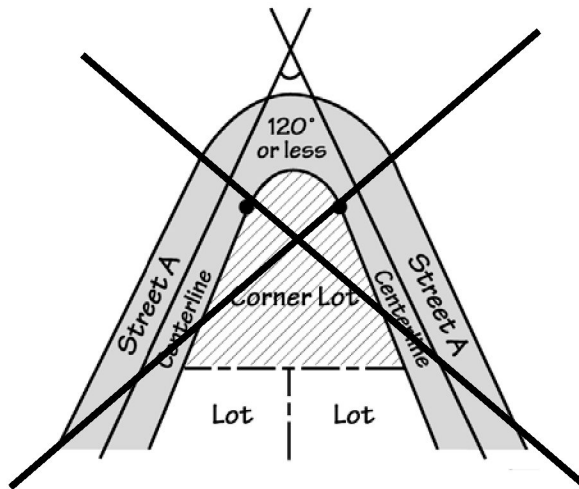
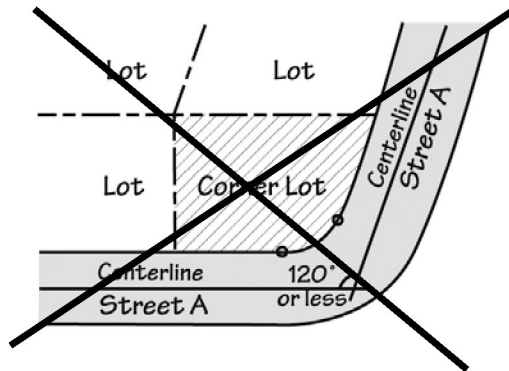
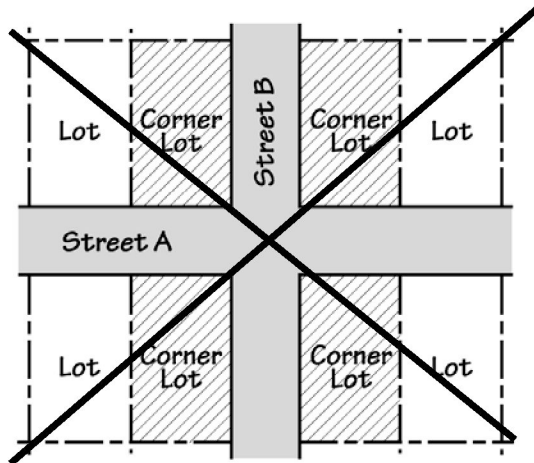
**Figure 910-4
 Corner and Through Lots**



Commentary

The existing figures for Corner Lots have been incorporated above and are no longer needed.

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



Item 22 – Mobile Home Parks and State Law

33.910.030 Definitions (contd)

Manufactured Dwelling.

Manufactured Dwelling Park.

Manufactured Dwelling Space.

Mobile Home Park.

Mobile Home Space.

In general, these amendments provide consistency with State law terminology. A mobile home is actually a type of manufactured dwelling. In addition, the threshold for consideration as manufactured dwelling park is raised to be consistent with the State definitions. Also, see commentary for Chapter 33.251.

Recreation Vehicle Park. This amendment provides consistency with State law terminology. See commentary for Chapter 33.251.

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

33.910.030 Definitions (contd)

Manufactured Dwelling. See Residential Structure Types.

Manufactured Dwelling Park. Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

Manufactured Dwelling Space. The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

Manufactured Home. See Residential Structure Types.

Mobile Home. See Residential Structure Types.

~~**Mobile Home Park.** Two or more mobile homes which are located on a single site for 30 days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also Recreational Vehicle Park.~~

~~**Mobile Home Space.** The area occupied by a mobile home and its accessory uses and structures in a mobile home park.~~

Motor Home. See Recreational Vehicle, under Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling~~Mobile Home~~ Park.

Item 48 - Attached House Definition

33.910.030 Definitions (contd)

Residential Structure Types

- **Attached House.**

Attached houses that are attached along shared garage walls can be a desirable form of development. The definition of attached house was amended in 2005 to make it clear that attached houses that share common wall along the garage are allowed. However, the definition of Attached House can still be read to mean that the wall where the houses are attached must be part of the dwelling unit itself, not part of the garage or other accessory uses that may be located within the same building.

This amendment of Attached House further clarifies that attached houses may also be attached along garage walls and other parts of the structure.

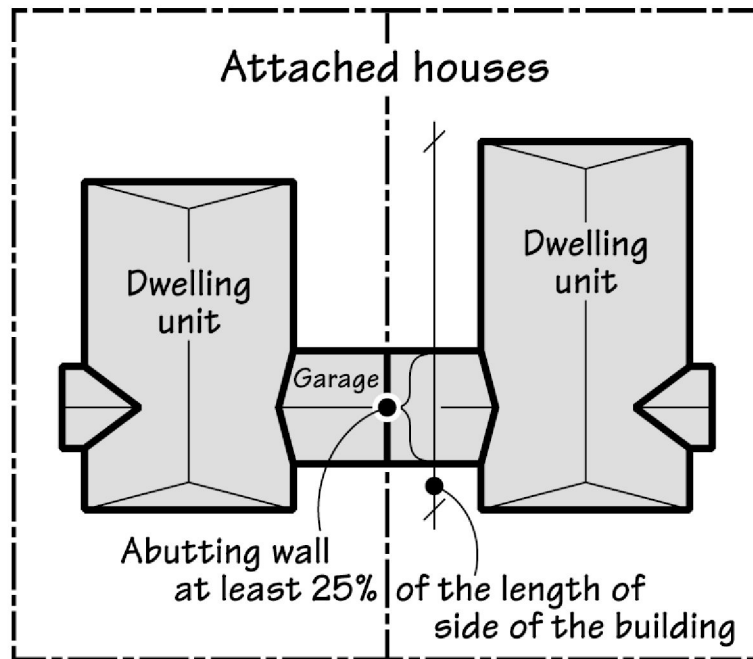
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33.910.030 Definitions (contd)

Residential Structure Types

- **Attached House.** A dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-**.

Figure 910-
Attached Houses**



Item 22 – Mobile Home Parks and State Law

33.910.030 Definitions (contd)

Residential Structure Type

- **Manufactured Dwelling.** In general, these amendments provide consistency with State law terminology. A mobile home is a type of manufactured dwelling. Also, see commentary for Chapter 33.251.

Structured Parking. This amendment provides consistency with State law terminology. See commentary for Chapter 33.251.

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

33.910.030 Definitions (contd)

Residential Structure Types (contd)

- **Manufactured Dwelling~~Mobile Home~~**. A dwelling unit constructed off of the site ~~which can be moved on the public roadways and which is not constructed to the standards of the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State of Oregon)~~. Manufactured dwellings~~Mobile homes~~ include residential trailers, mobile homes, and manufactured homes.

- **Manufactured Home**. A manufactured home is a manufactured dwelling~~mobile home~~ constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction~~after June 15, 1976~~.

Mobile Home. A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.

- **Residential Trailer**. A residential trailer is a manufactured dwelling constructed before January 1, 1962,~~mobile home~~ which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law. in effect after June 15, 1976. ~~This definition includes the State definitions of residential trailers and mobile homes, as stated in Oregon Revised Statutes (ORS) 446.~~

Structured Parking. A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, manufactured dwellings~~mobile homes~~, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

Item 18 - Daycare and Accessory Home Occupation

CHAPTER 33.920 DESCRIPTION OF THE USE CATEGORIES

33.920.430 Daycare

- D. **Exceptions.** This is a housekeeping amendment. State law exempts smaller family daycare operations from the City's Zoning regulations, provided they meet the specifications given in ORS 657.440. Care that is certified by the state as a family day care cannot be considered a separate use from the household living use that takes place in the dwelling unit. This also means that family daycare meeting these specifications should not be considered a home occupation. State law was recently changed to increase the size of exempted family daycare operations from 12 children to 16 children. This change, along with a related change in 33.203.020.D, will bring the City Code into conformance with state law.

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CHAPTER 33.920
DESCRIPTION OF USE CATEGORIES

33.920.430 Daycare

A-C. [No Change].

- D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "registered or certified family daychildcare" provider as specified ~~in~~ defined by ORS 657A.440~~250~~ if the care is given to ~~12~~ 16 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home.

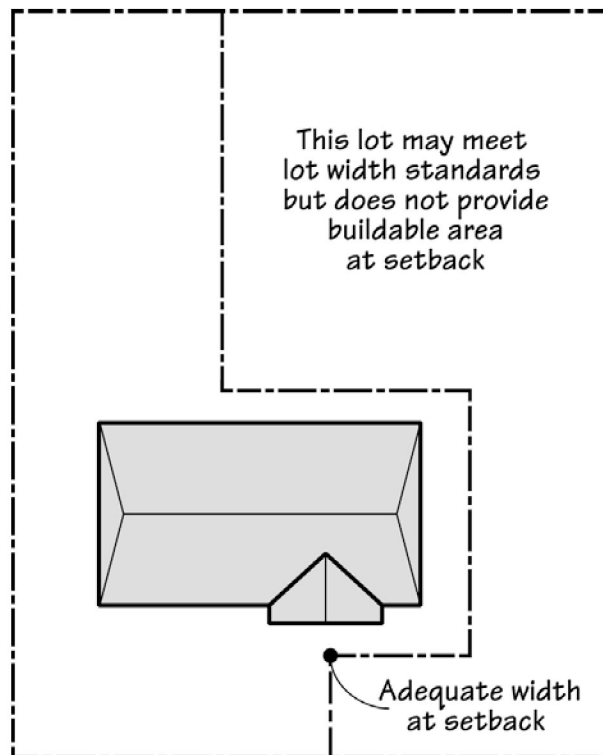
Item 2 – Land Division Monitoring: Measuring the width of lots.

Item 46 – Land Division Monitoring: Difference between flag lot and narrow lot

**CHAPTER 33.930
MEASUREMENTS**

33.930.100 Measuring Lot Widths (in single dwelling zones)

In single dwelling zones, the code requires lot width to be measured at the front setback line. This provision was created in 2002 by the Land Division Code Rewrite Project. The intent of the provision was to ensure that new lots were wide enough to allow houses to be built close to, and orient to, the street. However, because code requires minimum widths only at the front lot line and the front setback line, we have seen lots that meet the letter of the code, but not the intent: These lots meet lot width minimums at the front lot line and setback line, but nowhere else near the street. The drawing below is an example. These lots do not provide an adequate buildable area adjacent to the setback line, defeating the purpose of having houses built close to, and oriented to, the street. These provisions also allow lots with the characteristics of narrow or flag lots, but that are not subject to those special lot regulations because they meet the minimum lot width requirements. This is illustrated in the figure below.



PROPOSED ZONING CODE LANGUAGE

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

(Code language to begin on following page.)

This amendment will better meet the original purpose of the provision to provide an area wide enough for a standard house at the front setback line. This language requires the lot to be configured so that a rectangle of a specific size can fit entirely within the lot at the front setback line. The rectangle has a width equal to the minimum lot width of the zone and a depth of 40 feet or the depth of the lot, whichever is less. For example, in the R5 zone, a rectangle 36 feet by 40 feet would have to fit entirely within the lot, starting at a line 10 feet back from the street. The drawings on the facing page illustrate this.

This amendment, in conjunction with changes to Chapters 33.610, 33.611 and 33.110, clarifies that new lots that don't meet this standard will be classified as either narrow lots or flag lots, which are subject to other, specific standards.

This amendment also moves the method for measuring lot width from several different chapters to Chapter 33.930, *Measurements*.

The procedure to measure lot width in other zones, and to measure lot depth in all zones, is not changing, but is re-formatted to be consistent with this amendment.

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**CHAPTER 33.930
 MEASUREMENTS**

33.930.100 Measuring Lot Widths and Depths

A. Single-Dwelling zones. In the single-dwelling zones, lot width is measured by placing a rectangle along the minimum front building setback line. Where the setback line is curved, the rectangle is placed on the line between the intersection points of the setback line with the side lot lines. See Figure 930-X.

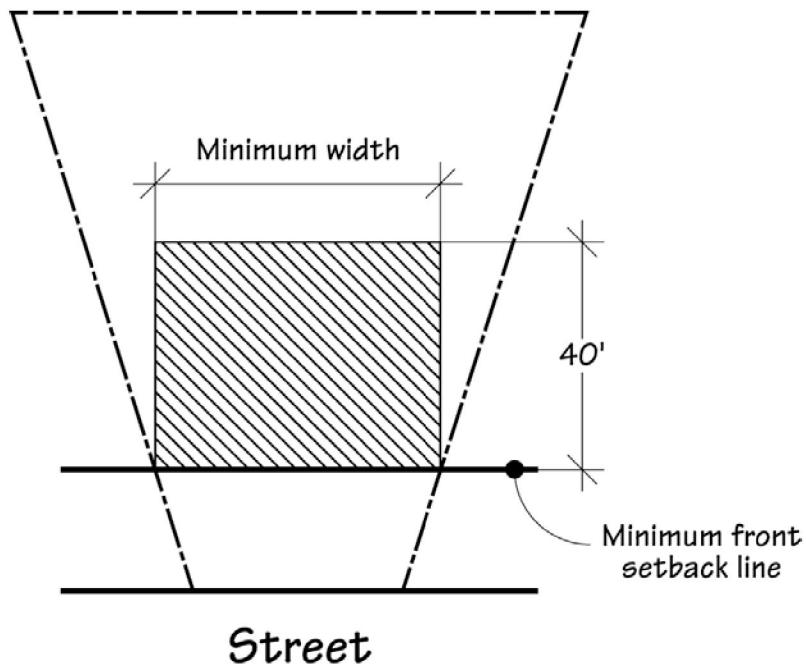
The rectangle must have a minimum width equal to the minimum lot width specified for the zone in Chapters 33.610 and 33.611. The rectangle must have a minimum depth of 40 feet, or extend to the rear property line, whichever is less. The rectangle must fit entirely within the lot. See Figure 930-X.

B. All other zones. In all other zones, lot widths are measured from the midpoints of opposite lot lines. See Figures 930-15 and 930-16.

33.930.103 Measuring Lot Depths

Lot depths are measured from the midpoints of opposite lot lines. See Figure 930-16.

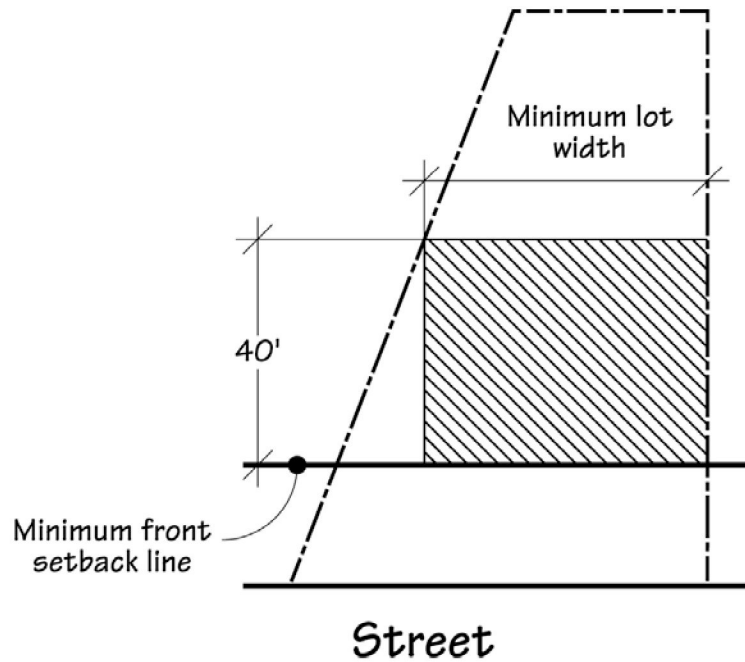
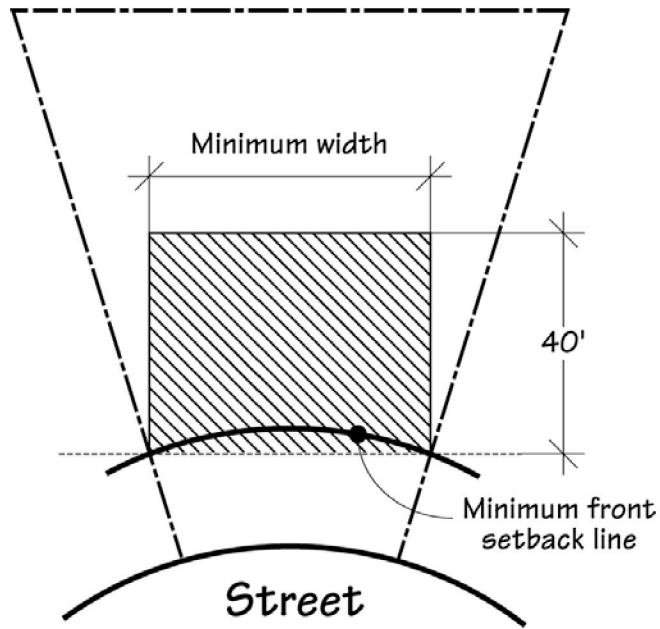
**Figure 930-X
 Measuring Lot Width in Single-Dwelling Zones**



Commentary

The following page contains existing illustrations to measure lot width in the single dwelling zones, which comprise Figure 930-X.

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Figures 930-15 and 930-16

These figures are not changing, but are being updated into the current format used for illustrations.

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Figure 930-15
Measuring Lot Width

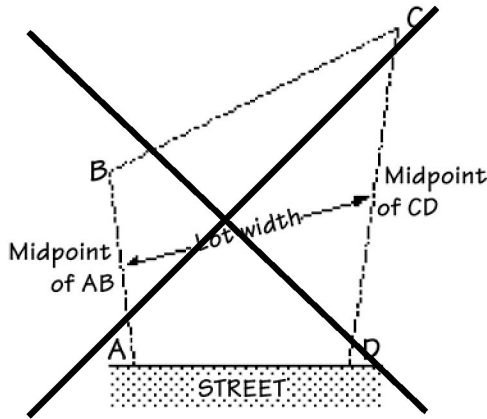
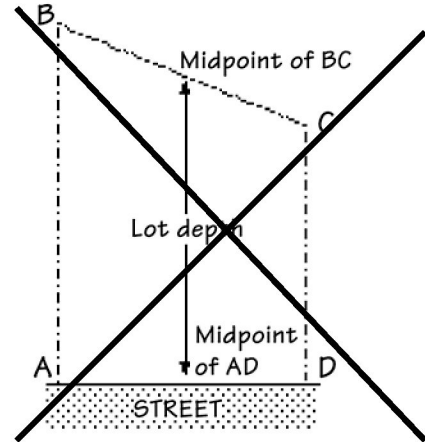
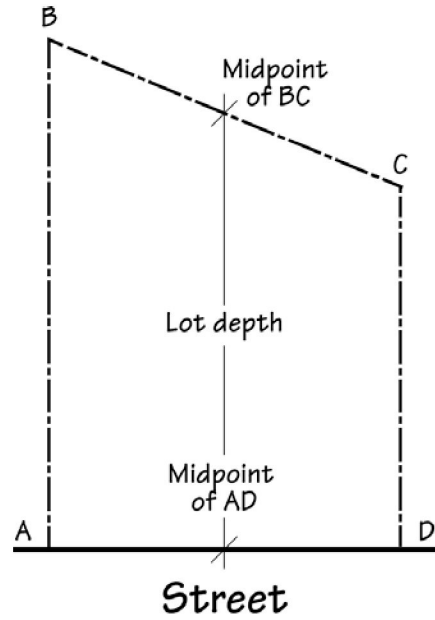
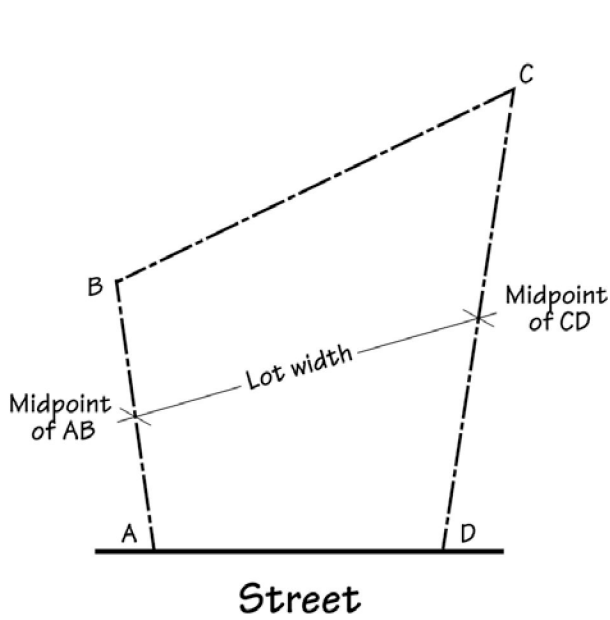


Figure 930-16
Measuring Lot Depth



{Insert New Drawings Below}



Item 22 - Mobile Home Parks and State Law

Amendments to Other Code Section

Oregon has been revising the regulations for manufactured homes, manufactured dwellings, and manufactured dwelling parks, as detailed in the commentary for Chapter 33.251. These amendments are changes to terminology for consistency with State law.

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

OTHER

Replace the term “mobile home” with the term “manufactured dwelling” in the following sections:

List of Chapters:	33.251, 33.642, 33.670
Table of Contents:	33.251, 33.642, 33.670
33.110.200:	Table 110-2
33.120.200:	Table 120-2
33.200’s Content sheet:	33.251
33.266.120.B:	Structures these regulations apply to.
33.296.030.A.1.:	Use of existing house or mobile home during construction.
33.296.030.D:	Time between activities. 33.470.050.A.2: Exceptions to the restrictions on residential use and density.
33.600’s Content sheet:	33.642, 33.670
33.642:	Title of Chapter
33.642.010:	Purpose
33.642.020:	Where These Standards Apply
33.642.100:	Use Allowed
33.642.110:	Residential Structure Types Allowed
33.663.020.B:	Final Plats of Mobile Home Parks.
33.805.030.B.4:	As an exception to a qualifying situation . . .
33.855.040.C:	Mobile home park special notice.
33.920.310.C:	Examples

Replace the term “manufactured home” with the term “manufactured dwelling” in the following section:

33.470.050.A.2:	Exceptions to the restrictions on residential use and density.
-----------------	--

IV. Amendments to Title 17 – Public Improvements

The amendments to Title 17 – Public Improvements are included in this section of the report. The amendments are on the odd-numbered pages. The facing (even-numbered) pages contain commentary about the amendment. The commentary includes a description of the problem being addressed, the legislative intent of the amendment, and an assessment of the impact of the change.

Item #34 - Land Division Monitoring: 15 foot curb requirement for narrow lots

**CHAPTER 17.28
SIDEWALKS, CURBS AND DRIVEWAYS**

See also the Commentary for 33.610.200

The current Zoning Code includes a provision that limits curb cuts when narrow lots are proposed as part of a land division. This limit was intended to provide spacing between the curb cuts to allow on-street parking of vehicles. This provision has had unintended consequences:

- The Zoning Code is not the correct mechanism to review work in the right-of-way. Title 17, which addresses public improvements, is the better mechanism for addressing right-of-way issues.
- The spacing requirement has had an unintended effect on development on the lots, often pushing development back from the sidewalk or creating curved driveways to meet the smaller curb cuts.
- The criteria are excessively rigid and alternative proposals can only be processed through a Planned Development Review.

In response to these problems, the Proposed Draft recommended amendments to the approval criteria for narrow lot proposals. Those amendments better addressed the lot dimensions and development on the lots. However, to ensure that curb cuts are still limited, and that on-street parking and other elements typically located in the right-of-way are considered, the Planning Bureau and the Office of Transportation recommend code language to be added to Title 17. This language gives the City Engineer discretion, as part of the Land Division Review, to consider the interaction between private lots and driveways, and public improvements.

17.28.110 Driveways, Permits and Conditions

C. Width of Driveways.

1. Residential Driveways. This creates a new maximum standard for lots 25 feet wide or less. This standard is consistent with vehicle area provisions now in the Zoning Code.
5. Additional situations are included in this standard so that the City Engineer may consider on-street parking, street trees, and public stormwater location requirements when determining the width of, and need to share, curb cuts.

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

**CHAPTER 17.28
 SIDEWALKS, CURBS AND DRIVEWAYS**

17.28.110 Driveways – Permits and Conditions

Upon appropriate application and payment of fees, as provided in Chapter 17.24, the City Engineer may issue a permit to construct a driveway in the street area subject to the following conditions:

A-B. [No change.]

C. Width of driveways. A permit to construct a driveway in the street area is subject to the following width provisions:

1. Residential Driveway:

Private Property Frontage	Minimum Width	Maximum Width
<u>25 ft. or less</u>	<u>9 ft.</u>	<u>12 ft.</u>
<u>26 ft. to 50 ft.</u>	9 ft.	20 ft.
51 ft. to 75 ft.	9 ft.	25 ft.
76 ft. to 100 ft.	9 ft.	30 ft.

More than one driveway may be allowed for frontage up to 100 feet with the approval from the City Engineer or City Traffic Engineer. No less than 5 feet of straight curb must separate service driveways regardless of ownership. Each 100 feet of frontage, or fraction thereof, under single ownership shall, for purposes of this Chapter, be considered a separate frontage.

2-4. [No change.]

5. The City Engineer may require joint or shared use of a driveway by two properties in separate ownership. The City Engineer may recommend such conditions regarding the number, configuration, and use of driveways necessary to ensure the safe and orderly flow of pedestrians, bicycles, and vehicular traffic, preserve on-street parking, preserve or establish street trees, maximize opportunities for vegetated stormwater management, and reduce pedestrian conflicts, and enhance the pedestrian environment.

D-G. [No change.]

**CHAPTER 17.82
LAND DIVISIONS**

17.82.045 Driveway Access Plans.

This is a new section. Like the regulations added to Section 17.28.110 on the previous page, this section allows the City Engineer to review the layout of curb cuts and driveways as part of the land division. It also gives the reviewer the discretion to impose conditions of approval to the land division, if needed, to ensure adequate curb space for on-street parking, street trees, and stormwater facilities, and to address issues of compatibility or conflict between driveways crossing the sidewalk and pedestrians using the sidewalk.

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

**CHAPTER 17.82
LAND DIVISIONS**

Table of Contents

- 17.82.010 Administration
- 17.82.020 Streets and Alleys
- 17-82.030 Partial Width Streets
- 17.82.040 Access Control Strips
- 17.82.045 Driveway Access Plans
- 17.82.050 Temporary Turnarounds
- 17.82.060 Public Utility Easements
- 17.82.070 Improvements in Land Divisions
- 17.82.080 Improvement Procedures for Land Divisions
- 17.82.090 Agreement for Construction of Public Improvements

17.82.045 Driveway Access Plans.

The City Engineer may require that future driveway locations be identified on plans submitted with the land division. The City Engineer may impose conditions of approval as appropriate and necessary regarding the number, configuration, and use of driveways necessary to ensure the safe and orderly flow of traffic, preserve on-street parking, preserve or establish street trees, maximize opportunities for vegetated stormwater management, reduce pedestrian conflicts, and enhance the pedestrian environment. The City Engineer may require access easements to facilitate joint or shared use of a driveway consistent with Chapter 17.28.

Appendix A

What is the 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.

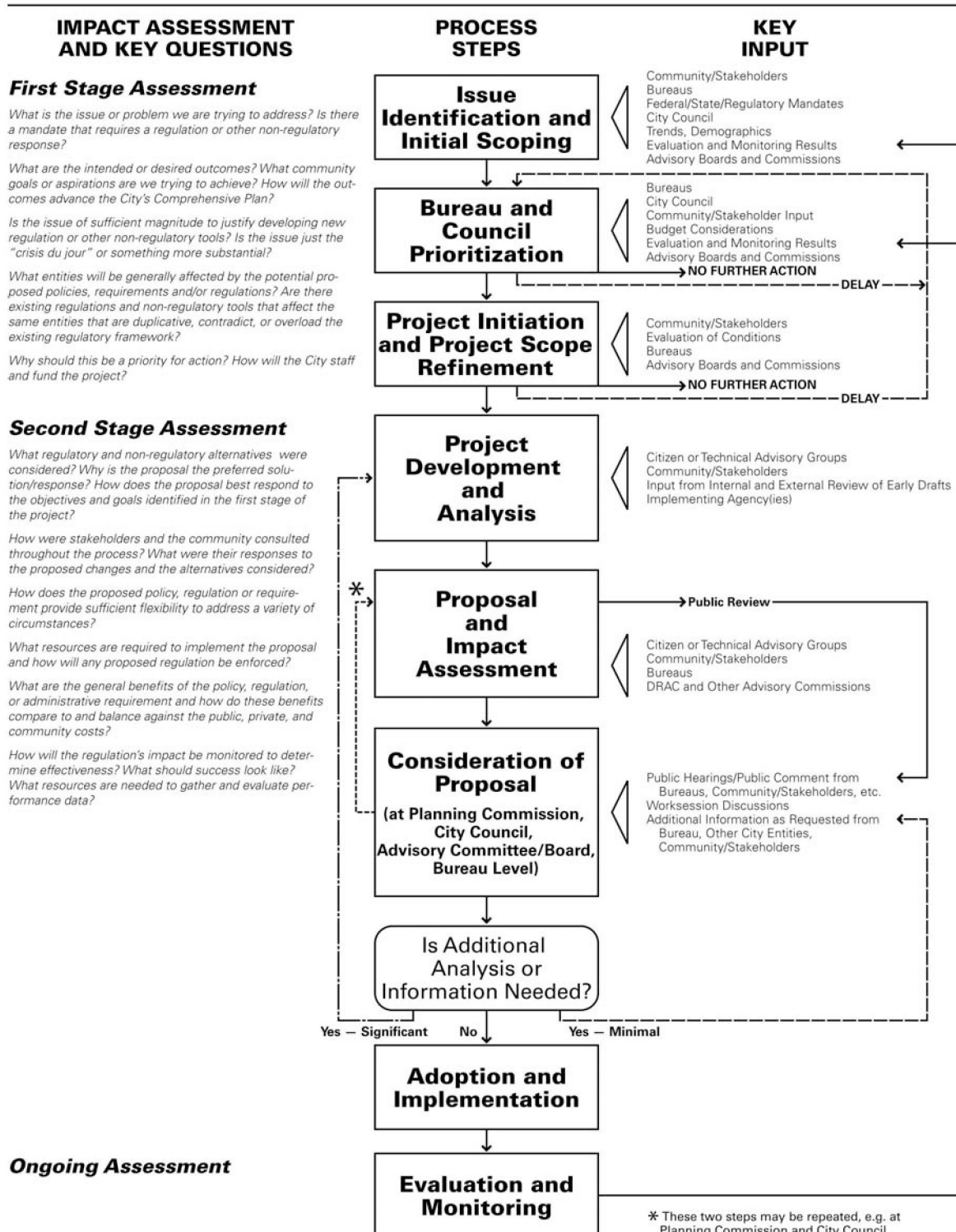
Both bureaus periodically review potential amendments and improvements to the Zoning Code and, with the assistance of the RISAT, rank the amendments and propose a workplan for the next package. The packages are called Regulatory Improvement Code Improvement Package (RICAP) 1, RICAP 2, and so on. This 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



CITY OF PORTLAND
BUREAU OF
PLANNING



CITY OF PORTLAND
Bureau of Planning
1000 SW Fourth Avenue, Suite 4100
Portland, Oregon 97201



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