

**URBAN GROWTH MANAGEMENT
FUNCTIONAL PLAN**

COMPLIANCE REPORT
February 1999



**CITY OF PORTLAND
BUREAU OF PLANNING**

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1. Flood Management Amendments to the Johnson Creek Basin Plan District, Final Report: Bureau of Planning, April 30, 1998.
2. Letter from Elaine Wilkerson, Metro, to David Knowles, Portland Bureau of Planning; July 15, 1988.
3. Capacity Calculations: Methods and Supporting Data: Bureau of Planning, 1998.
4. Public Facilities and Capital Improvements Planning: Supplemental Discussion: Bureau of Planning.
5. Title 1, Section 5.C.4: Supplemental Discussion.
6. Title 1, Section 5.C.5 – Supplemental Discussion.

List of Appendices

(Available for review at Bureau of Planning or Metro)

- A. Land Division Code Rewrite Project, Second Proposed Draft: Bureau of Planning; September 1998.
- B. Tree Canopy Preservation – Recommended Draft: Bureau Of Planning; January 11, 1999.
- C. Citywide Parking Ratios, Discussion Draft: Bureau of Planning; expected by March 5, 1999.
- D. Commercial Restrictions in Industrial and Employment Areas, Recommended Draft: Bureau of Planning; October 8, 1998.

Organization of this Compliance Report

This Compliance Report builds upon the Compliance Evaluation submitted to Metro in August 1998. It describes Portland's "compliance" with requirements and recommendations made in Metro's Urban Growth Management Functional Plan. Where the City has not yet completed work to establish compliance, this report describes the outline and schedule of planned compliance work.

The Functional Plan, and therefore, this Compliance Report, is organized by "Title," each of which addresses an aspect of growth management in the region.

The language of the Functional Plan is contained in boxes and presented in this typeface. To find out what the Functional Plan is asking for, look in the boxes.

Portland's responses are presented in this typeface.

Status or **Compliance** summarizes the main points about Portland's current state of compliance.

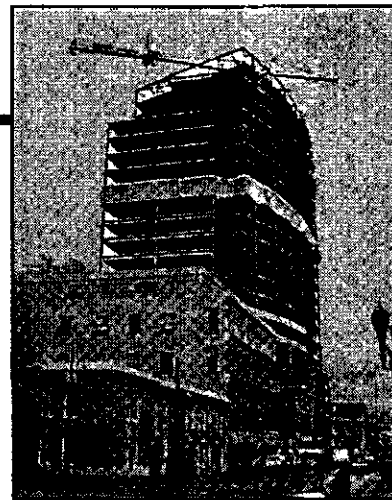
Discussion provides more detail about work planned to achieve compliance and supporting information explaining Portland's compliance status.

References list the attachments and appendices that give further information or provide the legal framework for the issue or requirement under discussion.

Attachments are documents bound with the Compliance Evaluation. The attachments add details and provide information important for explaining the City's Evaluation.

Appendices are public documents that are available to interested parties from other sources. The appendices are not included with the Compliance Report. Although they contain important information, they also contain much that is not specifically germane to the City's Compliance Report.

SUMMARY



SUMMARY

A goal of the City of Portland's Comprehensive Plan is to *"Enhance 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."* All City bureaus and divisions are working toward that goal through their programs and projects.

Projected growth of the region poses many challenges to this goal, but the City of Portland believes that growth can be managed to achieve more jobs, more services, a rich cultural life, and a continued urban vitality if new growth is properly integrated into the existing community. Regional planning and cooperation will help the entire region enhance its livability.

This Compliance Report describes how Portland is complying with the requirements of the region's Urban Growth Management Functional Plan. While Portland has made substantial compliance progress, the City is requesting extensions to complete some of the necessary amendments to the Comprehensive Plan and implementing ordinances. This report also identifies other important programs being undertaken by various City bureaus to plan and build for Portland's future.

Portland is now focusing on "place-making" to increase jobs and housing opportunities in Town Centers, Corridors, and Main Streets. The Bureau of Planning has already completed several community plans and intends to continue to work with neighborhoods to make main streets and corridors places where people want to live, work, and play. This work, to be carried out over the next several years, also will support the Urban Growth Management Functional Plan.

Following is a Title-by-Title summary of the City responses to the Urban Growth Management Functional Plan's requirements.

Title 1 – Housing and Employment Accommodation

Portland has achieved substantial compliance with its housing and employment target capacities for the year 2017. The City's housing capacity is approximately 66,994 housing units based on current zoning and 75,078 units based on current Comprehensive Plan designations, compared to the City's target capacity of 70,704 housing units. The City calculates that it has capacity for 33,759 dwelling units in mixed-use areas based on zoning and 39,529 based on Comprehensive Plan designations, as compared to the target capacity of 26,970 units in mixed-use areas.

The City has calculated a range of employment capacities using different defensible modeling assumptions. Portland's capacity ranges from 191, 913 to 224,318 jobs based on zoning and from 199,482 to 243,133 jobs based on Comprehensive Plan designations. Portland also calculates an employment

capacity of at least 101,763 jobs in mixed-use areas based on zoning and at least 106,947 based on Comprehensive Plan designations. The Table 1 target capacity is 100,087 jobs in mixed-use areas for Portland.

As required by the Functional Plan, Portland allows accessory dwelling units and does not prohibit subdivision or partitioning within the urban growth boundary. A rewrite of the City's Land Division Code containing minimum density requirements that conform to the Urban Growth Management Functional Plan is currently before the Planning Commission.

Title 2 – Regional Parking Policy

The City is preparing amendments to its Zoning Code to establish parking minimums and maximums. These amendments are scheduled for hearings by the Planning Commission in April 1999. The City already provides an administrative adjustment procedure that applies to parking, as required by the Functional Plan.

Title 3 – Water Quality, Flood Management, and Fish and Wildlife Conservation

The compliance deadline for Title 3 is December, 1999. The City will deliver an evaluation of Title 3 compliance to Metro in June 1999.

Title 4 – Retail in Employment and Industrial Areas

The City Council will hear proposed amendments to the Zoning Code and a re-zoning of part of the Hayden Meadow area in March 1999. The amendments will comply with Title 4, and are expected to be enacted by May 1999..

Title 5 – Neighbor Cities and Rural Reserves

The City has Comprehensive Plan policies that achieve the goal of this title, which is to protect rural reserves and green corridors.

Title 6 – Regional Accessibility

The City is preparing Comprehensive Plan amendments to meet the Regional Street Design Guidelines and the Design Standards for Street Connectivity, the portions of Title 6 which are in force in February 1999. Planning Commission hearings are expected to take place in Spring 1999, leading to adoption in Summer 1999. Portland will satisfy the remaining requirements one year after Metro adopts the Regional Transportation Plan.

Title 7 – Affordable Housing

Title 7 recommends a number of affordable housing strategies that Portland either already employs or is working to establish.

Title 8 – Compliance Procedures

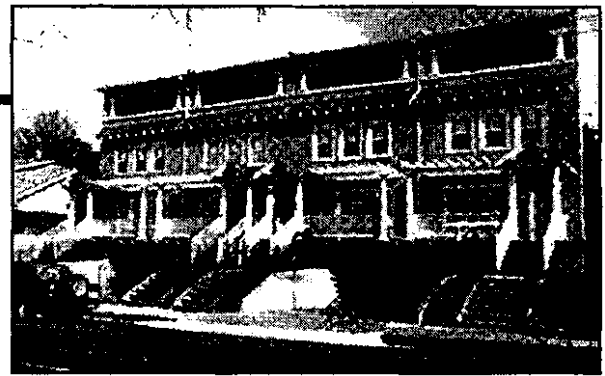
The City is carrying out projects to adopt amendments to the Comprehensive Plan and implementing ordinances to comply with Functional Plan requirements. Portland is requesting time extensions to complete several of these projects. The work is expected to be completed at various times, but the City proposes to submit two additional compliance packages to coincide with

reporting on Title 3. This will make more efficient use of time and resources than submitting compliance packages piecemeal.

The City of Portland supports and believes in regional planning and cooperation. It is in that spirit that this report is submitted.

TITLE 1

Requirements for
Housing and Employment
Accommodation



Section 1. Intent

State law and Metro Code require that the Metro urban growth boundary (UGB) have sufficient capacity to accommodate the expected growth for 20 years. It is Metro policy to minimize the amount of urban growth boundary expansion required for the expected population and employment growth by the year 2017 consistent with all Statewide Goals. To further that policy, it is beneficial and desirable for Metro to require actions intended to increase the capacity for development of land within the UGB. Increasing the capacity of land within the UGB will include requiring changes for appropriate locations in both the rate of development permitted per acre (zoned density) and the rate at which housing and employment are actually built within the UGB. Development consistent with the design types of the Metro 2040 Growth Concept will focus these efforts. As a matter of regional policy, each city and county must contribute its fair share to increasing the development capacity of land within the UGB.

Metro will work with local jurisdictions to develop a set of region-wide community development code provisions, standards and other regulations which local jurisdictions may adopt that will help implement the 2040 Growth Concept and this Functional Plan. Included in this project will be a review of development standards in support of smaller lots and more flexible use of land, strategies to encourage land assembly, more flexible zoning and improvements in the pre-application process to ensure timely and thorough review and to provide for early involvement by the public to address neighborhood concerns and assure community acceptance of these changes.

Status:

The City of Portland supports Metro's policy to minimize Urban Growth Boundary expansions and to make the 2040 Growth Concept a success. Portland will continue to work with Metro on such region-wide efforts.



Section 2. *Methods to Increase Calculated Capacity Required for All Cities and Counties*

All cities and counties within Metro are required to include within their comprehensive plans and implementing ordinances the following provisions:

- A. Cities and counties shall apply a minimum density standard to all zones allowing residential use as follows:*
- 1.a. Provide that no development application, including a subdivision, may be approved unless the development will result in the building of 80 percent or more of the maximum number of dwelling units per net acre permitted by the zoning designation for the site; or*
 - b. Adopt minimum density standards that apply to each development application that vary from the requirements of subsection 1.a., above. However, for the purpose of compliance with Table 1, only those dwelling units that are allowed at these minimum density standards shall be counted for compliance with the calculated capacities of Table 1.*
 - 2. The minimum density standard may be achieved by use of a small lot district where an average lot size of 5000 to 6200 square feet allows flexibility within that range on development applications, so long as the district remains in compliance with the minimum density standard used to calculate capacities for compliance with Table 1 capacities.*
 - 3. No comprehensive plan provision, implementing ordinance or local process (such as site or design review) may be applied and no condition of approval may be imposed that would have the effect of reducing the minimum density standard.*
 - 4. For high density zones with maximum zoned density higher than 37 dwelling units per net acre, the minimum residential density may be 30 dwelling units per net acre.*
 - 5. This minimum density requirement does not apply (1) outside the urban growth boundary, (2) inside areas designated as open space on the attached Open Spaces Map, and (3) inside areas designated as unbuildable on the attached Open Spaces Map. The maximum zoned density does not include the density bonus for zones that allow them.*

Status:

The City of Portland is not yet in compliance with this requirement, but is working toward it. Minimum density standards that comply with the Functional Plan are being proposed for single-dwelling zones as part of the Land Division Code Rewrite Project. The proposed rewrite of the Land Division Code (Title 34) is currently being considered by the Portland Planning Commission, and a decision is expected by March, 1999. City Council hearings

and adoption of the proposals are expected in late Spring, 1999. The new minimum density standards are expected to take effect in Summer, 1999.

The Zoning Code currently has minimum density requirements for some multi-dwelling zones. These existing standards comply with the requirements of the Urban Growth Management Functional Plan. New standards have been proposed for the zones that do not currently have minimum density requirements. The new standards will meet the requirements of this section of the Functional Plan.

The City seeks a time extension until December, 1999 to complete and report on this work. Although it is expected that the necessary measures will be adopted and implemented well before that time, Portland is proposing – for reasons of efficiency and cost-effectiveness – to deliver compliance documentation in two packages (in June and December, 1999).

Discussion:

Minimum density requirements for single-dwelling zones will appear in the Land Division Code. The rules described in the table below ensure that land divisions achieve minimum densities in single-dwelling zones without affecting environmentally-constrained lands. Until the newly rewritten Land Division Code takes effect, the existing Title 34 specifies that minimum density in single dwelling zones shall be 90 percent of the maximum allowed density.

Table 1-1: Minimum density requirements proposed for incorporation in the Land Division Code.

Category	Staff Proposed Minimum Density Requirements Single Dwelling Zones
Basic rule	When the maximum density allows three or more units, minimum density is 80 percent of the maximum. If maximum and minimum density are the same number of units, the minimum is one unit less than the maximum. When maximum density allows either one or two units, the minimum density is one unit.
Exception for constrained lands	Minimum density does not apply to environmentally-constrained parts of a site (e.g., environmentally zoned land, landslide-prone areas, flood hazard areas).
Division of vacant land required	If a vacant lot, based on its maximum density, has a capacity of three or more units, a land division will be required before development of the lot is approved.

Minimum density requirements for multi-dwelling zones are implemented as development standards in the Zoning Code. Minimum densities are already established in the Zoning Code for most multi-dwelling zones. In these zones, the Land Division Code requires that lot sizes be large enough to support the high number of units and high densities desired. New Zoning Code minimum density standards in the R2 and R3 zones are proposed as part of the Land Division Code rewrite.

All the existing and proposed minimum density standards meet or exceed the requirements of Title 1, section 2.A, except for the small-site standard in the R1 zone. This standard allows the minimum density to be 50 percent of the maximum for small sites to provide enough design flexibility to ensure successful development. Because the number of R1 sites that meet the size limitation represents a very small percentage of acreage zoned R1, Portland still substantially complies with this section of the Functional Plan.

Table 1-2. Development standards in the Zoning Code establishing minimum density requirements for multi-dwelling zones.

Zone	Staff Proposed Minimum Density Requirements Multi-Dwelling Zones
R3 and R2 Zones (new standard)	When maximum density allows three or more units, minimum density equals 80 percent of the maximum. If maximum and minimum density equal the same number, the minimum is reduced by one unit. Exceptions: When maximum density allows two units, minimum density equals two units. When maximum density allows one unit, minimum density equals one unit.
R1 (new standard added and modification to the existing standard)	When the site is less than 10,000 square feet in area, minimum density is 50 percent of the maximum density (minimum is one unit per 2,000 square feet, or 21 dwelling units per acre [du/a]). This standard formerly applied to all sites in the R1 zone. When the site is 10,000 square feet or greater in area, minimum density is 80 percent of maximum density (minimum is one unit per 1,200 square feet, or 35 du/a). This is a new standard.
RH (existing standard)	Minimum density equals one unit per 1,000 square feet of site area (43 du/a).
RX (existing standard)	Minimum density equals one unit per 500 square feet of site area (87 du/a).

References:

Land Division Code Rewrite Project, Second Proposed Draft: Bureau of Planning; September 1998 (Appendix A).



2.B. Cities and counties shall not prohibit partitioning or subdividing inside the Metro urban growth boundary where existing lot sizes are two or more times that of the minimum lot size in the development code.

Compliance:

The City is in substantial compliance with the requirements of Title 1, Section 2.B.

With one minor exception, Portland does not prohibit partitioning or subdivision inside the Metro urban growth boundary.

Discussion:

Except for one instance, the Portland Zoning Code (Title 33) and the Land Division Code (Title 34) do not prohibit land partitions or divisions from occurring on land that can be divided under the applicable zone's standards. This instance, discussed below, applies only to an area of southeast Portland subject to flood damage.

As discussed under Section 5.C.4 of this Title, the Johnson Creek Plan District amendments prohibit land divisions and the creation of Planned Unit Developments (PUDs) within the Flood Risk Area. The purpose of this provision is to minimize future flood damage to properties in the area. The Flood Risk Area includes the floodway and the 5-year floodplain. This land has already been removed from the buildable lands inventory, so this provision will not affect calculated capacities.

Lost development potential within the Flood Risk Area is mitigated by a provision for transferable development rights (TDRs) in the Johnson Creek Plan District. These TDRs allow all of the density on affected flood risk lands to be transferred if certain conditions are met (see Attachment 1).

References:

Flood Management Amendments to the Johnson Creek Basin Plan District,
Final Report: Bureau of Planning, April 30, 1998 (Attachment 1).
Portland Zoning Code, Chapter 33.535.
Urban Growth Management Functional Plan Compliance Evaluation: Bureau
of Planning; August 1998.



2.C. Cities and counties shall not prohibit the construction of at least one accessory unit within any detached single family dwelling that is permitted to be built in any zone inside the urban growth boundary. Reasonable regulations of accessory units may include, but are not limited to, size, lighting, entrances and owner occupancy of the primary unit, but shall not prohibit rental occupancy, separate access, and full kitchens in the accessory units.

Compliance:

The City complies with Title 1, Section 2.C.

On December 10, 1997, Portland's City Council adopted Ordinance No. 171879, which amended provisions of the Portland Zoning Code to broaden opportunities for creation of accessory dwelling units. The code amendments became effective on February 2, 1998.

Discussion:

The new code provisions exceed the minimum requirements for Accessory Dwelling Units in Title 1.

An accessory dwelling unit may now be added to a house, attached house or manufactured home in any residential (or "R") zone, except for attached houses in the R5 through R20 zones that were built using Title 33, Chapter 240, "Duplexes and Attached Houses on Corners".

See also the related Accessory Dwelling Unit discussion under Title 7 of this report.

References:

Portland Zoning Code, Chapter 33.205 and related provisions.
Portland City Council, Ordinance No. 171879: Accessory Dwelling Units.
Urban Growth Management Functional Plan Compliance Evaluation: Bureau
of Planning; August 1998.



Section 3. Design Type Boundaries Requirement

For each of the following 2040 Growth Concept design types, city and county comprehensive plans shall be amended to include the boundaries of each area, determined by the city or county consistent with the general locations shown on the 2040 Growth Concept Map:

Central City--Downtown Portland is the Central City which serves as the major regional center, an employment and cultural center for the metropolitan area.

Regional Centers--Nine regional centers will become the focus of compact development, redevelopment and high-quality transit service and multimodal street networks.

Station Communities--Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment.

Town Centers--Local retail and services will be provided in town centers with compact development and transit service.

Main Streets--Neighborhoods will be served by main streets with retail and service developments served by transit.

Corridors--Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities.

Employment Areas--Various types of employment and some residential development are encouraged in employment areas with limited commercial uses.

Industrial Areas--Industrial areas are set aside primarily for industrial activities with limited supporting uses.

Inner Neighborhoods--Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.

Outer Neighborhoods--Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods.

Status:

Portland has made substantial progress toward compliance with Title 1, Section 3. The Comprehensive Plan Update Project (CPUP) will include design type maps for Planning Commission and City Council review. When that project is complete, the City's design type maps will fully comply with Functional Plan requirements.

The City requests a time extension until December 1999 to complete and report on this work. Although it is expected that appropriate Comprehensive Plan amendments and design type maps will be adopted and implemented well before that time, Portland is proposing - for reasons of efficiency and cost

effectiveness – to deliver compliance documentation in two packages (in June and December 1999).

Discussion:

Portland's planning strategies have included the concept of mixed-use centers and higher-density, transit-served corridors surrounded by lower-density residential areas for many years. The City's Livable City Project and other City planning efforts predate the Region 2040 Growth Concept and have influenced the Growth Concept formulation. City Comprehensive Plan policy language, as well as other City documents and implementation tools, already contain some of the same words used as Metro design type names (for example, corridors and main streets). To avoid confusion, a distinction will be made in new Comprehensive Plan policy language to clearly define design type concepts relating to Functional Plan compliance.

The policy language and design type boundaries will both be considered as part of the Comprehensive Plan Update Project (CPUP), a large project which is reviewing and updating many sections of the Comprehensive Plan. The CPUP-proposed design type boundaries are generally consistent with the locations shown on the Region 2040 Growth Concept Map.

Centers: Central City, Gateway Regional Center, and Town Centers

In order to incorporate the various degrees of area planning activities that have been completed, are underway, and will be undertaken in the future, the proposed design type boundaries for centers were developed using three different methods.

Method I:

As part of Portland's planning program, three community plans have been completed. Community plans consist of policy and vision statements, refinement of zoning and future development patterns, and implementation programs—reviewed and adopted through an extensive public process. The City has completed community plans in the Central City, Albina, and Outer Southeast. Through these legislative planning processes, centers were established through a combination of policy, zoning, and implementation strategies. These planning processes also considered existing and future transit service and multi-modal accessibility.

In these areas, the proposed centers are based on the Region 2040 Growth Concept Map boundaries with adjustments that incorporate the decisions made as part of the planning effort to delineate the centers their plans cover. Criteria listed below in Method II were also used in modifying the proposed boundaries:

Centers that have been identified and defined through legislative planning processes include:

- Central City – the boundaries of the adopted Central City Plan District are proposed to be the design type boundaries as well;
- Gateway Regional Center – the boundaries of the adopted Outer Southeast Vision Plan Map are proposed to be modified; and
- Lents Town Center, where the Outer Southeast Vision Plan Map boundaries are proposed to be modified.

For both the Gateway Regional Center and Lents Town Center, the vision map boundaries are proposed to be modified to use zoning or rights of way rather than an abstract line.

Centers drawn using Method I (i.e., those located in areas where recent planning efforts have been completed) will be shown on the proposed design type maps by boundaries with solid lines.

Method II

For areas without a community plan, or without a current planning effort that considers existing or future transportation facilities, transit service, and multi-modal accessibility as part of an overall land use strategy, centers were mapped using the Region 2040 Growth Concept Map as a starting point. Refinements were made based upon general knowledge of the area, City Comprehensive Plan Map and policies, and the following objective criteria:

1. Walking isochrons (distances within which a person could walk in 20 minutes in areas which already have appropriate zoning, and 10 minutes in other areas);
2. Existing zoning;
3. Rights-of-way;
4. Block and lot patterns;
5. Presence and extent of natural resource or other environmental constraints;
6. Physical barriers impeding access (geographic features such as bluffs and man-made barriers such as freeways); and
7. Infrastructure availability and capacity.

In these areas the design type boundaries are being developed for compliance purposes only (i.e., for calculation of housing and jobs capacity and for transportation analysis, based on zoning now in place within the delineated boundary). These boundaries are not intended to govern any future decision-making. Boundaries of this type have been developed for:

- St. Johns Town Center.

Method III

A third category of centers are those for which a planning effort is currently in progress. For example, the Hollywood Town Center and Sandy Boulevard Main Street Project, now underway, is working with the community to define a town center boundary. The "working" boundary may be modified as the project progresses through additional public review and Planning Commission and City Council adoption.

Centers for which a planning effort is currently in progress include:

- Hillsdale Town Center;
- Hollywood Town Center;
- Raleigh Hills Town Center; and
- West Portland Town Center.

The West Portland Town Center and Portland's portion of Raleigh Hills are part of the Southwest Community Plan (SWCP). The SWCP is now suspended, and there is a lack of community consensus on what should happen in these town center areas, or even whether the West Portland Town Center should continue to be designated as a town center. The boundary shown for the West Portland Town Center is therefore likely to be modified (or deleted altogether) through upcoming public planning processes and subsequent decisions. This boundary applies only to the area used for capacity calculations and transportation analysis, and is not intended to govern any future decision making.

Town centers drawn using Methods II and III will be drawn with a dotted or hatched line and the following note:

"This boundary is likely to be modified through a current or anticipated planning project."

Station Areas

In order to incorporate the various degrees of area planning activities that have been completed, are underway, and that will be undertaken in the future, the proposed design type boundaries for station communities were developed using three methods parallel to those used for the centers.

Method I

The 1980 Comprehensive Plan and other planning processes considered the existing and future transportation facilities and public transit service that would influence a number of proposed light rail station areas in Portland. Examples include the north portion of the 60th Avenue MAX station, the Goose Hollow MAX station, and the possible South-North Light Rail stations in the Albina Community Plan area.

In these areas, station communities are based on the Region 2040 Growth Concept Map boundaries with adjustments that incorporate the decisions made as part of the planning effort to delineate the station communities the plans cover. Criteria listed below in Method II were also used in modifying the proposed boundaries.

Local legislative planning projects that considered station communities as part of the planning effort include:

- Central City Plan (Eastside MAX stations from Holladay Park to the Rose Quarter and all downtown MAX stations);
- Goose Hollow Station Community Plan;
- Albina Community Plan (all possible stations north of the Rose Quarter); and
- Outer Southeast Community Plan (Eastside MAX stations from 162nd Ave. to Gateway).

Centers located in areas where recent planning efforts have been completed will be shown on the proposed design type maps by boundaries with solid lines.

Method II

For areas without a community plan, or without a current planning effort that considers an existing or future transportation facilities, transit service, and multi-modal accessibility as part of an overall land use strategy, station communities were mapped using the Region 2040 Growth Concept Map as a starting point. Refinements were made based upon general knowledge of the area, Comprehensive Plan Map and policies, and the following objective criteria:

1. Walking isochrons (distances within which a person could walk in 20 minutes in areas which already have appropriate zoning, and 10 minutes in other areas);
2. Existing zoning;
3. Rights-of-way;
4. Block and lot patterns;
5. Presence and extent of natural resource or other environmental constraints;
6. Physical barriers impeding access: geographic features such as bluffs and man-made barriers such as freeways; and
7. Infrastructure availability and capacity.

In these areas, the design type boundaries area being developed for compliance purposes only (i.e., for calculation of housing and jobs capacity and for transportation analysis, based on zoning now in place

within the delineated boundary). These boundaries are not intended to govern any future decision-making. Such boundaries have been developed for:

- Possible South-North Light Rail station areas in southeast Portland; and
- All or portions of the Eastside MAX station areas at 82nd and 60th Avenues.

Method III

A third category of centers are those for which a planning effort is currently in progress. A “working” boundary may be modified as the project progresses through additional public review and Planning Commission and City Council adoption. Such a planning effort is currently in progress for the:

- Portland International Center (Airport) Station Community areas; and
- Hollywood Town Center MAX station.

Station communities drawn using Methods II and III will be drawn with a dotted or hatched line and the following note:

“This boundary is likely to be modified through a current or anticipated planning project.”

Linear Design Types: Main Streets and Corridors

A Citywide, generic approach was taken for the two “linear” design types: Main Streets and Corridors. The boundaries for these two design types were delineated for Functional Plan compliance, and are intended only for modeling. The proposed map showing both main streets and corridors will be considered in the Comprehensive Plan Update Project (CPUP) and adopted into the City’s Comprehensive Plan as required. This map will be a “snapshot in time” and will fulfill a Functional Plan compliance obligation, but carries no meaning with respect to zoning or implementation strategies. Through future legislative planning projects – such as area-specific plans – main street and corridor boundaries will be delineated through intensive public participation and their meaning and implications will be defined.

For main streets, the width used by Metro for modeling purposes (240 feet) was found in Portland to bisect many lots and produce a complex map boundary, difficult to model. Portland expanded the main street width to 260 feet to include the total width of the right-of-way and one full average block on either side, which produced a much simpler map outline for main street areas in the City. This width was used for modeling purposes only. For length, staff relied upon existing commercial zoning. This results in segments of main streets that mirror commercial zoning patterns along the street. Although some main

streets were added, deleted, or modified from the Metro Growth Concept Map, the total aggregate length of all main street segments in the City remains the same.

For corridors, Metro's width of 360 feet was used for modeling purposes. This width is not intended to govern any future decision making. City staff determined the location and length of corridors throughout the City by using the Regional Framework Plan's *Public Transportation System Map*, adopted by Metro Council in 1997. This map is expected to be adopted as part of Metro's Regional Transportation System Plan (RTP). Through the RTP process, the City's Office of Transportation may recommend changes to the public transportation system corridors shown on this map. If the adopted RTP map includes changes to City corridors, the corridor design type map will be amended to reflect these changes.

Employment and Industrial Areas

The City's employment areas include the General Employment zones that have the Comprehensive Plan designation of Mixed Employment. The City's industrial areas include the General Industrial and Heavy Industrial zones that have the Comprehensive Plan designation of Industrial Sanctuary. In a few areas, there are employment or industrial lands where zoning is inconsistent with the Comprehensive Plan designation.

Inner Neighborhoods

Inner Neighborhoods make up the remaining portions of the City, i.e., those not included in any of the above design types.

Design Type Maps

The City's Geographic Information System (GIS) staff have mapped and archived all of the proposed design types and their boundaries. These maps are expected to be adopted by Fall 1999 as part of the CPUP through an upcoming set of proposed amendments to Goal 10 (Plan Review and Administration). In addition, complementary policies and objectives are proposed through amendments to Goal 2 (Urban Development).

The City's design types will be shown on four different maps, with the Central City design type delineated on all maps, as follows:

- regional and town centers,
- station areas,
- main streets and corridors,
- employment and industrial areas.

The Central City is the heart of the urban City and is the center of the Portland metropolitan region. It includes the most intensive urban development, and is expected to continue to lead the region in job share and level of development investment. Thus, it supercedes the City's other design types. This importance

is reflected in the Central City being shown on all of the design type maps, and it also clearly shows the Central City's relationship to other surrounding design types.

Remaining residential portions of the City are proposed to be considered as the Inner Neighborhood design type. In addition, an Open Space Map will show the areas of the City that are designated as open space. Finally, the City's Title 4 Map will be completed and transmitted to Metro by December 1999.

West Hayden Island

The City and Multnomah County have agreed to transfer compliance responsibility for West Hayden Island from the County to the City (see Attachment 2). A request has been made to Metro to complete this transfer. To meet Functional Plan requirements, West Hayden Island's two design type designations will be shown on the City's Industrial and Employment Map and the Open Space Map.

References:

Portland Bureau of Planning, The Livable City Project.
Oregon Revised Statutes, Chapter 660, Division 12, Transportation Planning.
Portland Comprehensive Plan Goals and Policies. Adopted October 1980;
Revised October 1996.



Section 4. Requirements to Increase Capacity If Recent Development At Low Density

- A. *All cities and counties shall determine whether actual built densities for housing during 1990-1995 were less than 80 percent of maximum zoned densities. The 1990-1995 actual built densities within cities and counties inside the urban growth boundary shall be compared with zoned densities for housing units during that period.*

Residential developments to be analyzed shall be those which were permitted by a land use action and constructed during the period from 1990 to 1995, and residential density shall be measured in households per net developed acre.¹

Compliance:

Calculations show that the City of Portland's actual built density from 1990 through 1995 was greater than 80 percent of the zoned maximum built density. The City of Portland is in compliance with Title 1, Section 4.A.

Discussion:

The City conducted a study to determine the actual built density of residential development permitted by a land use action and constructed from 1990 through 1995. The actual built density exceeds 80 percent of the maximum number of dwelling units per net acre permitted by the Comprehensive Plan designation for the site. The study was conducted as follows:

- The Tax Office for Multnomah County provided a listing of all the subdivisions and partitions created by land use actions between the years 1990 and 1995. The listing contained the plat name, book of record, and recording date.
- The Office of the Auditor of the City of Portland's Subdivision Atlas was used to identify the tax number of record for each of the new parcels created between 1990 and 1995. This data contained the addition name, legal description, lot, and tax account number.
- The Assessment and Taxation database was queried for each of the created tax parcels to determine if it had been developed between 1990 and 1995. The tax number is associated within the database with the parcel size, improvement characteristics, year built, and state identification number (ID#). One thousand three hundred seventy four (1,374) parcels were identified as having been created and built upon between 1990 and 1995.

¹ See Title 10 of the Functional Plan for definitions.

- City staff developed a database containing the tax number, the state ID#, and the parcel size of each of the 1,374 parcels that were created and built upon between 1990 and 1995.
- The Comprehensive Plan designation for each parcel was assigned using the Bureau of Planning's Geographic Information System (GIS) database. This database was linked with the created and built-upon parcels.
- The following table was used to determine the numbers of units allowed by each Comprehensive Plan designation (see below).

Comprehensive Plan Designation	Units per Acre
RH	80.0
R1	43.0
R2	21.8
R3	14.5
R5	8.7
R7	6.2
R10	4.4
R20	2.2
RF	0.5

- Using the linked database, staff calculated the number of units built per acre and the number of units allowed for each created lot.
- The actual built density was calculated as the ratio of the actual number of units built per net developed acre to the units per acre allowed by the Comprehensive Plan designation.

The average built density for all land use actions within the City of Portland exceeded 80 percent. It should be noted that development in the R5 zone had an average built density of 83 percent for partitions and 82 percent for subdivisions; and development in the R7 zone had 86 percent, and 89 percent, respectively. Development in the R2.5 zone had an actual built density of 100 percent for subdivisions.

◆ ◆ ◆

- 4.B. If the comparison of actual built densities to maximum zoned densities for the period 1990-1995 indicates that actual built densities were less than 80 percent of maximum zoned densities, the city or county shall also demonstrate that it has considered and adopted at least two of the following methods to increase capacity:*
- a. Financial incentives for higher density housing;*
 - b. Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;*
 - c. Removal or easing of approval standards or procedures;*
 - d. Redevelopment and infill strategies; and*
 - e. Authorization of housing types not previously allowed by the plan or regulations.*

Compliance:

Portland complies with the built density requirements of Title 1, Section 4.

Discussion:

As described in the previous section, the City's built density from 1990 to 1995 exceeds 80 percent of the zoned capacity, so none of the above capacity-increasing methods are required. Nevertheless, in its continuing efforts to improve Portland's livability and affordability, the City already employs many of the required methods.

Financial incentives for higher density housing

Since 1975, the City has had a limited property tax abatement for new multi-family housing in the Central City area. To qualify, a project must have at least ten units, the owner must provide one or more public benefits listed in the code, and the development must be within the Central City Plan District or any urban renewal or redevelopment area. The improvements are not taxed for ten years. A total of 3,779 units have been built or are under construction taking advantage of this program.

In late 1996, the City also adopted a limited property tax abatement to promote residential and mixed use development in transit oriented areas outside of the Central City. To qualify for this Transit Oriented Development (TOD) program, a project must have at least eight units, the owner must provide one or more benefits listed in the code, and it must be within ¼ mile of existing or planned light rail lines and within ¼ mile of a bus line within the Gateway Plan District and the Lents Town Center areas. Four projects have been approved under this program to date, for a total of 503 units.

Under both programs, application of the tax abatement must be approved by the City Council.

Provisions permitting additional density in exchange for amenities and features provided by the developer

The City has several programs in place that permit additional density. One, the Central City Housing Bonus, allows extra height and bulk in exchange for development of housing in commercial and employment zones. These incentives are being used extensively in the River District.

In 1981, Portland added a citywide bonus density provision to its zoning code as part of the adoption and implementation of the City's Comprehensive Plan. Within the R1 zone the City offered up to a 50 percent density bonus for meeting specific clear and objective amenity requirements. Amenities that earn bonus density include larger units, greater outdoor recreation areas for tenants, more storage space, higher energy conservation standards, and crime prevention design standards. In 1991 this bonus option was broadened to apply in the R3 and R2 zones as well as the R1. These methods significantly increase the possibilities for achieving greater maximum densities in the affected zones. For example, in the R3 zone, these provisions may increase maximum density from 14 units per acre to 21 units per acre; in the R2 zone, from 21 to 32 units per acre; and in the R1 zone, from 43 to 64 units per acre. These increases are available 'by right' as a bonus; that is, the density bonuses do not require a discretionary review or notification and are not subject to a land use review.

A further density bonus was established in 1993 when the Alternative Design Overlay 'a' zone was adopted. In the 'a' overlay, projects that go through discretionary design review are awarded bonus density. Today the 'a' overlay zone covers about 25 square miles of Portland.

Removal or easing of approval standards or procedures

The City established a "two-track system" in 1993, which applies to design and environmental review of development proposals. Property owners and developers are given the option of meeting clear and objective design standards in the design overlay zone or environmentally sensitive development standards in environmental overlay zones. If the clear and objective standards are not met, the proposal undergoes a discretionary review against "published approval criteria." Both "tracks" ensure that design objectives are reached, but developers and property owners can save time and money by designing projects to satisfy the clear and objective development standards.

Redevelopment and infill strategies

The City has devoted considerable effort to develop and implement innovative strategies promoting redevelopment and infill that will enhance Portland's, and the region's, livability. A few examples are:

- The Livable City Project (1993) explored ways that types of areas in the City could develop in order to accommodate growth and enhance the quality of life. In many ways, the Livable City Project was a predecessor to the 2040 Growth Concept and helps to guide planning in the City.

- The Essentials house design competition (1990) led to two well-designed rowhouse projects being constructed in Portland's Albina Community. The Portland Chapter of the American Institute of Architects, working with Host Community Development Corporation, developed both projects. This West Coast-wide design competition was aimed at demonstrating innovative rowhouse design for infill development while simultaneously incorporating Albina's voluntary design guidelines.
- The City Life Project (1995), a demonstration project of new attached housing in the Brooklyn neighborhood, was unveiled as a show of interesting inner-urban homes — similar to the suburban housing event, the Street of Dreams. Most of the units sold before construction was complete, demonstrating demand for this type of development. City Life was a joint effort of the City, REACH Community Development Corporation, the AIA, and Metropolitan Homebuilders.

Authorization of housing types not previously allowed by the plan or regulations
There are no housing types that the City of Portland does not allow.

References:

Portland City Code, Title 3.1103.

Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.



Section 5. Determination of Calculated Capacity of Housing Units and Jobs

The purpose of this section is to require each city and county within the Metro region to determine the housing and employment capacity of its existing comprehensive plan and implementing ordinances, determine calculated capacity for dwelling units and jobs by the method in this section, and increase calculated capacity, if necessary, to achieve the functional plan capacities in Table 1. Each city and county within the Metro region is hereby required to complete the following steps:

- A. *Determine the calculated capacity of dwelling units and jobs by the year 2017 using the zoned capacity² of its current comprehensive plan and implementing ordinances.*
 1. *Cities and counties shall use Metro estimates of vacant land, and land likely to redevelop, unless they have data that they believe is more accurate. In this case, the city or county may provide Metro the following:*
 - a. *The source of the data;*
 - b. *The reasons that the locally developed data is a more accurate estimate than the Metro estimate of vacant and redevelopable land;*
 - c. *The database from which the above were derived;*
 - d. *The database of committed development lands.*

Cities and counties may use their data, subject to acceptance by the Metro Council or its designee, after the Executive Officer determines that the city or county data may be more accurate than the Metro data. The Executive Officer shall notify the Metro Council of each instance in which the data submitted by a city or county is determined by the Executive Officer to be less accurate than Metro data.
 2. *In determining the calculated capacity of existing comprehensive plans and implementing ordinances, cities and counties shall not use a calculated capacity for dwelling units of more than 80 percent of maximum zoned residential density, unless:*
 - a. *Actual experience in the jurisdiction since 1990 has shown that development has occurred at density greater than 80 percent of zoned residential density; or*
 - b. *Minimum density standards are adopted or proposed for adoption in the zoning code that require residential development at greater than 80 percent of maximum zoned residential density.*

² See Title 10 of the Functional Plan for definitions of "zoned density" and "calculated capacity."

Compliance:

Portland is in substantial compliance with the housing and job capacities of Table 1 of the Functional Plan.

The City calculates that it has capacity for at least 66,994 housing units based on current zoning and 75,078 units based on the current Comprehensive Plan. These numbers represent 95 percent and 106 percent, respectively, of the Table 1 target of 70,704.

The City also calculates that it has capacity for a range of 191,913 to 224,318 jobs based on current zoning and from 199,482 to 243,133 jobs based on the current Comprehensive Plan. The lower numbers represent 121 percent and 126 percent of the Table 1 target for Portland of 158,503 jobs.

Discussion:*Comparison of Comprehensive Plan and Zoning Capacities*

The City of Portland is reporting housing capacity calculated using both Comprehensive Plan Map and current zoning map designations. Staff believe both are informative. Because the Comprehensive Plan Map shows the desired and expected development pattern that the City's long-range plan calls for, the Comprehensive Plan capacity is the more important – and, in the long term, more accurate – calculation to consider. There are several factors that indicate that the Comprehensive Plan is what the City implements today:

- When development reviews are requested, they are typically approved at the Comprehensive Plan level.
- The market supports development at the Comprehensive Plan level.
- The study of built density demonstrates that some patterns of development are showing maximum-capacity buildout rates.
- Most of Portland has an established street system, which supports relatively higher rates of development.
- Portland has a record of completing legislative projects that adjust zoning to be consistent with the Comprehensive Plan (e.g., Central City, Albina, Sellwood, Outer Southeast, Hillsdale, Lents).

The capacity based on the Comprehensive Plan is above the Table 1 allocation, and the capacity based on current zoning is below. Based on Portland's performance, the City asserts substantial compliance with housing capacity requirements.

Housing Capacity

To determine the housing capacity, staff obtained Geographic Information System (GIS) data from Metro on 1994 vacant areas and infill numbers, consistent with Table 1 of the Functional Plan. The City also obtained parcel-level valuation data from Metro. Using the modified Metro model for determining redevelopable land based on localized relative value and the City's proposed design type boundaries, a data layer of redevelopable land was created. This area information was overlaid with the current Comprehensive

Plan and current zoning to determine additional housing capacity at buildout based on the determination of net buildable land.

Since land in Portland is highly parcelized, additional acreage was not taken out for streets or for schools. If Portland had the relatively large tracts of undeveloped land found in other parts of the region, it would be necessary to calculate more land reserved for streets. And since Portland's school-age population is not expected to increase significantly, no additional land for schools was subtracted.

In accordance with the Functional Plan, calculated capacity was assumed to be 80 percent of the total capacity in most residential zones, except for designations and zones where City data show a higher level of built density in the past several years. For example, the R7 zone has recently built out at 89 percent of the total capacity, and this trend is expected to continue. For the highest-density residential zones, the City's expected capacity was adjusted by varying amounts based on a combination of Portland's experience and existing Zoning Code provisions.

Portland also allows housing in most non-residential zones. To develop the best estimate of actual housing production in these zones, staff determined the residential utilization rate based on five years of data for built units and two years of pre-application information from Portland's development records. The residential utilization rate is a percentage of the land zoned commercially that will be developed in residential uses. It is expressed as a fraction (e.g., 0.10 for the CG zone). The study also established a rate of units per acre for the commercial zones, which is expressed as dwelling units per acre (du/a). (Note that the employment utilization rate is adjusted to prevent counting the same land for both housing and employment capacity numbers). The housing capacity in non-residential zones is approximately 19,700 units. See Attachment 3 for more information on the assumptions used to establish utilization rates and units per acre by zone and Comprehensive Plan designation.

The City found that since Metro's redevelopment assumptions are based on surrounding value, they do not always reflect existing and anticipated redevelopment potential in the Central City district. Staff analysis of this area yielded 174 additional redevelopable acres which added capacity for approximately 6,500 housing units.

The City included approximately 2,800 accessory dwelling units in the housing capacity calculation, using Metro's assumption of 1.8 percent of the existing plus potential single family residential units.

The following table lists the City's housing capacity by zone and by Comprehensive Plan designation.

Table 1-4: Portland's Housing Capacity			
By Comprehensive Plan Designation		By Zone	
<i>Designation</i>	<i>Capacity</i>	<i>Zone</i>	<i>Capacity</i>
Open Space	0	OS	0
Farm and Forest	422	RF	451
Limited Single-Dwelling	126	R20	579
Low Density Single-Dwelling	9,220	R10	8,462
Medium Density Single-Dwelling	4,813	R7	4,230
High Density Single-Dwelling	6,703	R5	6,659
Attached Residential	5,547	R2.5	4,320
Townhouse Multi-Dwelling	1,732	R3	1,858
Low Density Multi-Dwelling	9,041	R2	9,013
Medium Density Multi-Dwelling	10,537	R1	9,690
High Density Multi-Dwelling	5,477	RH	4,818
Central Residential	6,233	RX	6,180
Institutional Residential	107	IR	94
Neighborhood Commercial	739	CN1	142
		CN2	339
Office Commercial	131	CO1	102
		CO2	28
Urban Commercial	2,876	CM	818
		CS	1,382
General Commercial	1,490	CG	1,433
Central Commercial	5,868	CX	5,791
Mixed Employment	0	EG1	0
		EG2	0
Central Employment	12,976	EX	9,601
Industrial Sanctuary	0	IG1	0
		IG2	0
		IH	0
R9 zone*	3	R9	3
Subtotals	84,041		75,993
Adjustment for existing units**	(11,817)		(11,817)
Accessory Dwelling Units	2,854		2,818
TOTALS†	75,078		66,994

See notes on following page.

- * Land zoned R9 was annexed from Washington County in the past, but a small amount was never re-zoned or re-designated according to Portland's system. It thus remains categorized "R9," a residential zone.
- ** The number of existing units on redevelopable land – which are lost during redevelopment – is subtracted as a single figure because the Metro-supplied data base did not readily allow a per-designation adjustment.
- † The calculations were carried out to the hundredths of a unit, but are presented as rounded figures. Some rounding errors may appear on individual lines in order to make the totals agree.

Note: Calculated capacities for zoning and Comprehensive Plan designations differ because in some areas, zoning is inconsistent with the Comprehensive Plan.

Metro's vacant and redevelopment models, as applied to City zoning and Comprehensive Plan designations, significantly underestimate the amount of land that is actually available for development. For example, when the Bureau of Planning investigated this issue in the Central City, an additional 174 acres were found to be "probable to develop" but were not designated as either vacant or redevelopable in Metro's models. The Bureau of Planning is confident that similar additional acreage would be found if a more in-depth study were conducted on the regional center, town centers, and station community areas.

The City continues to question Metro's infill assumptions. Although Metro's methodology for infill adds additional housing units only for lots greater than three (3) times the minimum allowed size, the City is experiencing significant infill on lots smaller than that.

The capacity analysis does not include additional units that can be developed through the use of bonus densities. Examples of situations where bonus densities apply are in allowing duplexes on corner lots and in increasing the allowed FAR for providing certain amenities. Bonus densities are routinely requested and approved in the Central City and areas that have the "a" zoning overlay.

Employment Capacity

The City has determined that it has employment capacity between 191,913 and 224,318 jobs based on zoning and between 199,482 and 243,133 jobs based on Comprehensive Plan designations. Portland is reporting a range of jobs because of its concerns about modeling employment for industrial and employment zones as explained below. In addition, as stated earlier in this report, the City is reporting both zoning and Comprehensive Plan designation numbers because it believes that the most realistic capacity number lies between the two.

The City of Portland calculated its employment capacity based on the propensity of industries to locate and grow in specific employment Comprehensive Plan designations and zones. This methodology produces a conservative estimate of potential employees based on past experience. It does not capture any production-related efficiencies, emerging industries, or

employment opportunities within areas designated solely for residential purposes (e.g., home occupations and institutional jobs) or increases in the utilization of existing structures. The capacity is intended to represent the total amount of development activity that is possible, rather than what is probable.

Determining the employment capacity involved compiling a buildable lands GIS data set (see the *Housing Capacity* section). This was accomplished using the 1994 Metro data on vacant land combined with the City's own redevelopable land data, which was developed following a variation of Metro's model. This calculated the buildable lands acreage by zone and Comprehensive Plan designation. A utilization factor was applied to this acreage that was the opposite of the utilization rate used for the *Housing Capacity* analysis. For example, residential land that had 100% utilization rate for housing had a 0% utilization rate for employment while mixed-use zones (e.g., CX) with a 20% utilization rate for housing left an 80% utilization rate for employment.

A survey of firms conducted by Inside Prospects for Metro in 1994 provided the basis for the employer data. This information includes the Standard Industrial Classification (SIC) codes of each employer, the average number of employees per firm, and the location of the firm (the locations are mapped). The Comprehensive Plan designations and zones were then determined for the employers using the GIS. The most frequently occurring two-digit SIC codes were obtained for each zone (three to seven per zone).

In 1990, Metro conducted an employment study that recommended values to use for the number of employees per acre of land and the number of square feet per employee, using a generalized set of SIC code designations. The Metro study recommendations for employees per acre and square footage per employee were applied on a percentage basis to determine weighted averages for each Comprehensive Plan designation and zone. These values were multiplied by the buildable lands acreage to determine an initial calculated capacity for employment.

There are several limitations of the process up to this point, some of which suggest additional steps to develop a more accurate estimate. This method results in an estimate assuming a "low-rise" development. This approach is inappropriate in the multi-story environment of the Central City, where structures are regulated by Floor Area Ratios (FARs). To better estimate Central City employment capacity, CX and EX designated areas were recalculated by multiplying the buildable lands square footage by the FAR in each zone. Then the appropriate weighted average of square footage per employee was applied to the total acreage by zone. This adjustment to the base data allows a more realistic job capacity to be calculated, one which reflects the multi-story working environment typical of the Central City. Following the same reasoning, the Institutional Residential (IR) zoning and Comprehensive

Plan designation capacity calculation reflects a 2:1 FAR. These adjustments led to the high capacity estimates for employment capacity of 224,318 jobs (zoning) and 243,133 jobs (Comprehensive Plan designations).

The City was able to validate the employees per acre recommended in the 1990 Metro study for all land types except industrial and employment lands, which suggested that employment capacities for industrial and employment lands may be overestimated using the above method.

A recent small area study conducted by Hobson Johnson and Associates (1998) conducted a detailed (4-digit SIC code) analysis for industrial lands in the Airport Way Urban Renewal area. This study produced a lower weighted average of 17.1 employees per acre (that is, employment density). The study reported its figures by Traffic Analysis Zone (TAZ). Although it did not use Comprehensive Plan or zoning information in their study, it did accurately describe the nature of the actual industrial development patterns. The land in the study area is almost totally zoned industrial or employment areas, although this does not suggest that all City lands of this type would develop to the same employee densities. By applying the 17.1 employees per acre rate on buildable land with those zones, the City derived the low capacity estimates of 191,913 jobs based on zoning and 199,482 jobs based on Comprehensive Plan designations.

In addition, determination of redevelopable acres used for the study may be notably conservative as many areas throughout the City are potential candidates for redevelopment, given their age, condition, and under-utilization of available FARs. Also, as stated earlier, no calculations were included to account for home occupations, emerging industries, or increased utilization of existing structures not needing full-scale redevelopment.

Independent of this analysis, responsibility for the West Hayden Island unincorporated area has been transferred from Multnomah County's Functional Plan Compliance Report to Portland's. Along with it comes a transfer of 640 jobs from Multnomah County's target capacity to Portland's. (Please note that these 640 jobs are not included in the following table as there is no net change in the jobs capacity versus jobs target ratio.)

The following table lists Portland's employment capacity by Comprehensive Plan designation and by zone.

By Comprehensive Plan Designation			By Zone		
<i>Designation</i>	<i>High Capacity</i>	<i>Low Capacity</i>	<i>Zone</i>	<i>High Capacity</i>	<i>Low Capacity</i>
Institutional Campus (IR)	3,113	6,226	IR	2,715	5,431
Neighborhood Commercial (NC)	3,452	3,452	CN1	96	96
			CN2	2,198	2,198
Office Commercial (OC)	3,152	3,152	CO1	278	278
			CO2	2,304	2,304
Urban Commercial (UC)	6,894	6,894	CM	480	480
			CS	6,379	6,379
General Commercial (CG)	18,968	18,968	CG	17,555	17,555
Central Commercial (CX)	48,966	48,966	CX	48,763	48,763
Mixed Employment (ME)	22,453	11,731	EG1	870	333
			EG2	18,408	10,201
Central Employment (EX)	31,856	31,856	EX	28,202	28,202
Industrial Sanctuary (IS)	117,076	78,736	IG1	5,630	3,043
			IG2	57,556	43,032
			IH	44,690	33,719
Subtotals	255,930	209,981	--	236,124	202,014
5% loss for redevelopment*	(12,797)	(10,499)	--	(11,806)	(10,101)
TOTALS	243,133	199,482		224,318	191,913

* This adjustment accounts for jobs lost when land is redeveloped. Additional jobs capacity is created by the redevelopment, but if the pre-existing jobs are not subtracted, it creates an overestimate of the resulting capacity.

References:

- Comprehensive Plan, Goals and Policies, City of Portland: Bureau of Planning; Latest Revision, October 1996.
- Capacity Calculations: Methods and Supporting Data: Bureau of Planning; 1998 (Attachment 3).
- Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.
- Analysis of the Airport Way Urban Renewal Area: Hobson Johnson & Associates for the Portland Development Commission; May 1998.
- Employment Density Study: Metro 1990.



5.A.3. Cities and counties calculating capacity through the use of density bonus provisions may consider transfers, including off-site transfers, only upon demonstration that previous approvals of all density transfers within the past 5 years have resulted in an average of at least 80 percent of maximum zoned densities actually being built.

Compliance:

The City of Portland is not using density bonus provisions in its capacity calculations.



5.A.4. The capacity calculation shall use only those development types that are allowed in the development code. Any discretionary decision must not diminish the zoned density if it is to be counted as a part of calculated capacity; and

Compliance:

The City's capacity calculation uses only those development types currently allowed by the Zoning Code.



5.A.5. Cities and counties, in coordination with special districts, shall demonstrate that they have reviewed their public facility capacities and plans to assure that planned public facilities can be provided, to accommodate the calculated capacity within the plan period.

Compliance:

The City is in compliance with Title 1, Section 5.A.5. The City's existing Public Facilities Plan is acknowledged by DLCDC.

Portland reviews the adequacy of its public facilities and plans through its capital improvements planning process, which is conducted annually. Each infrastructure bureau conducts its own capital improvements planning using criteria established by the Office of Financial Administration (OFA). As one of these criteria, OFA requires each bureau to consider its facilities and plans in the light of projected growth.

Discussion:*Current PFP/CIP Planning Process*

Each City bureau is responsible for developing its own Capital Improvement Program (CIP) using its own assessment of existing facilities and future needs. The CIPs are currently coordinated across bureau lines in three ways: 1) each CIP is related to the City's Public Facilities Plan; 2) OFA issues budget instructions, with criteria, to all bureaus for use in developing their plans; and 3) all submittals are reviewed against citywide goals and strategy by a Capital Review Committee which includes representatives of all affected bureaus.

OFA budget instructions promote regional considerations by directing bureaus to incorporate neighborhood-identified needs, to coordinate capital improvement efforts across bureaus, and to consider the need for additional capital improvements by other bureaus resulting from a bureau's proposed projects.

Prioritization Criteria

Recent community plans (Central City, Albina, and Outer Southeast) call for significant capital investments over the envisioned 20-year planning periods. Limited funding resources make prioritization and coordination of capital projects crucial for completing the most important and cost-effective capital projects.

Each bureau uses its own set of criteria for prioritizing capital projects, as well as considering overarching OFA criteria. These criteria weigh various factors differently, depending on the bureau's outlook, but all bureaus consider the effects of plans to increase housing and employment density as Portland moves to accommodate increasing population in accordance with the 2040 Growth Concept. See Attachment 4 for further discussion.

Process Improvement

During this fiscal year, the City has undertaken three efforts to improve its public facilities planning and coordination. These efforts will culminate in a well integrated public facilities planning process and enhanced inter-bureau communication: the Office of Financial Administration's (OFA's) Growth Analysis Project; response to a City Council-adopted "Budget Note" concerning capital expenditures in support of regional growth plans; and an update of the Public Facilities Plan.

OFA's Growth Analysis Project

The City was awarded a Transportation and Growth Management (TGM) grant to conduct a coordinated study of the City's infrastructure and public services costs related to growth. OFA is conducting the study with the help of a consultant. The project analyzes current service and infrastructure provision, and uses several growth scenarios to analyze costs, efficiencies, revenues, and fiscal impacts.

OFA is also undertaking a related but separate project which will illustrate the Capital Improvement Plan (CIP) projects of each participating bureau using a geographic information system (GIS) data base. When complete and audited, this will allow capital improvements to be more readily analyzed for spatial and temporal coordination with each other, the City's Comprehensive Plan, and the region's Framework Plan and Growth Concept.

Response to the "Budget Note"

As part of the City's FY 1998-99 budget, the City Council adopted a budget note which states that "The bureaus of Planning, Transportation, BES, Water, PDC, and OFA will work together to develop a process and criteria for directing capital funds to Main Streets, Town Centers and Regional Centers." OFA has since asked the Parks Bureau to participate and has added Station Communities and the Central City to the list of areas to be considered.

OFA and the bureaus are working together to develop the process and criteria for directing capital funds to support Region 2040 Growth Concept areas. In combination with the GIS data base of CIP projects, these criteria will allow a rational and well-informed process for selecting and coordinating public facilities to support growth as well as maintain existing services.

Update of Public Facilities Plan

The Bureau of Planning has requested funds for FY 1999 for an update of its Public Facilities Plan. The updated plan will benefit from the capital improvements GIS data base developed by OFA, the results of the Growth Analysis Project, and the criteria to direct capital funds to 2040 concept areas and the Central City which are developed as a result of

work on the Budget Note. With these tools, the various bureaus will find it much easier to compare and coordinate their capital improvements with each other and with citywide and regional plans.

Current Capital Improvement Program Examples

As noted earlier, the City is undertaking projects to assist in producing an updated PFP. Meanwhile, recent accomplishments and short-term capital program plans of each bureau reflect the accommodation of regional plans and projections for growth. Ongoing coordination by the Bureau of Planning with these bureaus ensures that appropriate projections, zoning, and plans are used in developing public facilities plans. Project examples from each bureau help illustrate this.

Portland Office of Transportation (PDOT)

The City's transportation CIP includes projects that are designed to:

1. Preserve and enhance effectiveness of the existing system, including street reconstruction for SW Naito Parkway and other streets, rebuilding SE Tacoma (28th-32nd) as a full urban street with sidewalks, and signal improvements for transit and emergency vehicles.
2. Aid in the development of the centers and corridors, including the Lovejoy ramp replacement for access to the River District, the Hillsdale (Capitol Highway) and Woodstock pedestrian projects and the King Boulevard project.
3. Protect existing residential neighborhoods from traffic infiltration through various Traffic Calming Projects including Albina Avenue, NE 33rd Avenue, and Elementary School projects.

In addition, the City transportation CIP includes projects that support development around the Westside LRT line and projects to provide access to major industrial areas. A number of studies are included in the CIP that will meet similar objectives in the future. Examples include the Lents Transportation Plan (linked to an Urban Renewal Study of the area), the McLoughlin Neighborhoods program, and Lower Albina Overcrossing.

Bureau of Environmental Services (BES)

The Inverness Force Main project will carry sewage from a large developing area of outer Southeast and Northeast Portland to the Columbia Boulevard Wastewater Treatment Plant. The Surface Water Management program has recently completed major wetland and stream enhancement work along Johnson Creek in Southeast Portland. This program will now focus on flood management, water-quality improvement, and habitat improvement and restoration projects in Southwest Portland. Such projects provide stormwater runoff management for both existing and future development.

Portland Water Works (Water Bureau)

The Water Bureau is developing an Infrastructure Master Plan (IMP) as a framework for future CIP planning. The Water Bureau is using the first iteration to analyze and compare potential future supply system improvement scenarios. This effort uses new water demand forecasts which reflect the Region 2040 Growth Concept.

Among the near-term Water Bureau capital projects addressing growth are Reservoir #2 at Powell Butte for increased storage and enhanced distribution, the Capitol Highway pump station to improve delivery in Southwest Portland, the Burlingame/Washington County Supply Line and Westwood Intertie to improve delivery capacity to Southwest Portland and Washington County, and the Parkrose and Northeast supply mains to increase delivery capacity in those areas of the City.

References:

- Comprehensive Plan, Goals and Policies, City of Portland: Bureau of Planning; Latest Revision, October 1996.
- Public Facilities and Capital Improvements Planning: Supplemental Discussion: Bureau of Planning (Attachment 4).
- Capital Improvement Program 1998-2008, Portland Water Works, January 1998.
- Regional Water Supply Plan, Final Report, Water Providers of the Portland Metropolitan Area, October 1996.
- Adopted Transportation Capital Improvement Program, 1998-1999 to 2002-2003, Office of Transportation, June 1998.
- Environmental Services Proposed Capital Budget, FY 1999-2003, Bureau of Environmental Services, undated.
- Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.



5.B. Calculate the increases in dwelling unit and job capacities by the year 2017 from any proposed changes to the current comprehensive plans and implementing ordinances that must be adopted to comply with Section 2 of this Title and add the increases to the calculation of expected capacities.

Compliance:

Portland does not expect its housing and jobs capacity to increase by changing its Comprehensive Plan or implementing ordinances to comply with Section 2 of Title 1.

Portland does, though, expect its calculated housing and jobs capacities to increase due to future changes to its Comprehensive Plan and implementing ordinances that will result from planning for such areas as the Hollywood Town Center/Sandy Main Street and St. Johns Town Center/Lombard Main Street areas. Other planning projects now under way, such as Gateway, North Macadam, and Lents, are implementation projects and are not expected to result in any significant increase in housing and employment capacities.

Discussion:

The City does not expect its capacity to increase due to compliance with Section 2 of Title 1. Section 2 requires:

- An 80 percent minimum density standard in residential zones. The City is establishing such a standard, but its recent history shows that built density already exceeds 80 percent of zoned capacity citywide. Recent built densities are reflected in Portland's capacity calculation.
- No prohibition on partitioning or subdividing lots two or more times the minimum lot size for the zone. Portland does not prohibit this except in a flood hazard area in one part of the City. No increase in capacity will result.
- No prohibition on accessory dwelling units. Portland allows accessory dwelling units, and includes their expected contribution to housing capacity in the City's calculations. No additional increase in capacity is expected.

There will almost certainly be future Comprehensive Plan amendments resulting from planning efforts in various parts of the City. These future amendments are expected to increase Portland's housing and employment capacities beyond the City's current calculations during the twenty-year period of the Functional Plan. For example:

Hollywood Town Center/Sandy Main Street

Work is underway to update the Comprehensive Plan and zoning in the Hollywood Town Center/Sandy Main Street area. This planning work is partially funded by a TGM grant and is expected to be complete by Fall 1999. Though the plan focuses more on promoting a thriving area than on meeting any numerical targets, it is anticipated that more capacity may result from this plan. Residents and business owners in the study area have expressed concern that the area's development potential is underutilized. They are seeking more housing in and near the commercial core to ensure a more vital business district. Such measures would increase calculated housing capacity in the area, but the amount of change is unknown.

St. Johns Town Center/Lombard Main Street

The City has allocated funds to begin planning work on the St. Johns Town Center/Lombard Main Street area. Like the Hollywood/Sandy plan, the focus is on promoting area vitality. The expectation is that additional capacity may be created.

Southwest Community Plan

This Comprehensive Plan update process has been under way for more than four years. In August 1998, the project was suspended by the Planning Commission prior to finalizing a recommendation to the City Council on any changes to the Comprehensive Plan and implementing ordinances. Resumption of the planning process may include some changes to the City's housing and employment capacities, but the amount of change is unknown and has not been factored into the capacity calculations included in this report.



5.C. Determine the effect of each of the following on calculated capacities, and include any resulting increase or decrease in calculated capacities:

Compliance:

The City of Portland has considered the factors listed under Title 1, section 5, and has determined that the result is no increase or decrease in calculated capacities. Below are specific responses with determinations.



5.C.1. Required dedications for public streets, consistent with the Regional Accessibility Title:

Compliance:

Required street dedications consistent with the Regional Accessibility Title (Title 6) do not affect calculated housing or employment capacities.

Discussion:

Where a development is sufficiently large to require a street, street dedication typically consumes approximately 10 percent of the land being developed. This percentage is based on Portland's historic use of a 400 to 600-foot grid (other than downtown, whose 200-foot blocks are atypical for the City).

Because capacities are calculated using 80 percent of the available land, there is sufficient land already allowed in the calculations to supply the 10 percent needed by Portland's typical development pattern. Moreover, the 530 feet between street connectors required by Title 6 is approximately the same as

Portland's existing average of 400 to 600 feet. Thus the requirement of Title 6 will result in approximately the same amount of land being required for street dedications as already occurs in Portland. There is no need to adjust Portland's calculated capacity because of street dedications required by Title 6.



5.C.2. Off-street parking requirements, consistent with this functional plan;

Compliance:

Portland's off-street parking requirements do not affect housing and job capacities. The City's off-street parking requirements are, considered on a regional basis, very low.

Discussion:

Portland Bureau of Planning staff have evaluated Title 2's parking requirements and current City regulations contained in the Portland Zoning Code (Title 33), including off-street parking requirements. As a result, the City is in the process of developing proposed amendments to Title 33, the Portland Zoning Code, consistent with Title 2. The amendments are expected to be heard by the Planning Commission in April 1999, and by the City Council in early Summer 1999. The amendments do not affect compliance with this section of the Functional Plan, as described below.

Housing Capacity

The calculated housing capacity of each residential zone is related to its maximum density, which already accounts for the effects of required off-street parking. Under the Portland Zoning Code, lot size requirements assure that development on lots within each zone will be able to comply with the applicable development standards (such as off-street parking) and achieve maximum zoned density.

For example, in the R5 zone, maximum allowable density is generally 8.7 units per acre, which would be met at the minimum lot size of 5,000 square feet. The maximum building coverage standard of 45 percent of the lot would allow for a building footprint (including garage) of as much as 2,250 square feet. One off-street parking space is required at a minimum size of 162 square feet, consuming (with the maximum building coverage) 2,412 square feet. This leaves 2,588 square feet — more than half the site — for setbacks, landscaping, driveways, patios, landscaping, and all other features.

When the rewritten Land Division Code takes effect in Summer 1999, the minimum lot size requirements in each single-dwelling zone are expected to be replaced by minimum and maximum density requirements. Room for parking, setbacks, landscaping, and other development standards will be reserved by requiring each lot to be sized and shaped to allow a square with set dimensions to fit entirely within the lot. The square's dimensions allow for a building with enough room around it to accommodate development standards – such as setbacks or landscaping – appropriate to the zone.

In multi-dwelling zones, either maximum density standards or floor-area ratios, both of which are calculated based on total lot size, control housing capacity. Multiple-story buildings are allowed, which allows target densities to be achieved in spite of site area devoted to off-street parking and other required features (such as landscaping and setbacks). The net result is that off-street parking requirements (generally one space per unit) do not affect the ability to achieve housing capacities in multi-dwelling zones.

Employment Capacity

For all commercial, employment, and industrial zones in Portland, Floor Area Ratios (FARs) regulate the amount of use (the intensity of use) allowed on a site. The FAR is the ratio of building floor area to total site area. Although above ground structured parking counts as floor area in the FAR calculation, neither the FAR nor the total site area used to calculate the FAR are adjusted for off-street parking requirements.

Employment capacity is calculated using the square footage of buildings allowed in a zone. Because the FAR limits the building square footage allowed and is not directly affected by parking requirements, employment capacity is not directly affected by off-street parking requirements.

References:

Portland Zoning Code, Chapters 33.110.210, 33.120.210, 33.130.205, 33.140.205, and 33.266.

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5.C.3. Landscaping, setback, and maximum lot coverage requirements:

Compliance:

Requirements for landscaping, setbacks, and maximum lot coverage do not reduce Portland's calculated jobs or housing capacities.

Discussion:*Housing Capacity*

The capacity of each residential zone is related to its maximum density. Lot size requirements assure that development on lots within each zone will be able to comply with the applicable development standards. The staff proposal for a new Land Division Code will allow lot sizes to vary but will preserve room for landscaping, setbacks, and building coverage.

Landscaping, setback, and maximum lot coverage requirements have no effect on achieving maximum density in residential zones, because these requirements are accounted for when development standards are established. For example, in the R5 zone, maximum allowable density is 8.7 units per acre, which would be met at the existing minimum lot size of 5,000 square feet. The maximum building coverage standard of 45 percent of the lot would allow for a building footprint (including garage) of as much as 2,250 square feet, ample room for a dwelling even at the maximum density. Alternately, assuming lot dimensions of 50 feet wide by 100 feet deep, the minimum front, back, and side setbacks would allow an area of 3,250 square feet within which to position the dwelling and garage — more area than allowed by the maximum building coverage for that zone.

Requirements for multi-dwelling zones are more complex, making a typical situation difficult to present. For example, side and rear setbacks in most multi-dwelling zones depend upon the size of the plane of the building wall facing the side or rear lot line. However, housing capacity in multi-dwelling zones is controlled by maximum density standards or floor-area ratios, both of which are calculated on total lot size and thus not directly affected by setbacks, landscaping, or lot coverage. In summary, the lot size requirements for multi-dwelling zones account for the effects of the various applicable development standards in achieving a specified density.

Employment Capacity

For all commercial and employment zones in Portland, FARs regulate the amount of use (the intensity) allowed on a site. FARs work in combination with the height, setback, and building coverage standards to control the overall bulk of the built structures on a site.

As mentioned, the FAR is the ratio of building floor area to total site area. Employment capacity is calculated using the square footage of buildings allowed in a zone. Because the FAR limits the maximum building square footage allowed in the employment and commercial zones, employment capacity is not directly affected by setback, lot coverage, and landscaping requirements. Neither the FAR nor the total site area used to calculate the FAR are adjusted for setbacks, landscaping, or maximum lot coverage requirements, and so the FAR is unaffected by these requirements.

For example, the FAR for the Neighborhood Commercial 1 and 2 zones and the Office Commercial 1 zone is 0.75 to 1, meaning that the building floor area must be limited to 75 percent of the total site area. When calculating employment capacities for areas within these three zones, the building floor area should therefore be assumed to be no more than 75 percent of the total lot size. Although the FAR will interact with other development standards to determine building footprints, the building floor area, and therefore the calculated employment density, is not directly affected by setback, landscaping, and building coverage standards. In all other commercial, employment, and residential zones, the FAR is greater than 1, allowing the building floor area to exceed the total site area.

In the industrial zones, there is no limit to the FAR or building height. Because of this, the square footage of any building in an industrial zone is independent of landscaping, setback, or maximum lot coverage requirements. Any restrictions on the building footprint can be mitigated by making the structure higher.

References:

Portland Zoning Code, Chapters 33.110.210, 33.120.210, 33.130.205, and 33.140.205.



5.C.4. The effects of tree preservation ordinances, environmental protection ordinances, view preservation ordinances, solar access ordinances, or any other regulations that may have the effect of reducing the capacity of the land to develop at the zoned density;

Compliance:

None of these ordinances or related regulations reduce Portland's calculated jobs or housing capacities.

Discussion:

Ordinances considered under this section are:

- Proposed tree canopy preservation code amendments;
- Environmental overlay zoning;
- Willamette River Greenway overlay zoning;
- Scenic resource zoning; and
- Flood management provisions in the Johnson Creek Basin Plan District.

Brief summaries follow. Also, see Attachment 5 for additional discussion of these ordinances.

Proposed tree canopy preservation code amendments

Due to the flexibility built into the proposal, the proposed tree replacement and planting code amendments will have no effect on calculated housing or job capacities. Development will not be prevented or hindered by requirements to preserve any particular specimens. Developers can choose which trees to preserve, if any, and where to plant replacement trees. Tree planting may be avoided entirely or partially by paying into a City tree fund. Funds collected for the tree fund are intended to pay for tree planting on private or public land in the vicinity of the property which paid into the fund. Because the proposed code amendments provide flexibility, they will not affect the quantity of developable land and will have no effect on calculated capacities. The proposed scheme is described in Appendix B, Tree Canopy Preservation, Recommended Draft.

Environmental overlay zoning

There are two environmental overlay zones: the environmental protection zone and the environmental conservation zone. Land subject to the environmental protection overlay zone is not part of Metro's buildable lands inventory and is not used to calculate housing or employment capacities. The environmental protection zone, therefore, has no effect on calculated capacities.

Work Task 1.2 of Portland's Comprehensive Plan Periodic Review of December 1996 found that the environmental conservation zone overlay had not caused any reduction in development of housing units in affected areas during the study years (1991-96). Of 273 environmental reviews conducted during that period, only one proposal was denied based solely on environmental review criteria – and that property was later sold and developed to the density allowed by the base zone. Conservation zones are expected to continue to allow environmentally sensitive development in accordance with base zones.

In summary, development to the base zone's density remains possible in areas affected by the conservation zone, and on many lots lying partially within the protection zone. Because of this, there is no net reduction in housing or job capacities due to Portland's environmental zoning.

Willamette River Greenway overlay zoning

The Greenway zones generally do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use, with the exception that in some areas only river-dependent or river-related uses are to be allowed by right. Greenway Review may allow non-river-dependent or non-river-related uses in these areas. Development is not prevented; instead, it is oriented toward the river and its resources.

The restriction on FARs within the first 200 feet of the Greenway Setback does not reduce calculated housing or jobs capacities as it does not apply to land within the Central City Plan District or to industrial land, which includes most of the land likely to be developed with multi-story buildings. The view corridor

restrictions apply only to identified existing public rights-of-way and land lying between the River and these rights-of-way. The extent of these corridors is not expected to prevent development to the standards of the underlying base zone.

Scenic resource overlay zoning

The Scenic Resources Protection Plan, adopted by City Council in May 1991, protects 88 view corridors and scenic viewpoints in the City. Of these, 19 view corridors establish height restrictions. Of the 19 view corridors with height restrictions, seven look across industrial areas or railroad yards, two look from roads near riverbanks across the adjacent river, two look along transportation corridors, and the remaining eight are in the Central City downtown area. These view corridors do not affect calculated jobs or housing capacities.

Scenic and view corridors are subject to the density standards of the base zone, as expressed by FAR or other measure. The scenic corridors place restrictions on wall length, setbacks, and landscaping, which have no direct effect on achieved densities. The principal control on job or housing capacities is the base zone, not the presence of view or scenic corridors. Because of these factors, scenic resource overlay zoning has no effect on calculated capacities.

Flood management in the Johnson Creek Basin Plan District

The prohibition on further land divisions within the Flood Risk Area and the restrictions on redevelopment in the FEMA Floodway will reduce infill development and redevelopment in these areas. The lands affected by the plan amendments (located either in the floodway or the 5-year floodplain) have already been removed from the buildable lands inventory. Since the affected areas are not considered "buildable," these amendments will have no effect on calculated capacities. See the Portland Zoning Code, Chapter 33.535.

There is already a provision for transferable development rights (TDRs) in the Johnson Creek Basin Plan District that may serve to slightly increase the City's calculated housing capacity. The TDRs allow mitigation of some lost housing potential if certain conditions are met (sending sites must be at least 50 percent within the Environmental Protection overlay zone, the receiving site must be developed as a PUD, and others).

References:

Tree Canopy Preservation – Recommended Draft: Bureau of Planning; January 11, 1999 (Appendix B).

Work Task 1.2 – Portland Comprehensive Plan Periodic Review: Bureau of Planning; December 1996.

Portland Zoning Code, Chapters 33.430, 33.440, 33.480, and 33.535.

Title 1, Section 5.C.4: Supplemental Discussion (Attachment 5).



5.C.5. The effects of areas dedicated to bio-swales, storm water retention, open space dedications, and other requirements of local codes that may reduce the capacity of the land to develop at the zoned density.

Compliance:

Areas dedicated to bio-swales, stormwater management, and related purposes do not reduce Portland's calculated jobs or housing capacities.

Discussion:*Bio-swales*

Based on engineering models of stormwater quality catchments for sediment removal, Bureau of Environmental Services (BES) staff estimate that in Portland, on-surface stormwater management features (including bio-swales and other "natural" measures) will typically require no more than five percent of the surface area of a developed site. In this context, "site" includes all the land affected by development. It could be a single lot or an entire subdivision development. The estimated five percent of site area is a maximum estimate, based on an above-surface facility.

This five percent requirement implies that for many individual lots, the surface stormwater management facility will fit into existing landscaped areas. For larger residential developments where consolidated facilities, such as wet ponds, are desirable, up to one lot in 20 may have to be devoted to stormwater management. Planned unit developments (PUDs) allow the clustering of lots necessary to avoid any loss of overall development capacity. Portland's Land Division Code Rewrite Project proposes to allow PUD-like clustering and dedication of open space for all subdivisions of land. If implemented, this concept will allow development to base-zone density even where land must be devoted to stormwater management. A more detailed discussion of the Land Division Code Rewrite Project and its effect on development capacities is presented in the next section of this discussion, *Open Spaces*.

Stormwater management policies for existing development have not yet been formulated. Although on-site stormwater management is preferred, many "regional" stormwater management facilities will be needed. BES is developing plans for these facilities. New public stormwater facilities will be established in areas of the City where infrastructure is inadequate. Probably most of these facilities will be located in riparian areas, which are already removed from the buildable lands inventory.

Based upon development review experience at the City, development standards in most zones effectively set aside sufficient land to allow for stormwater management. Although this land is currently devoted to landscaping or "outdoor area," it is possible for a portion of the available land to be used for on-site surface stormwater management facilities. For example, the yard of a

single-family detached house can be landscaped to provide stormwater management benefits, while adequate bio-swales or other features can be placed in the landscaped areas of many parking lots.

In higher density zones, building or paving may cover up to 100 percent of the lot. Even in such situations, on-site stormwater management is possible by means of surface drainage filters, underground vaults, and other similar facilities. Where circumstance forces the development of off-site facilities, or where regional facilities are developed to handle runoff from multiple properties, such facilities will generally be placed in or near existing riparian areas. Because most of these riparian areas are often already constrained from development, the land used for off-site stormwater management is not expected to significantly reduce the City's housing and job capacities.

Open Spaces

At present, there are no requirements for open space dedications Portland's Land Division Code. In the Portland Zoning Code (Chapter 33.269), open space is required as part of a Planned Unit Development. In residential PUDs, at least 40 percent of the area not devoted to streets must be used for open areas, and half of the open space area must be in common ownership. In a non-residential PUD, at least 20 percent of the non-street area must be in open space, and half of that must be in common ownership. The density of the PUD (and thus housing or employment capacity) is determined by the base zone; clustering of buildings allows the density to be achieved.

Regarding the Land Division Code Rewrite, the staff proposal allows PUD-like clustering in all land divisions. If adopted, such a provision will make open-space dedications possible without reducing the development capacity of the land. Indeed, clustering allows sites with hazards, wetlands, or other constraints to be developed to the base-zone capacity of the entire site while setting aside the constrained land as open space.

In summary, current open-space dedications do not reduce the City's calculated employment or housing capacities. If adopted, Title 34 provisions now being considered would allow greater density than is now possible on certain types of constrained lands.

Additional discussion of stormwater and open space considerations is presented in Attachment 6.

References:

- Land Division Code Rewrite Project, Second Proposed Draft: Bureau of Planning; September 1998 (Appendix A).
- Portland Zoning Code, Chapter 33.269.
- Title 1, Section 5.C.5 – Supplemental Discussion (Attachment 6).



5.D. If any of the calculated capacities are determined to be less than any of the city or county target dwelling unit and job capacities in Table 1, either jurisdiction-wide or in mixed-use areas, or both, then the city or county shall comply with the performance standards in Section 6 of this Title by amending its comprehensive plans and implementing ordinances to increase calculated capacities, as needed, to comply with the calculated capacities required in Table 1.

Compliance:

Portland has demonstrated substantial compliance with the Functional Plan's Table 1 target capacities for citywide housing and employment. The City also complies with the housing and employment capacities in mixed-use areas of Table 1.

The City calculates that it has capacity for 33,759 dwelling units in mixed-use areas based on zoning and 39,529 based on Comprehensive Plan designations. This compares to the Table 1 target capacity of 26,960 dwelling units in mixed-use areas.

Portland also calculates that it has employment capacity of at least 106,947 jobs in mixed-use areas based on Comprehensive Plan designations and at least 101,763 based on zoning. The Table 1 target capacity is 100,087 jobs in mixed-use areas for Portland.



5.E. Exceptions to the Section 6.B requirement that target capacities be demonstrated may be requested according to Title 8 if a city or county determines that any calculated capacity requirement in Table 1 cannot be achieved after implementation of Sections 2, 3 and 4 of this Title to increase expected capacities.

Compliance:

The City of Portland does not ask for an exception to the target capacities.



Section 6. Local Plan Accommodation of Expected Growth Capacity for Housing and Employment—Performance Standard

All cities and counties within Metro shall demonstrate that:

- A. The provisions required in Section 2 of this Title have been included in comprehensive plans and implementing ordinances; and that*
- B. Using the computation method in Section 5, including the minimum residential density provisions required in Section 2, that calculated capacities will achieve the target capacities for dwelling units and full-time and part-time jobs contained in Table 1 in the Appendix to this plan, including both jurisdiction-wide expected capacities and capacities for mixed-use areas; and that*
- C. Effective measures have been taken to reasonably assure that the calculated capacities will be built for dwelling units and jobs; and that*
- D. Expected development has been permitted at locations and densities likely to be achieved during the 20-year planning period by the private market or assisted housing programs, once all new regulations are in effect.*

Compliance:

Previous sections of this report document methodology and approach. Since the City's capacity is tied to its Comprehensive Plan and zoning, it is consistent with the locations and densities likely to meet the Table 1 allocations.



Section 7. Design Type Density Recommendations

For the area of each of the 2040 Growth Concept design types, the following average densities for housing and employment are recommended to cities and counties:

*Central City - 250 persons per acre
Regional Centers - 60 persons per acre
Station Communities - 45 persons per acre
Town Centers - 40 persons per acre
Main Streets - 39 persons per acre
Corridor - 25 persons per acre
Employment Areas - 20 persons per acre
Industrial Areas - 9 employees per acre
Inner Neighborhoods - 14 persons per acre
Outer Neighborhoods - 13 persons per acre*

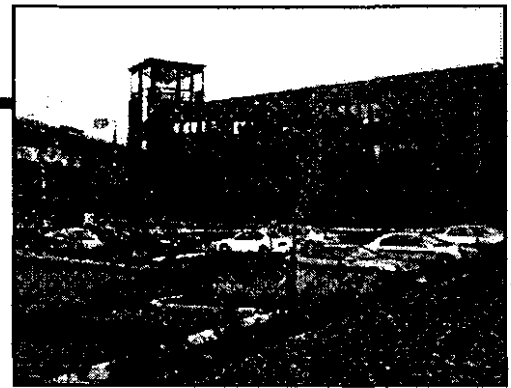
Compliance:

The recommended densities have been considered in appropriate City evaluations and compliance efforts.

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TITLE 2

Regional
Parking
Policy



Section 1. Intent

The State's Transportation Planning Rule calls for reductions in vehicle miles traveled per capita and restrictions on construction of new parking spaces as a means of responding to transportation and land use impacts of growth. The Metro 2040 Growth Concept calls for more compact development as a means to encourage more efficient use of land, promote non-auto trips and protect air quality. In addition, the federally mandated air quality plan adopted by the state relies on the 2040 Growth Concept fully achieving its transportation objectives. Notably, the air quality plan relies upon reducing vehicle trips per capita and related parking spaces through minimum and maximum parking ratios. This title addresses these state and federal requirements and preserves the quality of life of the region.

A compact urban form requires that each use of land is carefully considered and that more efficient forms are favored over less efficient ones. Parking, especially that provided in new developments, can result in a less efficient land usage and lower floor to area ratios. Parking also has implications for transportation. In areas where transit is provided or other non-auto modes (walking, biking) are convenient, less parking can be provided and still allow accessibility and mobility for all modes, including autos. Reductions in auto trips when substituted by non-auto modes can reduce congestion and increase air quality.

Status:

The City of Portland supports Metro's efforts to reduce auto trips and promote other modes of travel in the region. The City has maximum parking limits in some zones and areas, and has no minimum parking requirement in some others. The City regards limits on parking as an effective element of a program to enhance the efficiency of land use and to promote walking, bicycling, and mass transit. Portland will continue to work with Metro on such region-wide efforts.



Section 2. Performance Standard

2.A. Cities and counties are hereby required to amend their comprehensive plans and implementing regulations, if necessary, to meet or exceed the following minimum standards:

- 1. Cities and counties shall require no more parking than the minimum as shown on Regional Parking Ratios Table, attached hereto; and*
- 2. Cities and counties shall establish parking maximums at ratios no greater than those listed in the Regional Parking Ratios Table and as illustrated in the Parking Maximum Map. The designation of A and B zones on the Parking Maximum Map should be reviewed after the completion of the Regional Transportation Plan and every three years thereafter. If 20-minute peak hour transit service has become available to an area within a one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit, that area shall be added to Zone A. If 20-minute peak hour transit service is no longer available to an area within a one-quarter mile walking distance for bus transit or one-half mile walking distance for light rail transit, that area shall be removed from Zone A. Cities and counties should designate Zone A parking ratios in areas with good pedestrian access to commercial or employment areas (within 1/3 mile walk) from adjacent residential areas.*

Status:

The necessary amendments are being developed. Hearings before the Planning Commission are expected in April 1999, and before City Council in Summer 1999. The City requests an extension to December 1999 to complete the amendment hearings and adoption process.

Discussion:

Bureau of Planning staff have evaluated Title 2's requirements and current City regulations contained in the Portland Zoning Code. Portland's current minimum standards are lower than the Functional Plan requirements for most uses. With few exceptions, maximum standards do not exist outside the Central City district. The City is now in the process of developing proposed amendments to Title 33, the Portland Zoning Code, consistent with Title 2 (Citywide Parking Ratios, Appendix C).

Because Portland has relatively few areas where Zone B of the Parking Maximum Map applies, the City is considering establishing parking ratios that substantially comply with the Zone A ratios (which are more restrictive) everywhere except in the Central City Plan District. Exceptions to the Zone A ratio will be granted upon application in areas that meet the Zone B criteria related to transit service access and frequency. This would alleviate the need for frequent review of transit service levels while providing substantial compliance with the Functional Plan requirements – and appropriate parking ratios for areas remote from good transit service.

In the Central City area, the City already imposes parking ratios that are generally more restrictive than those required by the Functional Plan, but there are some minor differences between the Functional Plan's categories and requirements and the City's. Portland intends to make any amendments necessary to bring its Central City parking requirements into substantial compliance before December 1999.

The Transportation Element of the Comprehensive Plan contains four policies that address parking. These policies are currently consistent with the intent of this section. Policy 6.14 Parking Management states, in part, "Implement measures to achieve Portland's share of the mandated 10 percent reduction (per the Transportation Planning Rule) in parking spaces per capita within the metropolitan area over the next 20 years." Policy 6.16 Off-Street Parking states, in part, "The Zoning Code shall require private development of adequate, but not excessive, off-street parking for all land uses." As part of the development of the Transportation System Plan these and other parking policies will be reviewed and updated to reflect other implementation strategies that the City will use in reducing parking spaces per capita and managing parking supply and demand.

References:

Portland Zoning Code.

Transportation Element of the Comprehensive Plan, City of Portland: Office of Transportation; June 1996.

Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.

Citywide Parking Ratios, Discussion Draft: Bureau of Planning; expected February 17, 1999 (Appendix C).



2.A.3. Cities and counties shall establish an administrative or public hearing process for considering ratios for individual or joint developments to allow a variance for parking when a development application is received which may result in approval of construction of parking spaces either in excess of the maximum parking ratios; or less than the minimum parking ratios.

Compliance:

The City of Portland complies with Section 2.A.3 of this Title.

Discussion:

An administrative adjustment procedure (an "adjustment") already exists that will allow for consideration of development proposals with parking spaces that do not conform to Title 2 requirements. However, the Bureau of Planning plans to refine the purpose statement to provide more guidance for the approval of adjustments.

References:

Portland Zoning Code, Chapter 33.805 Adjustments.

Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.

Citywide Parking Ratios, Discussion Draft: Bureau of Planning; expected February 17, 1999 (Appendix C).



2.B. Free surface parking spaces shall be subject to the regional parking maximums provided for Zone A and Zone B. Parking spaces in parking structures, fleet parking, parking for vehicles that are for sale, lease, or rent, employee car pool parking spaces, dedicated valet parking spaces, spaces that are user paid, market rate parking or other high-efficiency parking management alternatives may be exempted from maximum parking standards by cities and counties. Sites that are proposed for redevelopment may be allowed to phase in reductions as a local option. Where mixed land uses are proposed, cities and counties shall provide for blended parking rates. It is recommended that cities and counties count adjacent on-street parking spaces, nearby public parking and shared parking toward required parking minimum standards.

Status:

The City of Portland is preparing code amendments that will address the requirements of this section. These amendments are on the same schedule as those described under Section 2.A of this Title. The City requests an extension until December 1999 to complete this work.

Discussion:

The responses to Section 2.A.1 and 2.A.2 of this title describe the City's work developing the needed code amendments.



2.C. Cities and counties may use categories or measurement standards other than those in the Regional Parking Ratios Table, but must provide findings that the effect of the local regulations will be substantially the same as the application of the Regional Parking Ratios.

Status:

Portland requests an extension until December, 1999 to complete this work, which is integral with the work outlined in Sections 2.A and 2.B of this Title.

Discussion:

Portland is considering using categories and measurement standards other than those in the Regional Parking Ratios Table. When the amendments are completed, the City will, as necessary, provide findings demonstrating that the effect will be substantially the same as using the Regional Parking Ratios.



2.D. Cities and counties shall monitor and provide the following data to Metro on an annual basis:

- 1. the number and location of newly developed parking spaces, and*
- 2. demonstration of compliance with the minimum and maximum parking standards, including the application of any variances to the regional standards in this Title. Coordination with Metro collection of other building data should be encouraged.*

Status:

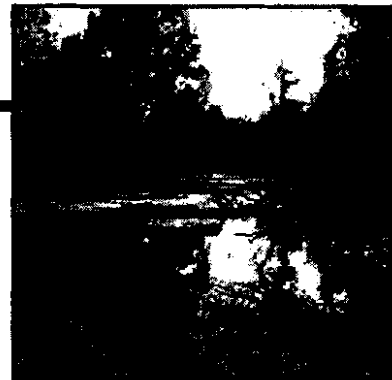
The Bureau of Planning expects to have a process in place by March 1999 to track the number and location of new parking spaces. Everyone requesting a permit will answer a very short questionnaire which will ask the number of parking places created.

The City and Regional Coordination Team, which already maintains staff-level communication with Metro staff, will report annually the required information, including any adjustments to the regional standards.



TITLE 3

Water Quality, Flood
Management, and Fish and
Wildlife Conservation



Section 1. Intent

To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities, protecting life and property from dangers associated with flooding and working toward a regional coordination program of protection for Fish and Wildlife Habitat Areas.

Section 2. Applicability**A. This Title applies to:**

- 1. Development in Water Quality Resource and Flood Management Areas.*
- 2. Development which may cause temporary or permanent erosion on any property within the Metro Boundary.*
- 3. Development in Fish and Wildlife Habitat Conservation Areas when Metro's Section 5 analysis and mapping are completed.*

B. This title does not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated in accordance with the performance standards in Section 4.

Status:

The compliance deadline for Title 3 is December 18, 1999. This Compliance Update reports on Portland's progress toward compliance with Title 3 of the Functional Plan.

Discussion:

There are three main components to the requirements of Title 3: flood management, water quality resource areas, and erosion control.

The Bureau of Planning is the lead agency for the water quality resource area portion of Title 3. Compliance will require some Zoning Code revisions and application of new or additional environmental overlay zoning to protect certain wetlands.

The Office of Planning and Development Review is coordinating Portland's compliance work on erosion control and flood management. Compliance with the flood management requirements will require adoption of maps and code. Compliance with the erosion control provisions of this title will require citywide application of expanded erosion control standards.



Section 3 Implementation Alternatives for Cities and Counties

A. Cities and counties shall comply with this title in one of the following ways:

- 1. Amend their comprehensive plans and implementing ordinances to adopt all or part of the Title 3 Model Ordinance or code language that substantially complies with the performance standards in Section 4 and the intent of this title, and adopt either the Metro Water Quality and Flood Management Area Map or a map which substantially complies with the Metro map. Cities and counties may choose one of the following options for applying this section:***
 - a. Adopt code language implementing this title which prevails over the map and uses the map as reference; or***
 - b. Adopt a city or county field verified map of Water Quality and Flood Management Areas based on the Metro Water Quality and Flood Management map, updated according to Section 7, implementing this title which prevails over adopted code language.***

Field verification is a process of identifying or delineating Protected Water Features, Water Quality Resource Areas and Flood Management Areas shown on the Metro Water Quality and Flood Management Areas map. This process includes examination of information such as site visit reports, wetlands inventory maps, aerial photographs, and public input and review. The field verification process shall result in a locally adopted Water Quality and Flood Management Areas map which:

 - i. Applies the Title 10 definitions of Protected Water Feature, Water Quality Resource Areas and Flood Management Areas to all those protected areas on the Metro Water Quality and Flood Management Areas map to show the specific boundaries of those protected areas on the locally adopted Water Quality and Flood Management Areas map; and***
 - ii. Is subject to amendment by applying adopted code language to add Protected Water Features, Water Quality Resource Areas and Flood Management Areas and to correct errors in the local Water Quality and Flood Management Areas map as required by Section 7 and consistent with Section 3(D).***
- 2. Demonstrate that existing city and county comprehensive plans and implementing ordinances substantially comply with the performance standards in Section 4 and the intent of this title.***
- 3. Any combination of (1) and (2) above that substantially complies with all performance standards in Section 4.***

(Section 3 continued)

- B. Cities and counties shall hold at least one public hearing prior to adopting comprehensive plan amendments, ordinances and maps implementing the performance standards in Section 4 of this title or demonstrating that existing city or county comprehensive plans and implementing ordinances substantially comply with Section 4, to add Protected Water Features, and wetlands which meet the criteria in Section 4(E)(3), to their Water Quality and Flood Management Area map. The proposed comprehensive plan amendments, implementing ordinances and maps shall be available for public review at least 45 days prior to the public hearing.*
- C. Cities and counties shall conduct a review of their Water Quality and Flood Management Areas map concurrent with local periodic review required by ORS 197.633 (1997).*
- D. Some areas which would otherwise be mapped as Protected Water Features, Water Quality Resource Areas and Flood Management Areas do not appear on the Metro Water Quality and Flood Management Areas map because streams had been culverted, wetlands had been filled or a fill permit had been approved, or the area was demonstrated to have existing conflicting water dependent uses, or existing plans or agreements for such uses, or the area was developed or committed to other uses.*
- Notwithstanding any other provision of this title, cities and counties are not required to establish Protected Water Features, Water Quality Resource Areas and Flood Management Areas through adopted code provisions or mapping for areas which were examined but not included on the Water Quality and Flood Management Areas map adopted by the Metro Council.*

Status:

Portland intends to adopt a field verified Water Quality and Flood Management Areas map in accordance with Section 3.1.b of this title, and is on track to complete Title 3 compliance work by December 1999. Public hearings will be held in the fall of 1999 with all proposed comprehensive plan amendments and implementing ordinance changes available for review at least 45 days prior to the public hearing.

Discussion:

Portland intends to adopt code amendments and a field-verified Water Quality and Flood Management Areas map, both of which are currently underway. The City will demonstrate that, with these additions, its comprehensive plans and implementing ordinances will substantially comply with the performance standards in Section 4 and the intent of Title 3.



Section 4 Performance Standards**A. Flood Management Performance Standards.**

1. *The purpose of these standards is to reduce the risk of flooding, prevent or reduce risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.*
2. *All development, excavation and fill in the Flood Management Areas shall conform to the following performance standards:*
 - a. *Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.*
 - b. *All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.*
 - c. *Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.*
 - d. *Minimum finished floor elevations for new habitable structures in the Flood Management Areas shall be at least one foot above the design flood elevation.*
 - e. *Temporary fills permitted during construction shall be removed.*
 - f. *Uncontained areas of hazardous materials as defined by DEQ in the Flood Management Area shall be prohibited.*
3. *The following uses and activities are not subject to the requirements of subsection 2:*
 - a. *Excavation and fill necessary to plant new trees or vegetation.*
 - b. *Excavation and fill required for the construction of detention facilities or structures, and other facilities such as levees specifically designed to reduce or mitigate flood impacts. Levees shall not be used to create vacant buildable lands.*
 - c. *New culverts, stream crossings, and transportation projects may be permitted if designed as balanced cut and fill projects or designed to not significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in Flood Management Areas and to minimize erosive velocities. Stream crossing shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.*

Status:

The Office of Planning and Development Review is preparing a rewrite of Chapter 24.50 of the Portland City Code, titled "Flood Hazard Areas." The Public Review draft of the amendments is expected by July 1, 1999. A copy will be forwarded to Metro upon completion.

Following the public review process, hearings before City Council are expected in Fall 1999 leading to adoption and implementation of the proposed code by December 1999.

Discussion:

The proposed Flood Hazard Areas code regulates both the floodway and the floodway fringe areas, both of which are subject to inundation during a 100-year return flood event. The proposed Flood Hazard Areas Code will substantially comply with Title 3 requirements.

The proposed Flood Hazard Areas Code amendments are expected to:

- Adopt Metro's Flood Management Areas map by reference as the area of applicability (including the 1996 Flood Inundation Areas);
- Require that any development in the flood hazard area demonstrate that it will not cause an increased design flood elevation;
- Require the level of the lowest occupied floor of residential structures to be at least one foot above the 100-year flood elevation. The lowest occupied floor of nonresidential structures subject must either be one foot above the 100-year flood elevation or be made damage resistant and watertight;
- Require "balanced cut and fill" in all Flood Management Areas; and
- Prohibit storage of uncontained hazardous materials in all Flood Management Areas.

Reference:

Amendments to Chapter 24.50 – Flood Hazard Areas, Public Review Draft:
Office of Planning and Development Review, expected July 1, 1999.

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Section 4 Performance Standards**B. Water Quality Performance Standards.**

1. *The purpose of these standards is to: (1) protect and improve water quality to support the designated beneficial water uses as defined in Title 10, and (2) protect the functions and values of the Water Quality Resource Area which include, but are not limited to:*
 - a. *Providing a vegetated corridor to separate Protected Water Features from development;*
 - b. *Maintaining or reducing stream temperatures;*
 - c. *Maintaining natural stream corridors;*
 - d. *Minimizing erosion, nutrient and pollutant loading into water;*
 - e. *Filtering, infiltration and natural water purification;*
 - f. *Stabilizing slopes to prevent landslides contributing to sedimentation of water features.*

2. *Local codes shall require all development in Water Quality Resource Areas to conform to the following performance standards:*
 - a. *The Water Quality Resource Area is the vegetated corridor and the Protected Water Feature. The width of the vegetated corridor is specified in Table 3.07-3. At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending on the width of the property, the width of the vegetated corridor will vary.*
 - b. *Water Quality Resource Areas shall be protected, maintained, enhanced or restored as specified in Section 4(B)(2).*
 - c. *Prohibit development that will have a significant negative impact on the functions and values of the Water Quality Resource Area, which cannot be mitigated in accordance with subsection 2(f).*
 - d. *Vegetative cover native to the Portland metropolitan region shall be maintained, enhanced or restored, if disturbed, in the Water Quality Resource Area. Invasive non-native vegetation may be removed from the Water Quality Resource Area and replaced with native cover. Only native vegetation shall be used to enhance or restore the Water Quality Resource Area. This shall not preclude construction of energy dissipaters at outfalls consistent with watershed enhancement, and as approved by local surface water management agencies.*
 - e. *Uncontained areas of hazardous materials as defined by DEQ in the Water Quality Resource Area shall be prohibited.*

(Section 4.B continued)

- f. Cities and counties may allow development in Water Quality Resource Areas provided that the governing body, or its designate, implement procedures which:
 - i. Demonstrate that no practicable alternatives to the requested development exist which will not disturb the Water Quality Resource Area; and*
 - ii. If there is no practicable alternative, limit the development to reduce the impact associated with the proposed use; and*
 - iii. Where the development occurs, require mitigation to ensure that the functions and values of the Water Quality Resource Area are restored.**
 - g. Cities and counties may allow development for repair, replacement or improvement of utility facilities so long as the Water Quality Resource Area is restored consistent with Section 4(B)(2)(d).*
 - h. The performance standards of Section 4(B)(2) do not apply to routine repair and maintenance of existing structures, roadways, driveways, utilities, accessory uses and other development.*
- 3. For lots or parcels which are fully or predominantly within the Water Quality Resource Area and are demonstrated to be unbuildable by the vegetative corridor regulations, cities and counties shall reduce or remove vegetative corridor regulations to assure the lot or parcel will be buildable while still providing the maximum vegetated corridor practicable. Cities and counties shall encourage landowners to voluntarily protect these areas through various means, such as conservation easements and incentive programs.*

Status:

The Bureau of Planning is coordinating this work for the City of Portland. The City proposes to apply environmental overlay zones to Title 3 features not previously protected. The public review draft of this work is expected to be available in July 1999, and will include draft maps and may include draft code language if needed. A copy of the draft will be forwarded to Metro when it is available. Hearings before the Planning Commission are expected in September 1999 leading to City Council adoption in October 1999.

Discussion:

The City intends to demonstrate that the existing and proposed Environmental Overlay Zones and implementing regulations substantially comply with the performance standards of Section 4. The public review draft expected in July 1999 will include new environmental overlay zoning for Title 3 features that were not previously covered, the existing environmental zoning regulations, any necessary code amendment proposals, and a discussion demonstrating how the City's environmental overlay zoning and implementing regulations comply with Title 3 requirements.

Reference:

Metro Title 3 Compliance Project, Public Review Draft: Bureau of Planning, expected July 1999.

**Section 4 Performance Standards****C. Erosion and Sediment Control.**

1. *The purpose of this section is to require erosion prevention measures and sediment control practices during and after construction to prevent the discharge of sediments.*
2. *Erosion prevention techniques shall be designed to prevent visible and measurable erosion as defined in Title 10.*
3. *To the extent erosion cannot be completely prevented, sediment control measures shall be designed to capture, and retain on-site, soil particles that have become dislodged by erosion.*

Status:

The City of Portland is preparing a new city code title, Title 10 – Erosion and Sediment Control Regulations, which will consolidate all of the existing erosion and sediment control regulations currently enforced by the City and add additional regulations necessary to meet the “visible and measurable erosion” standard of Metro Title 3. Title 10 will apply the new and existing regulations citywide. The City will also adopt a revised Erosion Control Handbook which will be the primary implementation tool for Title 10.

Public Review Drafts of both documents are scheduled to be available for public review in July 1999. The City will forward copies of each to Metro when they are available. City Council adoption of the new Title 10 and the revised Erosion Control Handbook is tentatively scheduled for November 1999.

References:

Proposed Title 10 – Erosion and Sediment Control Regulations, Public Review Draft: Office of Planning and Development Review, expected July 1999.
Erosion Control Handbook, Public Review Draft: Office of Planning and Development Review, expected July 1999.



Section 4 Performance Standards**D. Implementation Tools to protect Water Quality and Flood Management Areas.**

1. *Cities and counties shall either adopt land use regulations, which authorize transfer of permitted units and floor area to mitigate the effects of development restrictions in Water Quality and Flood Management Areas, or adopt other measures that mitigate the effects of development restrictions.*
2. *Metro encourages local governments to require that approvals of applications for partitions, subdivisions and design review actions be conditioned upon one of the following:*
 - a. *Protection of Water Quality and Flood Management Areas with a conservation easement;*
 - b. *Platting Water Quality and Flood Management Areas as common open space; or*
 - c. *Offer of sale or donation of property to public agencies or private non-profits for preservation where feasible.*
3. *Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development in the Water Quality and Flood Management Area may be allowed provided that:*
 - a. *The addition, alteration, rehabilitation or replacement is not inconsistent with applicable city and county regulations, and*
 - b. *The addition, alteration, rehabilitation or replacement does not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways or accessory uses and development, and*
 - c. *The addition, alteration, rehabilitation or replacement satisfies Section 4(C) of this title.*
 - d. *In determining appropriate conditions of approval, the affected city or county shall require the applicant to:*
 - i. *Demonstrate that no reasonably practicable alternative design or method of development exists that would have a lesser impact on the Water Quality Resource Area than the one proposed; and*
 - ii. *If no such reasonably practicable alternative design or method of development exists, the project should be conditioned to limit its disturbance and impact on the Water Quality Resource to the minimum extent necessary to achieve the proposed addition, alteration, restoration, replacement or rehabilitation; and*
 - iii. *Provide mitigation to ensure that impacts to the functions and values of the Water Quality Resource Area will be mitigated or restored to the extent practicable.*

(Section 4.D continued)

4. *Cities and counties may choose not to apply the Water Quality and Flood Management Area performance standards of Section 4 to development necessary for the placement of structures when it does not require a grading or building permit.*
5. *Metro encourages cities and counties to provide for restoration and enhancement of degraded Water Quality Resource Areas through conditions of approval when development is proposed, or through incentives or other means.*
6. *Cities and counties shall apply the performance standards of this title to Title 3 Wetlands as shown on the Metro Water Quality and Flood Management Areas Map and locally adopted Water Quality and Flood Management Areas maps. Cities and counties may also apply the performance standards of this title to other wetlands.*

Status:

Portland will use a combination of existing regulations, new regulations, and additional environmental overlay zoning to implement the required performance standards of this section.

Drafts of proposed zoning code regulations and zoning maps are expected to be available in July 1999, and will be forwarded to Metro when available. Planning commission hearings are expected in September 1999, and regulations substantially complying with Title 3 are expected to be adopted by December 1999.

Discussion:

Portland's environmental overlay zoning is the city's principal tool for meeting the performance standards of Title 3's Water Quality and Flood Management Areas. The existing Environmental Overlay Zone regulations already implement the major portion of the performance standards for Water Quality areas. Some minor modifications to the existing environmental regulations may be needed to meet the intent of Title 3 of the Functional Plan. Most Title 3 Wetlands in the city are already protected by environmental overlay zones. Portland's Metro Title 3 Compliance Project is identifying any remaining unprotected wetlands and any needed code modifications. This project will propose environmental overlay zoning for the wetlands based on their water quality values along with draft code amendments in a combined package expected in July 1999.

The transferable development rights (TDR) requirements of Section 4.D.1 are addressed by existing provisions in Chapter 33.269 – Planned Unit Developments, Chapter 33.430 – Environmental Zones, and in the TDR provisions of the Johnson Creek and Skyline Plan Districts (Chapters 33.535 and 33.575). The City's TDR provisions are expected to be expanded through the Land Division Code Rewrite Project, which will allow clustering of

development to avoid encroachment on environmentally sensitive lands citywide. The Land Division Code Rewrite Project will also require that resource areas protected by environmental zones be placed in common open space tracts as part of the land division approval. Flood Management Areas will also be required to be placed in common open space tracts. The recommended draft of the Land Division Code Rewrite is expected to be discussed at the Planning Commission in August 1999.

The City's existing Environmental Review provisions provide substantial compliance with the requirements of Section 4.D.3. This section requires that development in Water Quality and Flood Management Areas be allowed if it meets certain approval criteria; namely, 1) that there be no reasonable alternatives, 2) that conditions be imposed to minimize impacts, and 3) that the applicant mitigate the effects of the development. Portland's Zoning Code Chapter 33.430 imposes development standards which restrict development in protected resource areas. Where development is proposed within a protected resource area, the Zoning Code establishes approval criteria that parallel the requirements of this section and substantially comply with it.

Reference:

Portland Zoning Code: Bureau of Planning, January 1991, and as subsequently amended.



Section 4 Performance Standards**E. Map Administration.**

Cities and counties shall amend their comprehensive plans and implementing ordinances to provide a process for each of the following:

- 1. Amendments to city and county adopted Water Quality and Flood Management Area maps to correct the location of Protected Water Features, Water Quality Resource Areas and Flood Management Areas. Amendments shall be initiated within 90 days of the date the city or county receives information establishing a possible map error.*
- 2. Modification of the Water Quality Resource Area upon demonstration that the modification will offer the same or better protection of water quality, the Water Quality and Flood Management Area and Protected Water Feature.*
- 3. Amendments to city and county adopted Water Quality and Flood Management Area maps to add Title 3 wetlands when the city or county receives significant evidence that a wetland meets any one of the following criteria:*
 - a. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size; or the wetland qualifies as having "intact water quality function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or*
 - b. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet;*
 - c. or the wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or*
 - d. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited water body" in OAR Chapter 340, Division 41 (1996).*

Examples of significant evidence that a wetland exists that may meet the criteria above are a wetland assessment conducted using the 1996 Oregon Freshwater Wetland Assessment Methodology, or correspondence from the Division of State Lands that a wetland determination or delineation has been submitted or completed for property in the city or county.

- 4. Cities and counties are not required to apply the criteria in Section 4(E)(3) to water quality or stormwater detention facilities.*

Status:

The City of Portland substantially complies with the requirements of this section through a mixture of map administration rules and a project to re-zone newly-identified Title 3 wetlands. Chapter 33.855 of the Zoning Code establishes general procedures for amending zoning maps, while Chapter 33.430 establishes procedures and approval criteria for changes to environmental overlay zone boundaries.

Discussion:

Water Quality Resource Areas in Portland are protected by environmental overlay zoning. The rules for modifying environmental overlay boundaries require a demonstration that there will be no loss of natural resource values or that any loss will be mitigated. In addition, Portland's administrative procedures ensure prompt response to requests for boundary changes; they are land use actions and must be completed within time set by statute. These regulations substantially comply with Sections 4.E.1 and 4.E.2 of this title.

The City's environmental overlay zoning protects identified Title 3 wetlands in Portland. To ensure that all Title 3 wetlands receive protection, the City is currently soliciting public input to identify any additional wetlands. After assessing the candidate wetlands, Portland will apply environmental overlays to all Title 3 wetlands based upon the criteria established in Section 4.E.3 of this title. Draft maps of the additional environmental overlays are expected in July 1999, with Planning Commission hearings expected in September. After City Council adopts the new overlays, which is expected in December 1999, all title 3 wetlands in Portland will be protected either under the Statewide Land Use Goal 5 rules or under Metro Title 3 rules.

Reference:

Portland Zoning Code: Bureau of Planning, January 1991, and as subsequently amended.

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Section 5. Fish and Wildlife Habitat Conservation Area

- A. *The purpose of these standards is to conserve, protect, and enhance fish and wildlife habitat within the fish and wildlife habitat conservation areas to be identified on the water quality and flood management area map by establishing performance standards and promoting coordination by Metro of regional urban water sheds.*
- B. *Fish and Wildlife Habitat Conservation Area Recommendations.*

These areas shall be shown on the Water Quality and Flood Management Area Map. Fish and Wildlife Habitat Conservation Areas generally include and/or go beyond the Water Quality and Flood Management Areas. These areas to be shown on the map will be Metro's inventory of significant fish and wildlife habitat conservation areas. Metro hereby recommends that local jurisdictions adopt the following temporary standards:

1. *Prohibit development in fish and wildlife conservation areas that adversely impacts fish and wildlife habitat.*

Exceptions: It is recognized that urban development will, at times, necessitate development activities within or adjacent to Fish and Wildlife Habitat Conservation Areas. The following Fish and Wildlife Habitat Conservation Mitigation Policy, except for emergency situations, applies to all the following exceptions:

A project alternatives analysis, where public need for the project has been established, will be required for any of the exceptions listed below. The alternatives analysis must seek to avoid adverse environmental impacts by demonstrating there are no practicable, less environmentally damaging alternatives available. In those cases where there are no practicable, less environmentally damaging alternatives, the project proponent will seek alternatives which reduce or minimize adverse environmental impacts. Where impacts are unavoidable, compensation, by complete replacement of the impacted site's ecological attributes or, where appropriate, substitute resources of equal or greater value will be provided in accordance with the Metro Water Quality and Flood Management model ordinance.

 - a. *Utility construction within a maximum construction zone width established by cities and counties.*
 - b. *Overhead or underground electric power, telecommunications and cable television lines within a sewer or stormwater right-of-way or within a maximum construction zone width established by cities and counties.*
 - c. *Trails, boardwalks and viewing areas construction.*
 - d. *Transportation crossings and widenings. Transportation crossings and widenings shall be designed to minimize disturbance, allow for fish and wildlife passage and crossings should be preferably at right angles to the stream channel.*

2. *Limit the clearing or removal of native vegetation from the Fish and Wildlife Habitat Conservation Area to ensure its long term survival and health. Allow and encourage enhancement and restoration projects for the benefit of fish and wildlife.*
3. *Require the revegetation of disturbed areas with native plants to 90 percent cover within three years. Disturbed areas should be replanted with native plants on the Metro Plant List or an approved locally adopted plant list. Planting or propagation of plants listed on the Metro Prohibited Plant List within the Conservation Area shall be prohibited.*
4. *Require compliance with Oregon Department of Fish and Wildlife (ODFW) seasonal restrictions for in-stream work. Limit development activities that would impair fish and wildlife during key life-cycle events according to the guidelines contained in ODFW's "Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources."*

C. Fish and Wildlife Habitat Protection.

Within eighteen (18) months from the effective date of this functional plan, Metro shall complete the following regional coordination program by adoption of functional plan provisions.

1. *Metro shall establish criteria to define and identify regionally significant fish and wildlife habitat areas.*
2. *Metro shall adopt a map of regionally significant fish and wildlife areas after a) examining existing Goal 5 data, reports and regulation from cities and counties, and b) holding public hearings.*
3. *Metro shall identify inadequate or inconsistent data and protection in existing Goal 5 data, reports and regulations on fish and wildlife habitat. City and county comprehensive plan provisions where inventories of significant resources were completed and accepted by a LCDC Periodic Review Order after January 1, 1993, shall not be required to comply until their next periodic review.*
4. *Metro shall complete Goal 5 economic, social, environmental and energy (ESEE) analyses for mapped regionally significant fish and wildlife habitat areas only for those areas where inadequate or inconsistent data or protection has been identified.*
5. *Metro shall establish performance standards for protection of regionally significant fish and wildlife habitat that must be met by the plans implementing ordinances of cities and counties.*

Status:

This section of Title 3 is currently under review by Metro. Compliance is not required. However, Portland supports the protection of regionally significant fish and wildlife habitat. Portland's Environmental Overlay Zones, by limiting encroachment and development in areas with significant habitat value, provide the interim fish and wildlife habitat protection recommended by this section.

**Section 6. Metro Model Ordinance Required**

Metro shall adopt a Water Quality and Flood Management Areas Model Ordinance and map. The Model Ordinance shall represent one method of complying with this title. The Model Ordinance shall be advisory, and cities and counties are not required to adopt the Model Ordinance, or any part thereof, to substantially comply with this title. However, cities and counties which adopt the Model Ordinance in its entirety and a Water Quality and Flood Management Areas Map shall be deemed to have substantially complied with the requirements of this title.

Sections 1-4 of this title shall not become effective until 18 months after the Metro Council has adopted the Model Ordinance and Water Quality and Flood Management Areas Map. Section 5 of this title shall be implemented by adoption of new functional plan provisions. The Metro Council may adopt a Fish and Wildlife Habitat Conservation Areas Model Ordinance and Map for protection of regionally significant fish and wildlife habitat.

Status:

The City of Portland will comply with the requirements of Title 3 without adopting the Model Ordinance.



Section 7. Variances

City and county comprehensive plans and implementing regulations are hereby required to include procedures to consider claims of map error and hardship variances to reduce or remove Fish and Wildlife Habitat Protection for any property demonstrated to be converted to an unbuildable lot by application of Fish and Wildlife Habitat Protection regulations.

Status:

Portland complies with this section of Title 3. Portland's environmental overlay zone regulations include provisions to consider map errors and hardship in granting variances.

Discussion:

Where an applicant cannot meet the development standards of the environmental zone, the approval criteria allow for mitigation of any damage to natural resource values. Both the environmental zone regulations of Chapter 33.430 and the map administration regulations of Chapter 33.855 allow for correction of map errors.

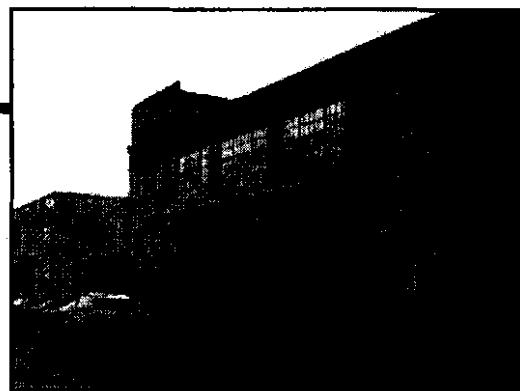
Reference:

Portland Zoning Code: Bureau of Planning, January 1991, and as subsequently amended.

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TITLE 4

Retail in Employment
and Industrial Areas



Section 1. Intent

It is the intent of the Metro 2040 Growth Concept that Employment and Industrial Areas contain supportive retail development. Employment and Industrial areas would be expected to include some limited retail or commercial uses primarily to serve the needs of people working or living in the immediate Employment or Industrial Areas, not larger market areas outside the Employment or Industrial Areas.

Compliance:

The City of Portland has a longstanding commitment to preserve Industrial areas, as evidenced by its Industrial Sanctuary policies and zoning – such as Comprehensive Plan Policy 5.1.C. As described in the following sections, Portland's City Council recently adopted regulations that will further protect employment and industrial areas from encroachment by retail uses serving large market areas.

The City of Portland is in substantial compliance with the requirements of Title 4 of the Functional Plan.

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Section 2. Comprehensive Plan and Implementing Ordinance Changes Required

- A. *Cities and counties are hereby required to amend their comprehensive plans and implementing regulations, if necessary, to prohibit retail uses larger than 60,000 square feet of gross leasable area per building or business in the Industrial Areas designated on the attached Employment and Industrial Areas Map.*
- B. *This subsection applies to city and county comprehensive plan designations and zoning ordinances acknowledged by the effective date of this Functional Plan, which allow retail uses larger than 60,000 square feet of gross leasable area per building or business in Employment Areas designated on the attached Employment and Industrial Areas Map. These cities and counties may continue to allow the extent and location of retail uses allowed in Employment Areas on the effective date of this Functional Plan for the specific zones in acknowledged land use regulations listed in Exhibit A of this Title. For all other zones in Employment Areas, these cities and counties are hereby required to amend their comprehensive plans and implementing regulations, if necessary, to require a process resulting in a land use decision for any retail uses larger than 60,000 square feet of gross leasable area per building or business on those lands where such uses are currently allowed by any process. The standards for the land use decision to allow any such retail uses shall require (1) a demonstration in the record that transportation facilities adequate to serve the retail use, consistent with Metro's functional plans for transportation, will be in place at the time the retail use begins operation; and (2) a demonstration that transportation facilities adequate to meet the transportation need for the other planned uses in the Employment Areas are included in the applicable comprehensive plan provisions. If the city and county comprehensive plan designations and zoning ordinances which allow retail uses larger than 60,000 square feet of gross leasable area per building or business in Employment Areas have not been acknowledged by the effective date of this Functional Plan, subsection 2.C. of this Title shall apply.*
- C. *City or county comprehensive plan designations and zoning ordinances acknowledged by the effective date of this Functional Plan which do not allow retail uses larger than 60,000 square feet of gross leasable area per building or business in Employment Areas designated on the attached Employment and Industrial Areas Map shall continue to prohibit them unless an exception is established under Section 3 of this Title pursuant to the compliance procedures of Title 8.*

Compliance:

On April 14, 1999, City Council adopted Zoning Code amendments that, together with already-existing code provisions, substantially comply with the requirements of Title 4. At the same time, the Council adopted the re-zoning of a portion of the Hayden Meadow area from its existing employment zone to a commercial zone. This area is already devoted to retail and commercial uses. In an April 15, 1999 letter, the City of Portland requested that Metro's Employment and Industrial Areas Map reflect this change.

Discussion:

The City Council adopted code provisions prohibiting retail uses over 60,000 square feet in industrial zones and requiring a land use review for retail over 60,000 square feet in the employment zones. In combination with already-existing regulations, the adopted provisions substantially comply with the Functional Plan. The tables below summarize the City's previous code provisions and the adopted changes.

On May 3, 1999, Frank M. Parisi filed a Notice of Intent to Appeal with the Land Use Board of Appeals. The notice was filed on behalf of petitioner Home Depot USA, and was within the 21-day appeal period. At this time, the basis of the appeal is not known. The City will provide an update with the December 1999 Compliance Report.

Table 4-1: Summary of previous regulations in employment and industrial zones.

Zone	Previous Regulations
EG1&2	Retail and office uses are limited to a floor area ratio (FAR) of 1:1 except for historical landmarks where the ratio is 2:1.
IG1	Only one retail or office use of 3,000 sq. ft. or less in floor area is allowed per site; more than one retail or office use or development exceeding the square footage may be approved through a conditional use process (CU). Retail and office uses in excess of an FAR of 1:1 are prohibited except for historical landmarks where the ratio is 2:1.
IG2 and IH	Up to four retail or office uses that are each 3,000 sq. ft. or less in floor area are allowed per site; more than four uses or individual uses over 3,000 sq. ft. may be approved through a CU. Retail and office uses in excess of an FAR of 1:1 are prohibited except for historical landmarks where the ratio is 2:1.
Columbia South Shore EG2	Retail, excluding hotels and motels, that is 25,000 sq. ft. or less per site is allowed. Developments exceeding 25,000 sq. ft. may be approved through a CU. Also, there are special approval criteria for CUs for retail in Columbia South Shore. Office uses are limited to an FAR of 1:1 except for historical landmarks where the ratio is 2:1.
Columbia South Shore IG2	Up to four retail uses that are each 3,000 sq. ft. or less are allowed. Within the Business Opportunity Subdistrict, 12,000 sq. ft. of one retail use is allowed in lieu of the four separate uses. Developments in excess of these requirements may be approved through a CU. Also, there are special approval criteria for CUs for retail in Columbia South Shore. Up to four office uses that are each 3,000 sq. ft. or less in floor area are allowed per site; more than four uses or individual uses over 3,000 sq. ft. may be approved through a CU. Office uses are limited to an FAR of 1:1 except for historical landmarks where the ratio is 2:1.

Note: In the use categories (33.920), headquarters offices in conjunction with or adjacent to an allowed industrial or employment use are allowed.

The table below summarizes the amendments adopted by City Council in April 1999.

Table 4-2: Summary of adopted code changes.

Zone	Adopted amendments to existing regulations
EG1&2	All regulations remain the same except: <ul style="list-style-type: none"> • Establish a CU process and criteria for retail uses over 60,000 sq. ft. per site.
IG1	All regulations remain the same except: <ul style="list-style-type: none"> • Retail and office uses between 3,000 and 25,000 sq. ft. per site are allowed through a CU process. Retail and office uses over 25,000 sq. ft. are prohibited except in historic landmarks, where retail and office uses over 60,000 sq. ft. are prohibited. • In the Central City Plan District, office uses between 3,000 and 60,000 sq. ft. per site are allowed through a CU process with special criteria to promote businesses with both an industrial and an office component. Office uses over 60,000 sq. ft. are prohibited.
IG2	All regulations remain the same except: <ul style="list-style-type: none"> • Retail and office uses over 25,000 sq. ft. per site are prohibited except in historic landmarks, where retail and office uses over 60,000 sq. ft. are prohibited.
IH	All regulations remain the same except: <ul style="list-style-type: none"> • Retail and office uses over 12,000 sq. ft. per site are prohibited except in historic landmarks, where retail and office uses over 25,000 sq. ft. are prohibited.
Columbia South Shore EG2	All regulations remain the same. (Existing regulations already comply with the UGMFP).
Columbia South Shore IG2	All regulations remain the same except: <ul style="list-style-type: none"> • Retail uses over 60,000 sq. ft. are prohibited.

Note: The current exception for headquarters offices does not change.

In addition, the Council adopted a Comprehensive Plan Map amendment and re-zoning proposal for the portion of the Hayden Meadow area currently devoted to retail activities. This area is now zoned General Commercial (CG).

OTHER COMPLIANCE ISSUES

The City measures retail space as all floor area on a site, but Title 4 measures retail uses by the "gross leasable area per building or business." Floor area may be different from gross leasable area. When there is a difference, the gross leasable area is less than the floor area. Hence, the City's measurement will result in less retail space than specified in Title 4. The City's retail measurement method does not affect the City's substantial compliance with Title 4.

In addition to the Zoning Code changes adopted by the City Council in April 1999, the code amendments described below will complete the City's work related to Title 4.

Under sections 33.140.400 through 480 of the Zoning Code, the City regulates "industrial park" development. Industrial parks are large parcels or groups of parcels under a single controlling interest that are developed for industrial and employment uses. The industrial park regulations allow flexibility in the industrial sanctuary zones by relaxing certain zoning regulations in exchange for other requirements – such as a master plan and conditions, covenants, and restrictions – to assure internal compatibility, efficient service provision, and compatibility with surrounding uses.

Existing industrial park regulations allow up to 35 percent of total floor area to be dedicated to Retail Sales and Service uses for sites up to 50 acres. Sites greater than 50 acres are allowed to designate a 50 acre portion of the site and use up to 35 percent of the floor area built in that 50 acres for Retail Sales and Service uses.

The City of Portland is currently changing its subdivision and partitioning regulations through the Land Division Code Rewrite Project. The Planning Commission recommends that the industrial park regulations be deleted from the Zoning Code. If adopted, the new subdivision regulations will provide the flexibility that the industrial park regulations were intended to offer while making retail in industrial parks subject to the new restrictions in the Zoning Code.

The City Council is expected to hold a public hearing on the Planning Commission's recommendation in Autumn, 1999. Because the regulations regarding industrial parks affect a minor fraction of land zoned industrial or employment, this does not affect the City's substantial compliance with Title 4.

References:

Commercial Restrictions in Industrial and Employment Areas, Adopted Report: Bureau of Planning; April 1999 (attached).



TITLE 5

Neighbor Cities and
Rural Reserves



Section 1. Intent

The intent of this title is to clearly define Metro policy with regard to areas outside the Metro urban growth boundary. NO PORTION OF THIS TITLE CAN REQUIRE ANY ACTIONS BY NEIGHBORING CITIES. Metro, if neighboring cities jointly agree, will adopt or sign rural reserve agreements for those areas designated rural reserve in the Metro 2040 Growth Concept with Multnomah, Clackamas, and Washington County, and Neighbor City Agreements with Sandy, Canby, and North Plains. Metro would welcome discussion about agreements with other cities if they request such agreements.

In addition, counties and cities within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances within twenty-four months to reflect the rural reserves and green corridors policies described in the Metro 2040 Growth Concept.

Compliance:

Portland is in compliance with Title 5 as described in Section 2 of this Title.



Section 2. Rural Reserves and Green Corridors

Metro shall attempt to designate and protect common rural reserves between Metro's urban growth boundary and designated urban reserve areas and each neighbor city's urban growth boundary and designated urban reserves, and designate and protect common locations for green corridors along transportation corridors connecting the Metro region and each neighboring city. For areas within the Metro boundary, counties are hereby required to amend their comprehensive plans and implementing ordinances to identify and protect the rural reserves and green corridors described in the adopted 2040 Growth Concept and shown on the adopted 2040 Growth Concept Map. These rural lands shall maintain the rural character of the landscape and our agricultural economy. New rural commercial or industrial development shall be restricted to the extent allowed by law. Zoning shall be for resource protection on farm and forestry land, and very low-density residential (no greater average density than one unit for five acres) for exception land.

For areas outside the Metro boundary, Metro shall encourage intergovernmental agreements with the cities of Sandy, Canby and North Plains.

Compliance:

Portland is in compliance with this requirement.

Discussion:

The City recognizes that green corridors as described in the 2040 Growth Concept are critical to interurban connectivity, but the City cannot adopt Comprehensive Plan policies that regulate land outside its boundaries. There are no Green Corridors or Rural Reserve lands abutting Portland's boundaries that are subject to these requirements. If this situation were to change due to unforeseen circumstances, the City currently has several Comprehensive Plan policies that would help provide the protection which is the goal of this section.

Applicable Comprehensive Plan policies include:

- 1.2 Urban Planning Area Boundary, which calls for a planning area outside city limits and cooperative agreements with adjoining jurisdictions to coordinate land use.
- 1.3 Urban Services Boundary, which requires consistency with the regional Urban Growth Boundary.
- 2.3 Annexation, which states that annexations outside the Urban Services Boundary will not be accepted.

The Comprehensive Plan Update Project (CPUP) is reviewing and updating the Comprehensive Plan's goals and policies. One goal of CPUP is to adopt policies in accordance with the Functional Plan and Growth Concept. When CPUP is completed - expected to be in Autumn 1999 - Portland's Comprehensive Plan will provide even stronger support for the goals of Title 5 of the Functional Plan.



Section 3. Invitations for Intergovernmental Agreements

Metro shall invite the cities and counties outside the Metro boundary and named in Section 1 of this title to sign an Intergovernmental Agreement, similar to the draft agreements attached hereto.

Compliance:

This section does not apply to Portland.



Section 4. Metro Intent with Regard to Green Corridors

Metro shall attempt to negotiate a Green Corridor Intergovernmental Agreement with Oregon Department of Transportation (ODOT) and the three counties (Clackamas, Multnomah and Washington) to designate and protect areas along transportation corridors connecting Metro and neighboring cities.

Compliance:

This section does not apply to Portland.



TITLE 6

Regional
Accessibility



Section 1. Intent

Implementation of the 2040 Growth Concept requires that the region identify key measures of transportation effectiveness, which include all modes of transportation. Developing a full array of these measures will require additional analysis. Focusing development in the concentrated activity centers, including the central city, regional centers, town centers and station communities, requires the use of alternative modes of transportation in order to avoid unacceptable levels of congestion. The continued economic vitality of industrial areas and intermodal facilities is largely dependent on preserving or improving access to these areas and maintaining reasonable levels of freight mobility in the region. Therefore, regional congestion standards and other regional system performance measures shall be tailored to reinforce the specific development needs of the individual 2040 Growth Concept design types.

These regional standards are linked to a series of regional street design concepts that fully integrate transportation and land use needs for each of the 2040 land use design types in the Regional Framework Plan. The designs generally form a continuum; a network of throughways (freeway and highway designs) emphasize auto and freight mobility and connect major activity centers. Slower-speed boulevard designs within concentrated activity centers balance the multi-modal travel demands for each mode of transportation within these areas. Street and road designs complete the continuum, with multi-modal designs that reflect the land uses they serve, but also serving as moderate-speed connections between activity centers that complement the throughway system. It is intended that the entirety of these Title 6 standards will be supplemented by the 1998 Regional Transportation Plan (RTP).

Status:

Portland has been moving toward the transportation vision projected by the Urban Growth Management Functional Plan and the upcoming Regional Transportation Plan for a number of years.

The City of Portland is making progress toward compliance with Sections 2 and 3 of Title 6, and an extension will be required to June, 1999 to complete the amendment process for these sections. The City will meet the requirements of Section 4 one year after adoption of the RTP, when those standards become effective.

Discussion:

The existing Transportation Element of the Portland Comprehensive Plan has multiple classifications for streets, including motor vehicles, freight, transit, bicycles and pedestrians. These classifications will continue to be used to

insure that Portland streets serve multiple modes effectively. New design guidelines for bicycles and pedestrians insure that the specific features proposed in the Regional Street Design Guidelines are considered with all future projects.

Fortunately, much of Portland was platted and developed at very high standards of street connectivity. Connectivity has been maintained through City policy. In redeveloping former industrial areas and in some of the more recently annexed areas without good connectivity, the City will continue to use the area planning and land division processes to implement street connectivity. The current Transportation and Growth Management (TGM) funded studies of various centers are examples of this planning. The Master Street Plan Map proposed as part of the Land Division Code Rewrite will provide a citywide approach to connectivity.

The basic thrust of the performance standards in Title 6, Section 4 is that Level of Service (LOS) is not the only way to evaluate transportation service. The City has used mode split targets in the downtown and other areas for a number of years. These techniques will be expanded for existing and emerging centers identified in the Region 2040 Growth Concept. TGM-funded studies mentioned above are being used to set the mode split targets and other performance measures for these centers. The City does not currently apply LOS standards rigidly to project development; and will not do so in the future. The performance measurements for transportation will continue to be used in combination with other factors to determine how transportation can best support the maintenance and creation of strong neighborhoods and centers.



Section 2. Regional Street Design Guidelines

All Cities and counties within the Metro region shall consider the regional street design elements outlined in section 2 when planning for improvements to the facilities built by ODOT, Tri-Met or the Port of Portland as classified on the Regional Street Design Map.

A. Throughways. Throughways connect the region's major activity centers within the region, including the central city, regional centers, industrial areas and intermodal facilities to one another and to points outside the region.

Throughways are traffic oriented with designs that emphasize motor vehicle mobility. Throughways are divided into Freeway and Highways designs.

1. Freeway design. Freeways are designed to provide high speed travel for longer motor vehicle trips throughout the region. These designs usually include four to six vehicle lanes, with additional lanes in some situations. They are completely divided, with no left turn lanes. Street connections always occur at separated grades with access controlled by ramps. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Freeway design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map.

a. high vehicle speeds

b. improved pedestrian crossings on overpass

c. parallel facilities for bicycles

d. motor vehicle lane widths that accommodate freight movement and high-speed travel

2. Highway Design. Highways are designed to provide high speed travel for longer motor vehicle trips throughout the region while accommodating limited public transportation, bicycle and pedestrian travel. Highways are usually divided with a median, but also have left turn lanes where at grade intersections exist. These designs usually include four to six vehicle lands, with additional lanes in some situations. Cities and counties shall amend their comprehensive land and implementing ordinances, if necessary, to require consideration of the following Highway design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map:

a. high vehicle speeds

b. few or no driveways

(continued)

- c. improved pedestrian crossings at over passes and all intersections*
 - d. accommodation of bicycle travel through the use of a striped bikeway*
 - e. sidewalks where appropriate*
 - f. motor vehicle lane widths that accommodate freight movement and high-speed travel*
- B. Boulevard Designs. Boulevards serve major centers of urban activity, including the Central City, Regional Centers, Station Communities, Town Centers and some Main Streets. Boulevards are designed with special amenities to favor public transportation, bicycle and pedestrian travel and balance the many travel demands of these areas. Boulevards are divided into regional and community scale designs on the Regional Street Design Map. Regional and Community Boulevards combine motor vehicle traffic with public transportation, bicycle and pedestrian travel where dense development is oriented to the street. Regional Boulevard designs usually include four vehicle lanes, with additional lanes or one-way couplets in some situations. Community Boulevard designs may include up to four vehicle lanes and on street parking. Fewer vehicle lanes may be appropriate in Community Boulevard designs in some situations, particularly when necessary to provide on-street parking. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Regional and Community Boulevard design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map:*
- 1. low to moderate vehicle speeds on Regional Boulevard and low vehicle speeds on Community Boulevards*
 - 2. the use of medians and curb extensions to enhance pedestrian crossings where wide streets make crossing difficult*
 - 3. combined driveways*
 - 4. on-street parking where possible*
 - 5. wide sidewalks with pedestrian amenities such as benches, awnings and special lighting*
 - 6. landscape strips, street trees or other design features that create a pedestrian buffer between curb and sidewalk*
 - 7. improved pedestrian crossings at all intersections, and mid-block crossings where intersection spacing exceeds 530 feet*
 - 8. striped bikeways or shared outside lane*
 - 9. motor vehicle lane widths that consider the above improvements*
- C. Street Designs. Streets serve the region's transit corridors, neighborhoods and some main streets. Streets are designed with special amenities to balance motor vehicle traffic with public transportation, bicycle and pedestrian travel in the 2040 Design types they serve. Streets are divided into regional and*

(continued)

community scale designs on the Regional Street Design Map. Regional Streets are designed to carry motor vehicle traffic while also providing for public transportation, bicycle and pedestrian travel. Regional street designs usually include four vehicle lanes, with additional lanes in some situations. Community Street designs may include up to four vehicle lanes. Fewer vehicle lanes may be appropriate in Community Street designs in some situations, particularly when necessary to provide on-street parking. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Regional Street design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map:

- 1. moderate vehicle speeds*
 - 2. the use of medians and curb extensions to enhance pedestrian crossings where wide streets make crossing difficult or to manage motor vehicle access*
 - 3. combined driveways*
 - 4. on-street parking when appropriate*
 - 5. buffered sidewalks with pedestrian amenities such as special lighting and special crossing amenities tied to major transit stops*
 - 6. landscape strips, street trees or other design features that create a pedestrian buffer between curb and sidewalk*
 - 7. improved pedestrian crossings at signaled intersections on Regional Streets and improved pedestrian crossings at all intersections on Community Streets*
 - 8. striped bikeways or shared outside lane*
 - 9. motor vehicle lane widths that consider the above improvements.*
- D. Urban Roads. Urban Roads serve the region's industrial areas, intermodal facilities and employment centers where buildings are less oriented to the street, and primarily emphasize motor vehicle mobility. Urban Roads are designed to carry significant motor vehicle traffic while providing for some public transportation, bicycle and pedestrian travel. These designs usually include four vehicle lanes, with additional lanes in some situations. Cities and counties shall amend their comprehensive plan and implementing ordinances, if necessary, to require consideration of the following Urban Road design elements when proceeding with improvements to the right-of-way on regional routes designated on the regional street design map:*
- 1. moderate vehicle speeds*
 - 2. few driveways*
 - 3. sidewalks*
 - 4. improved pedestrian crossings at major intersections*
 - 5. striped bikeways*
 - 6. center medians that manage access and control left turn movements*
 - 7. motor vehicle lane widths that consider the above improvements*

Status:

Current City design guidelines for regional streets incorporate consideration of identified features of Section 2. Thus, Portland is in substantial compliance with Title 6, Section 2. The City intends to comply more fully by adopting a new policy as part of the Comprehensive Plan which will reference "Creating Livable Streets: Street Design for 2040" (1997). Full compliance will be reached by June 1999.

Discussion:

The City uses several documents for determining the design of streets designated on the Regional Street Design Map. The standards, policies and guidelines in these documents are used individually and in combination to determine the appropriate design of each street. A preliminary review of the documents shows that there are no requirements that would preclude consideration of the Regional Street Design Guidelines of this Section. The documents that contain these standards, policies and guidelines are described below.

Comprehensive Plan, Goal 6, Transportation

Policy 6.25, Access Management, states ". . . Local street connections to arterials from new subdivisions should be designed with adequate spacing to provide for local access to the arterial, while at the same time minimizing conflicts with through traffic."

The Beautification Policy of the Transportation Element of the Comprehensive Plan encourages the beautification of the City through the designation of a system of arterial streets suitable for landscaping as Boulevards and Parkways. A new Comprehensive Plan policy will incorporate elements of the Beautification Policy and specifically address the Regional Street Design Guidelines for Throughways, Boulevards, Streets and Roads.

The Traffic Speeds Policy is part of the Transportation Element but is not adopted as part of the Comprehensive Plan. The authority for the designation of speed limits on streets within the City rests with the State Speed Control Board. The intent of this policy is to maintain streets that are safe and reasonable from the perspectives of motorists, bicyclists, pedestrians, and other street users. This is accomplished by street design, operation, and the posting of recommended speed limits to accommodate appropriate traffic speeds.

The Truck Policy is also part of the Transportation Element but is not adopted as part of the Comprehensive Plan. The intent of the Truck Policy is to emphasize and accommodate the use of Regional Trafficways, Major City Traffic Streets, and District Collectors for through traffic and Neighborhood Collectors for delivery vehicles.

Comprehensive Plan, Goal 11, Public Facilities

Policy 11.10, Street Improvements, allows improvements to public rights-of-way only if consistent with the street classifications in the Arterial Streets Classifications and Policies.

Policy 11.12, Transit Improvements, requires construction and modification of transit streets to promote more efficient and effective public transportation and to improve access for pedestrians to transit. It also states, "Construct transit streets so that transit vehicle movement is not significantly impaired or made unsafe by street width, turning radii or other physical constraints."

Policy 11.13, Bicycle Improvements, requires the provision of bikeway facilities appropriate to the street classifications, traffic volume, and speed in the design and construction of all new or reconstructed streets.

Policy 11.15, Pedestrian Improvements on Arterials, provides for safe pedestrian movement along all new or reconstructed streets classified as Neighborhood Collectors or above (other than controlled access roadways).

Street Classification Descriptions

Following is a summary of Portland's design considerations for regional-level streets. (Portland's street classifications have slightly different names from Metro classifications; see the referenced Transportation Element of the Comprehensive Plan).

Regional Trafficways should be grade separated, and have limited access where traffic demands, topography, and adjoining development allow. Regional Trafficways are designed and operated to serve through movement and prohibit access to Local Service Streets and private property.

Major City Traffic Streets should be buffered from adjacent residential developments, where possible. Protected pedestrian/bicycle crossings should be provided at least every four blocks or approximately 1,000 feet. On-street parking should be encouraged, but where necessary, it can be removed and additional right-of-way purchased to provide adequate traffic access. However, when removing parking along Major Traffic Streets, special consideration should be given to maintaining a safe pedestrian environment. In addition, when planning major improvements or removal of parking, alternatives and their impacts on adjacent land uses should be studied.

Parking removal or additional right-of-way purchase on District Collectors should be undertaken only at specific problem locations or under special circumstances to accommodate the equally important functions of traffic movement and access to abutting properties. Protected crossings should be provided every quarter mile.

Parking removal or additional right-of-way purchase should not be undertaken on Neighborhood Collectors except at specific problem locations or special circumstances to accommodate the equally important functions of traffic movement and access to abutting properties. (Most Neighborhood Collectors are not on the regional system.)

In addition to these design treatments for Traffic Streets, there are design descriptions for streets that have a transit, truck, pedestrian or bicycle function. They are found in Chapter 3, Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan referenced below.

Pedestrian Design Guide

The Portland Pedestrian Design Guide was issued by the City Engineer in June 1998. This guide is used for all projects that are designed, built or approved by the Office of Transportation. The Pedestrian Design Guide contains guidelines for sidewalk corridors, street corners, crosswalks, pathways and stairs. The guidelines contain recommended widths of sidewalk elements for Pedestrian Districts, City Walkways and Local Service Walkways. A curb zone, containing street trees, is recommended for all streets to buffer pedestrians from traffic.

Bicycle Master Plan

Appendix A of the Bicycle Master Plan, Bikeway Design and Engineering Guidelines, provides design guidance for various bicycle facilities including off-street paths, bicycle lanes, and bicycle boulevards. The design guidelines address lane widths on both curbed and uncurbed streets with and without on-street parking, street crossings, intersection design, turn lanes.

Standard Construction Specifications

The City of Portland Standard Construction Specifications, including standard plans, are used to guide transportation projects within the City. The standard plan includes drawings for Neighborhood Collector Streets, Arterial Streets, and Commercial Streets, all of which could be on the Regional Street Design Map.

Title 16, Vehicles and Traffic

The City of Portland Municipal Code, Title 16: Vehicles and Traffic, regulates parking, transit lanes, and miscellaneous activities in the right-of-way.

Title 17, Public Improvements

The City of Portland Municipal Code, Title 17, Public Improvements, Section 17.28, Sidewalks, Curbs and Driveways, regulates the location and size of these elements of the street.

Design Guide for Public Street Improvements

The Design Guide for Public Street Improvements was prepared by the Office of Transportation to provide guidelines for producing construction drawing for street projects. Section 5, Traffic Design Criteria, provides criteria related to traffic operations, including driveway access, islands and medians, design

speed, street grades, design vehicles/intersection geometry, pavement markings, street lighting, and traffic signals. Section 6, Street Design Criteria, references sections of the Standard Plans discussed above for horizontal and vertical alignment, street sections, pavement design, intersections, sidewalks, tree wells, and street trees.

Transit Preferential Streets Program Sourcebook

This document was completed in June 1977 and provides guidelines and a toolbox for implementing transit preferential streets measures. Measures include traffic signal priority, curb extensions, and boarding islands.

Traffic Manual Chapter 11 – Speed Bumps

This document provides general standards and specific designs for traffic calming devices currently in use in the City. While traffic calming is most often performed on local streets not covered by regional requirements, it may be used on neighborhood collectors.

Other Guidance

In addition to these documents, the City uses special area plans that contain more specific street design guidelines. The areas covered include portions of Downtown, the River District, the North Macadam District, and the Lloyd District. Design guidelines and standards for these special areas already meet or exceed the design guidelines of Section 2 of the Functional Plan.

References:

- Comprehensive Plan, Goals and Policies, City of Portland: Bureau of Planning, Latest Revision; October 1996.
- Transportation Element of the Comprehensive Plan, City of Portland: Office of Transportation; June 1996.
- Portland Pedestrian Design Guide, City of Portland: Office of Transportation; June 1998.
- Bicycle Master Plan, City of Portland: Office of Transportation; May 1996.
- Standard Construction Specifications, City of Portland: Office of Public Works.
- Portland Vehicles and Traffic Municipal Code, Title 16.
- Portland Public Improvements Municipal Code, Title 17.
- Design Guide for Public Street Improvements, City of Portland: Office of Transportation; October 1993.
- Transit Preferential Streets Program Sourcebook, City of Portland: Office of Transportation; June 1997.
- Traffic Manual Chapter 11 – Speed Bumps, City of Portland: Office of Transportation; December 1994.
- Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.

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Section 3. Design Standards for Street Connectivity

The design of local street systems, including "local" and "collector" functional classifications, is generally beyond the scope of the Regional Transportation Plan (RTP). However, the aggregate effect of local street design impacts the effectiveness of the regional system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the regional network. Therefore, streets should be designed to keep through trips on arterial streets and provide local trips with alternative routes. The following design and performance options are intended to improve local circulation in a manner that protects the integrity of the regional system.

Cities and counties within the Metro region are hereby required to amend their comprehensive plans and implementing ordinances, if necessary, to comply with or exceed one of the following options in the development review process:

A. Design Option. Cities and counties shall ensure that their comprehensive plans, implementing ordinances and administrative codes require demonstration of compliance with the following, consistent with regional street design policies:

- 1. For new residential and mixed-use development, all contiguous areas of vacant and primarily undeveloped land of five acres or more shall be identified by cities and counties and the following will be prepared, consistent with regional street design policies:*

A map that identifies possible local street connections to adjacent developing areas. The map shall include:

- a. full street connections at intervals of no more than 530 feet, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Street connections at intervals of no more than 330 feet are recommended in areas planned for the highest density mixed-use development.*
- b. accessways for pedestrians, bicycles or emergency vehicles on public easements or right-of-way where full street connections are not possible, with spacing between full street or accessway connections of no more than 330 feet, except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.*

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2. *New residential and mixed-use developments shall include local street plans that:*
 - a. *encourage pedestrian and bicycle travel by providing short, direct public right-of-way routes to connect residential uses with nearby existing and planned commercial services, schools, parks and other neighborhood facilities; and*
 - b. *include no cul-de-sac streets longer than 200 feet, and no more than 25 dwelling units on a closed-end street system except where topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers, prevent street extension; and*
 - c. *provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers; and*
 - d. *consider opportunities to incrementally extend and connect local streets in primarily developed areas; and*
 - e. *serve a mix of land uses on contiguous local streets; and*
 - f. *support posted speed limits; and*
 - g. *consider narrow street design alternatives that feature total right-of-way of no more than 46 feet, including pavement widths of no more than 28 feet, curb-face to curb-face, sidewalk widths of at least 5 feet and landscaped pedestrian buffer strips that include street trees; and*
 - h. *limit the use of cul-de-sac designs and closed street systems to situations where topography, pre-existing development or environmental constraints prevent full street extensions.*
3. *For redevelopment of existing land uses, cities and counties shall develop local approaches for dealing with connectivity.*

Status:

The City will meet the intent of Section 3.A connectivity requirements through elements incorporated into the Land Division Code Rewrite (Appendix A). Public hearings by the City Council are expected to occur in Spring 1999. The City requests an extension until June 1999 to complete this work.

Portland meets the requirement for narrow streets (Section 3.A.2.g) through Title 17 of the Portland Code.

Discussion:

In single family residential areas, the City requires narrow street design. In higher density residential, commercial and industrial areas, street widths are determined by a combination of factors, including the expected traffic, street connectivity, emergency access needs and on-street parking. These measures meet the Functional Plan requirements for narrow streets.

The City is achieving street connectivity objectives through an approach that will result in a Master Street Plan Map for the entire City of Portland. At the time the Land Division Code Rewrite is adopted, the City will identify those areas that currently meet the connectivity objectives. In these areas, the existing street network will be identified as the Master Street Plan Map. Areas that do not currently meet connectivity standards but that already have street plans will also be adopted into the Master Street Plan Map.

Street Master Plans for the remaining areas of the City will occur as a result of ongoing or local area planning initiatives. The first priority areas are the Regional Centers, Town Centers and Station Communities. These street plans will be prepared in conjunction with overall development strategies for those areas. Plans for other areas will be completed later.

For those areas where development proposals come to the city before a Master Street Plan has been adopted, several options will be available, but each of them will result in a street network which meets the Metro standards. The developer or subdivider can prepare a Master Street Plan for an appropriate area jointly with adjacent property owners, or produce a street and subdivision plat for his/her own property that meets required design standards.

Master Street Plan Map

Blocks to be included in the Master Street Plan Map are those that do not require further connectivity to be developed. For the initial Master Street Plan Map, all blocks will fall within one of the following categories:

1. Blocks where all block dimensions meet the Metro connectivity standard of 530 feet between cross street centerlines.
2. Blocks that do not meet the length standard which are already subdivided into lots of less than one acre. The practical effect of this is to include in the Master Street Plan Map those areas where the blocks are too long in one direction and/or have unusual shapes. Most of these blocks are developed with 50-foot by 100-foot lots. Sample areas include Ladd's Addition, Laurelhurst, Eastmoreland and the bungalow subdivisions south of Hawthorne and East of SE 39th.
3. All blocks with open space zoning.
4. All blocks with schools and playgrounds and institutions that have fully developed buildings and grounds. If there is a change in use, a Master Street Plan will be required.
5. Blocks or parts of blocks with Environmental Protection (Ep) Overlay. The amount of the block to be exempted will be related to the topography and the site size of the remaining portions of the block.

Those areas that do not meet the street connectivity guidelines and which have potential for subdivision will be subject to future street plans. Some of these plans have already been prepared. Two examples are the plans for the River District and for North Macadam area, both part of the Central City area. In addition, Master Street Plans will be prepared as part of the TGM-funded studies which the City is currently conducting in the Gateway Regional Center and the Hollywood and Lents Town Centers. In the 1999-2000 budget year a similar plan will be prepared for the St. Johns Town Center.

Requirements for Areas Without a Master Street Plan

For areas that do not have a Master Street Plan when a land division is proposed, the draft code language in the Land Division Code Rewrite proposes standards similar to those in Title 6 of the Functional Plan. The City will vary the dimensions based upon the Growth Concept design type. For sites of five acres or larger, similar standards will apply. For redevelopment in Regional and Town Centers, the regulations would generally require a standard equal to or higher than Title 6 requirements for new development. In the lower density inner and outer neighborhoods, redevelopment would meet a lower standard.

Industrial and Employment Lands

Blocks with Industrial (IG1, IG2 and IH) zoning are not required to meet the connectivity standards of Title 6, Section 3. These areas will develop Master Street Plans that provide connectivity appropriate to the large lots and special street requirements of industrial areas with truck traffic. A sample of the type of Master Street Plan expected is that prepared for the Columbia South Shore area, which was adopted by the City in 1991.

Narrow Street Design

In new single family residential areas, the City's current standard requires the use of "skinny streets." In higher density residential and mixed use areas, the City does not have width standards based on zoning or street classification. Instead, analysis of the particular situation – traffic volume, number of alternative routes and type of development – are used to determine street width.

The proposed amendments to the Land Division Code include new width standards for rights-of-way and various street categories in each zone. When they take effect, they will supersede existing regulations.

In the future, the City will be developing additional street design guidelines. They are intended for use on redevelopment or retrofit situations where standard streets are not feasible. One proposed type is the "infill lane", which is expected to be used on the larger blocks and lots east of I-205 where basic connectivity exists, but additional access will be needed to serve new, interior, lots. The infill lane would be an alternative to flag lots served by shared driveways. The infill lane would have similar dimensions, but houses would be required to orient to the lane as they now are to public streets. In addition, the City would seek to connect the end of the lane to the next street with bicycle and/or pedestrian connections. This would improve connectivity for bicyclists and pedestrians and create a more attractive environment.

References:

- Master Street Plan approach and street plan review: Draft language for code sections 33.290 and 33.852.
- Land Division Code Rewrite Project, Second Proposed Draft: Bureau of Planning; September 1998 (Appendix A).
- Portland Public Improvements Municipal Code, Title 17.
- Master Street Plan Areas (map): Office of Transportation; August 1996.
- Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.



3.B. Performance Option. For residential and mixed use areas, cities and counties shall amend their comprehensive plans, implementing ordinances and administrative codes, if necessary, to require demonstration of compliance with performance criteria in the following manner. Cities and counties shall develop local street design standards in text or maps or both with street intersection spacing to occur at intervals of no more than 530 feet except where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers. Street connections at intervals of no more than 330 feet are recommended in areas planned for the highest density mixed-use development. Local street designs for new developments shall satisfy the following additional criteria:

- 1. Performance Criterion: minimize local traffic on the regional motor vehicle system, by demonstrating that local vehicle trips on a given regional facility do not exceed the 1995 arithmetic median of regional trips for facilities of the same motor vehicle system classification by more than 25 percent.*
- 2. Performance Criterion: everyday local travel needs are served by direct, connected local street systems where: (1) the shortest motor vehicle trip over public streets from a local origin to a collector or greater facility is no more than twice the straight-line distance; and (2) the shortest pedestrian trip on public right-of-way is no more than one and one-half the straight-line distance.*

Status:

The City is using the design option to achieve connectivity rather than this method.



Section 4. Transportation Performance Standards

A process to identify transportation mode split targets, transportation needs and appropriate actions to address those targets and needs is included in this section. The intent is to provide guidance to cities, counties, ODOT, Tri-Met and the Port of Portland when developing a transportation system plan, defining a project, or evaluating the potential transportation impacts of a land use action.

A transportation need is identified when a particular transportation standard or threshold has been exceeded. Standards which may be used in identifying transportation needs include: safety, statewide mobility as identified in the Oregon Transportation Plan, mode splits, motor vehicle congestion analysis, freight mobility or demonstration that lack of access is limiting development of a priority regional land use. Needs are generally identified either through a comprehensive plan amendment review or as result of a system-planning analysis which evaluates forecast travel demand.

Subsequent to the identification of a need, an appropriate transportation strategy or solution is identified through a two-phased multi-modal planning and project development process. The first phase is multi-modal system-level planning. The purpose of system-level planning is to examine a number of transportation alternatives over a large geographic area such as a corridor or sub-area, or through a local or regional Transportation System Plan (TSP). The purpose of the multi-modal system-level planning step is to 1) consider alternative modes, corridors, and strategies to address identified needs; and 2) determine a recommended set of transportation projects, actions, or strategies and the appropriate modes and corridors to address identified needs in the system-level study area.

The second phase is project-level planning (also referred to as project development). The purpose of project-level planning is to develop project design details and select a project alignment, as necessary, after evaluating engineering and design details and environmental impacts.

The following sub-sections (A-D): (1) require that cities and counties establish regional mode split targets for all 2040 design types that will be used to guide transportation system improvements; (2) establish optional performance standards and deficiency thresholds intended to identify transportation needs through multi-modal system-level planning and (3) establish the process to identify appropriate recommended solutions to address those needs identified through multi-modal system-level planning and project-level planning.

(continued)

A. Alternative Mode Analysis

- 1. Personal travel represents the largest share of trips for all modes of travel. Improvement in mode split will be used as the key regional measure for assessing transportation system improvements in the Central City, Regional Centers, Town Centers and Station Communities. For other 2040 Growth Concept design types, mode split will be used as an important factor in assessing transportation system improvements. Each jurisdiction shall establish an alternative mode split target (defined as non-Single Occupancy Vehicle person-trips as a percentage of all person-trips for all modes of transportation) for trips into, out of and within all 2040 Growth Concept land use design types within its boundaries one year after adoption of the 1998 Regional Transportation Plan. The alternative mode split target shall be no less than the regional targets for these 2040 Growth Concept land use design types to be established in the 1998 Regional Transportation Plan.*
- 2. Cities and counties shall identify actions which will implement the mode split targets one year after adoption of the 1998 Regional Transportation Plan. These actions should include consideration of the maximum parking ratios adopted as part of Title 2, Section 2: Regional Street Design considerations in this Title; and transit's role in serving the area.*

Status:

Portland will meet the Mode Split Targets requirement one year from adoption of the Regional Transportation Plan (RTP).

Discussion:

The mode split targets will be based on the range of targets which Metro expects to adopt as part of the RTP. The targets will be refined, and the measures to implement them identified, as part of the work on coordinated development strategies for the Regional and Town Centers which is currently underway and funded by TGM grants. In addition to the specific grants mentioned in the connectivity section, the City has additional grants to address the North Macadam area of the Central City and a small grant to address the remaining Town Centers and the Station Communities. In other areas, the regional mode split targets and strategies will be used.

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4.B. Motor Vehicle Congestion Analysis

1. Motor Vehicle Level-Of-Service (LOS) is a measurement of congestion as a share of designed motor vehicle capacity of a road. Table 3. Motor Vehicle Level Of Service Deficiency Thresholds and Operating Standards may be incorporated into local comprehensive plans and implementing ordinances to replace current methods of determining motor vehicle congestion on regional facilities, if a city or county determines that this change is needed to permit Title 1, Table 1 capacities for the 2040 design types and facilities as follows:

[Table]

2. Analysis. A transportation need is identified in a given location when analysis indicates that congestion has reached the level indicated in the "exceeds deficiency threshold" column of Table 3 and that this level of congestion will negatively impact accessibility, as determined through Section 4.B.4, below. The analysis should consider a mid-day hour appropriate for the study area and the appropriate two-hour peak-hour condition, either A.M. or P.M. or both to address the problem. Other non-peak hours of the day, such as mid-day on Saturday, should also be considered to determine whether congestion is consistent with the acceptable or preferred operating standards identified in Table 3. The lead agency or jurisdictions will be responsible for determining the appropriate peak and non-peak analysis periods. The lead agency or jurisdictions will be responsible for determining the appropriate peak analysis period.

An appropriate solution to the need is determined through multi-modal system-level planning considerations listed in Section 4.C., below. For regional transportation planning purposes, the recommended solution should be consistent with the acceptable or preferred operating standards identified in Table 3. A city or county may choose a higher level-of-service operating standard where findings of consistency with Section 4.C. have been developed.

3. Regional Highways. Exhibit B identifies the Regional Highways specified in Table 3. Each corridor will be evaluated on a case-by-case basis through system-level refinement studies. The studies will identify the performance and operating expectations for each corridor based on their unique operating and geographic characteristics. Appropriate multi-modal solutions to needs identified through these studies will be forwarded for inclusion in the Regional Transportation Plan.

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- 4. Accessibility. If a deficiency threshold is exceeded on the regional transportation system as identified in Table 3, cities and counties shall evaluate the impact of the congestion on regional accessibility using the best available quantitative or qualitative methods. If a determination is made by Metro that exceeding the deficiency threshold negatively impacts regional accessibility, cities and counties shall follow the transportation systems analysis and transportation project analysis procedures identified in 4.C. and 4.D. below.*
- 5. Consistency. The identified function or the identified capacity of a road may be significantly affected by planning for 2040 Growth Concept design types. Cities and counties shall take actions described in Section 4.C. and 4.D. below, including amendment of their transportation plans and implementing ordinances, if necessary, to preserve the identified function and identified capacity of the road, and to retain consistency between allowed land uses and planning for transportation facilities.*

Status:

Portland has chosen not to incorporate Motor Vehicle LOS into local plans (Section 4.B.1).

The City will comply with the analysis elements (Section 4.B.2) after the information becomes available in the adopted Regional Transportation Plan (RTP). Necessary amendments will be incorporated into the Transportation System Plan (TSP), one year after the RTP is adopted.

The City will incorporate the multi-modal corridor solutions into the TSP after the system level studies are completed by the Oregon Department of Transportation (ODOT) and the region (Section 4.B.3). The local government requirements of Section 4.B.4 are covered in 4.C. The City will comply with the consistency requirements of Section 4.B.5 within one year of the RTP adoption as part of the Portland TSP adoption.

Discussion:

Most of the requirements of this section require the analysis and recommendations from the RTP in order to determine which solutions will be incorporated into the City's Transportation System Plan. The City therefore assumes that the timeline for inclusion of specific new elements in the local TSP is one year after the adoption of the RTP, in accordance with the state Transportation Planning Rule.

The City will add policy language to the Comprehensive Plan Transportation Element to clarify the use of analysis elements, accessibility determination, etc.

The Transportation Element of the Comprehensive Plan contains a general policy which is similar to the language contained in the Transportation Planning Rule, 660-12-060. Policy 6.27, Adequacy of Transportation Facilities, states, "Ensure that amendments to the Comprehensive Plan or land use regulations which change allowed land uses, including goal exceptions, map amendments, zone changes, conditional uses, and master plans, and which significantly affect a transportation facility, are consistent with the identified function, capacity, and level of service of the facility."

References:

- Comprehensive Plan, Goals and Policies, City of Portland: Bureau of Planning; Latest Revision, October 1996.
- Urban Growth Management Functional Plan Compliance Evaluation: Bureau of Planning; August 1998.



4.C. Transportation Systems Analysis

This section applies to city and county comprehensive plan amendments or to any studies that would recommend or require an amendment to the Regional Transportation Plan to add significant single occupancy vehicle (SOV) capacity to multi-modal arterials and/or highways.

Consistent with Federal Congestion Management System requirements (23 CFR Part 500) and TPR system planning requirements (660-12), the following actions shall be considered through the Regional Transportation Plan when recommendations are made to revise the Regional Transportation Plan and/or local transportation system plans to define the need, mode, corridor and function to address an identified transportation need consistent with Table 3, above, and recommendations are made to add significant SOV capacity:

- 1) regional transportation demand strategies*
- 2) regional transportation system management strategies, including intelligent Transportation Systems (ITS)*
- 3) High Occupancy Vehicle (HOV) strategies*
- 4) regional transit, bicycle and pedestrian system improvements to improve mode split*
- 5) unintended land use and transportation effects resulting from a proposed SOV project or projects*
- 6) effects of latent demand from other modes, routes or time of day from a proposed SOV project or projects*
- 7) If upon a demonstration that the above considerations do not adequately and cost-effectively address the problem, a significant capacity improvement may be included in the Regional Transportation Plan.*

Consistent with Federal Congestion Management System requirements (23 CFR Part 500) and TPR system planning requirements (660-12), the following actions shall be considered when local transportation system plans (TSPs), multi-modal corridor and sub-area studies, mode specific plans or special studies (including land use actions) are developed:

- 1) transportation demand strategies that further refine or implement a regional strategy identified in the RTP*
- 2) transportation system management strategies, including intelligent Transportation Systems (ITS), that refine or implement a regional strategy identified in the RTP*
- 3) sub-area or local transit, bicycle and pedestrian system improvements to improve mode split*
- 4) the effect of a comprehensive plan change on mode split targets and actions to ensure the overall mode split target for the local TSP is being achieved*

(continued)

- 5) *improvements to parallel arterials, collectors, or local streets, consistent with connectivity standards contained in Section 2 of this Title, as appropriate, to address the transportation need and to keep through trips on arterial streets and provide local trips with alternative routes*
- 6) *traffic calming techniques or changes to the motor vehicle functional classification, to maintain appropriate motor vehicle functional classification*
- 7) *If upon a demonstration that the above considerations do not adequately and cost-effectively address the problem, a significant capacity improvement may be included in the comprehensive plan.*

Upon a demonstration that the above considerations do not adequately and cost-effectively address the problem and where accessibility is significantly hindered, Metro and the affected city or county shall consider:

- (1) amendments to the boundaries of a 2040 Growth Concept design type;*
- (2) amendments or exceptions to land use functional plan requirements;*
and/or
- (3) amendments to the 2040 Growth Concept.*

Demonstration of compliance will be included in the required congestion management system compliance report submitted to Metro by cities and counties as part of system-level planning and through findings consistent with the TPR in the case of amendments to applicable plans.

Status:

No action is required at this time to achieve compliance with this section.

Discussion:

Since Portland meets the growth targets of Title 1 without amendments to the Comprehensive Plan, no new transportation analysis is required to show compliance with Functional Plan requirements.

References:

Transportation Element of the Comprehensive Plan, City of Portland: Office of Transportation; June 1996.

Portland Zoning Code, Chapter 33.855.050B.

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4.D. Transportation Project Analysis

The TPR and Metro's Interim Congestion Management System (CMS) document require that measures to improve operational efficiency be addressed at the project level. Section 2 of this Title requires that street design guidelines be considered as part of the project-level planning process. Therefore, cities, counties, Tri-Met, ODOT, and the Port of Portland shall address the following operational and design considerations during transportation project analysis:

- 1. Transportation system management (e.g., access management, signal inter-ties, lane channelization, etc.) to address or preserve existing street capacity.*
- 2. Guidelines contained in "Creating Livable Streets: Street Design Guidelines for 2040" (1997) and other similar resources to address regional street design policies.*

The project need, mode, corridor, and function do not need to be addressed at the project level. This section (4.D) does not apply to locally funded projects on facilities not designated on the Regional Motor Vehicle System Map or the Regional Street Design Map. Demonstration of compliance will be included in the required Congestion Management System project-level compliance report submitted to Metro as part of project-level planning and development.

Status:

No action is required at this time to achieve compliance with this section.

Discussion:

As noted in this section, demonstration of compliance is to be included in the required project-level reports.



TITLE 7

Affordable
Housing



Section 1. Intent

RUGGO Objective 17 requires that Metro adopt a "fair share" strategy for meeting the housing needs of the urban population in cities and counties based on a subregional analysis. A "fair share" strategy will include (1) a diverse range of housing types available within cities and counties inside the UGB; (2) specific goals for low and moderate rate housing to ensure that sufficient and affordable housing is available to households of all income levels that live or have a member working in each jurisdiction; (3) housing densities and costs supportive of adopted public policy for the development of the regional transportation system and designated centers and corridors; and (4) a balance of jobs and housing within the region and subregions.

Title 1 of this functional plan requires cities and counties to change their zoning to accommodate development at higher densities in locations supportive of the transportation system. Two other parts of the "fair share" strategy are addressed here: (1) encouraging use of tools identified to improve availability of sufficient housing affordable to households of all income levels; and (2) encouraging manufactured housing to assure a diverse range of available housing types.

Compliance:

Title 7 imposes no requirements on local jurisdictions. Portland implements many of the recommendations made by this title of the Functional Plan.

Discussion:

The City of Portland has committed itself to the development and maintenance of low income and affordable housing since the creation of the Portland Housing Authority in 1941. During the last fifty years, the City has made the most of evolving funding opportunities available from federal and state government as well as employing innovative regulatory and financing incentives using local resources. Portland has provided a model for the region and for the nation. Recently, Portland received a "Best Practices Award" from the U.S. Department of Housing and Urban Development Award for the City's greater than expected success in leveraging private investment with federal dollars for the production of affordable rental housing.

The 1996 survey of Metro jurisdictions conducted by the Coalition for a Livable Future demonstrated that Portland employs more regulatory and funding strategies than any other city or county in the region. As for publicly assisted rental housing, an inter-jurisdictional inventory shows that the City of Portland contains over sixty percent of the region's stock of such housing—significantly above its 31 percent share of regional population.

Despite its record of accomplishment, the City recognizes that housing needs of some populations continue to grow and that unforeseen conditions require new solutions. Portland is willing to share its experience and knowledge of tools that have been shown to work and is also willing to learn from other localities in the region, state, and nation in the ongoing effort to expand housing opportunities to all income groups.

In addition to measures described in this title, Portland recently adopted an accessory dwelling ordinance which supports the goals of Title 7 (see Title 1, Section 2.3). Accessory dwelling units are an affordable housing choice accessible for persons looking for less living space. This step is another demonstration of the City's commitment to supporting the development of adequate affordable housing.

References:

Coalition for a Livable Future's survey of Metro jurisdictions.
Ordinance No. 171879, Accessory Dwelling Units: Bureau of Planning;
December 1997.



Section 2. Recommendations to Improve Availability of Affordable Housing

According to HUD standards, housing is affordable if the resident is paying no more than one-third of their income for housing. Data from the federally required County Consolidated Plans clearly demonstrate that there exists a shortage of housing affordable to low and moderate income people in most, if not all, cities and counties. Metro recommends that cities and counties increase their efforts to provide for the housing needs of households of all income levels that live or have a member working in each jurisdiction and that they consider implementation of some or all of the following tools and approaches to facilitate the development of affordable housing:

A. Donate buildable tax-foreclosed properties to nonprofit organizations or governments for development as mixed market affordable housing.

Compliance:

Portland, with Multnomah County, implements this recommendation.

Discussion:

Multnomah County administers the programs that address Section 2.A. In addition, the City of Portland provides operating support to non-profit organizations and community development corporations, which are the main developers of tax-foreclosed properties for affordable housing. See Multnomah County's February Compliance Report for more information.



2.B. Develop permitting process incentives for housing being developed to serve people at or below 80 percent of area median income.

Status:

Portland is working toward implementing this recommendation.

Discussion:

The City is implementing recommendations from its Blueprint 2000 project which are aimed at streamlining the development process and timelines for all development. Blueprint 2000 is a multi-bureau effort to coordinate permitting and other aspects of the development process. Continued improvements to this process will benefit housing developers and consumers at all income levels, including below-market rate housing.



2.C. Provide fee waivers and property tax exemptions for projects developed by nonprofit organizations or governments serving people at or below 60 percent of area median income.

Compliance:

Portland implements this recommendation.

Discussion:

The City waives development review fees and transportation System Development Charges (SDCs) for non-profit developers of rental housing targeted at or below 60 percent of median income and single family housing targeted at 100 percent or less of median income. Development bureaus are compensated for lost revenue through the Housing Investment Fund.

The City administers several tax exemption programs to promote more affordable housing development. Included among these is the Charitable Non-Profit tax exemption program:

Section 3.101.010(1)-(9) of the City Code. Sunsets July 1, 2004

- *Program goal:* To promote housing for very low-income renters.
- *Program description:* This program was established in 1985. It provides a property tax exemption on the value of land and improvements (structure) for housing owned or leased by charitable non-profit organizations having federal 501(c)(3) or (4) status. The State enabling legislation is ORS 307.540-547. This is a low-income housing program, serving residents earning 60% of area median income.
- *Applicant eligibility:* The organization must be certified by the Internal Revenue Service as 501(c)(3) or (4). In addition, the organization must own or have a leasehold interest in the property.
- *Income or Rent Restrictions:* Resident income must be at or below 60 percent of median area income.
- *Geographic limitations:* Applies within the City of Portland.
- *Administrative process:* Applicants apply annually for the property tax exemption. The program is administered by the Bureau of Planning's Housing Planner. No Planning Commission or City Council action is required.
- *Length of Abatement:* One year, with annual renewals
- *Fee:* \$250 for new applications and \$50 for renewals
- *Number of Organizations and Units:* 25 organizations/3,155 units



2.D. Create a land banking program to enhance the availability of appropriate sites for permanently affordable housing.

Status:

Portland is working toward implementing this recommendation.

Discussion:

The City of Portland does not have a citywide land banking program. However, the Portland Development Commission owns and develops land through its chartered urban renewal authority. Some of this land is developed for affordable housing.



2.E. Consider replacement ordinances that would require developers of high-income housing, commercial, industrial, recreational or government projects to replace any affordable housing destroyed by these projects.

Status:

Portland is working toward implementing this recommendation.

Discussion:

In December 1998, the City Council adopted the Affordable Housing Preservation Ordinance. This ordinance does three things:

- It attempts to preserve federally subsidized low-income rental housing that is subject to removal from the stock by the owner's ability to opt out of federal subsidy contracts. The ordinance imposes a delay on the project's sale to a third party and requires sale of the project if a bona fide offer for purchase is made by the City. Failure to sell under this situation results in a \$30,000 per unit payment to an affordable housing fund.
- It imposes a delay on the sale of the project and eviction of the tenants upon the expiration of affordable housing obligations imposed by past City subsidy.
- It requires a 60-year affordability commitment for projects receiving local housing subsidies.

The City complies with the federal requirement of replacing any housing units lost through government funded activity with an equivalent unit in or near the affected neighborhood. This 1-to-1 replacement requirement applies to CDBG and HOME funded housing only. State and other federally funded projects may not be subject to replacement.

The City also requires the replacement of any housing potential lost through an approved Comprehensive Plan Map amendment from residential to non-residential through a variety of means such as physical replacement of the units or an equivalent off-site rezoning of non-residential to residential or lower-density residential to higher-density.

Reference:

Portland Zoning Code, Chapter 33.810 Comprehensive Plan Amendments.

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2.F. Consider linkage programs that require developers of job-producing development, particularly that which receives tax incentives, to contribute to an affordable housing fund.

Compliance:

Portland, with Multnomah County, implements this recommendation.

Discussion:

Multnomah County administers a linkage program; it has tied its Strategic Investment Program (SIP) to affordable housing. Please see the final Multnomah County Compliance Report for further information.



2.G. Commit locally controlled funds, such as Community Development Block Grants, Strategic Investment Program tax abatement funds or general fund dollars, to the development of permanently affordable housing for people at or below 60 percent of area median income.

Compliance:

Portland implements this recommendation.

Discussion:

The City annually devotes approximately 57 percent of its \$14 million Block Grant directly to housing development and rehabilitation. Much of Portland's Tax Increment funding has been devoted to development and rehabilitation of affordable housing in designated urban renewal districts. In addition, the City is the lead jurisdiction of the Multnomah County HOME Consortium which is dedicated to affordable housing development.

Tax abatements through several programs also contribute to affordable housing. For example, a 10-year property tax abatement is available for new multiple unit housing in the Central City area. This program has several conditions. One of the restrictions is that the owner must provide one or more public benefits listed in code. Affordable housing is one public benefit, and several property owners have chosen to provide a certain number of affordable units as partial requirement for property tax abatement benefits.



2.H. Consider inclusionary zoning requirements, particularly in tax incentive programs, for new development in transit zones and other areas where public investment has contributed to the value and developability of land.

Status:

Portland is working toward implementing this recommendation.

Discussion:

Inclusionary housing requirements have been part of specific long-term development projects. The most recent example of this is the River District Plan, where the River District Housing Implementation Strategy calls for creation of at least 5,000 new housing units over a twenty year period through new construction and rehabilitation/conversion. In addition, the City intends that the income level for residents of the River District will match that of the City as a whole. To achieve this, the Strategy has adopted targets by income level.

The target for units serving extremely low income households (defined as households earning 0-30 percent of area median income) and low income households (31-50 percent of median income) is 15-25 percent of new units. The target for moderate income households (51-80 percent of median income) is 20-30 percent of new units. Finally, the target for middle income (81-150 percent of median income) and upper income households (151 percent and greater) is 50-65 percent of new units. The cumulative progress in meeting these goals is documented in annual reports to the Portland City Council.

In addition to these, the City has a transit-oriented tax abatement program with an affordability component as one of its public benefit requirements.

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Section 3. Recommendations to Encourage Manufactured Housing

State housing policy requires the provision of manufactured housing inside all Urban Growth Boundaries as part of the housing mix with appropriate placement standards. The following are recommended to reduce regulatory barriers to appropriately placed manufactured housing:

A. Requirements for a minimum of five acres to develop a manufactured housing park should be reviewed to consider a lesser requirement, or elimination of a minimum parcel and/or lot size entirely.

Compliance:
Portland implements this recommendation.

Discussion:
The City does not require a minimum site size for the development of a manufactured home park.



3.B. Manufactured homes configured as duplexes, triplexes, fourplexes, etc. should be encouraged outside manufactured dwelling parks where zoning densities are consistent with single story development.

Compliance:
Portland implements this recommendation.

Discussion:
The Portland Zoning Code does not prohibit the configuration of manufactured housing as duplexes, triplexes, etc.



TITLE 8

Compliance
Procedures



Section 1. Compliance Required

All cities and counties within the Metro boundary are hereby required to amend their comprehensive plans and implementing ordinances to comply with the provisions of this functional plan within twenty-four months of the effective date of this ordinance. Metro recommends the adoption of the policies that affect land consumption as soon as possible.

Status:

The City of Portland has made significant progress toward compliance with the Functional Plan. Necessary amendments to the Comprehensive Plan and implementing ordinances are in progress. Time extensions are being requested to complete the adoption process for some of these amendments; see Section 2.C of this Title.

**Section 2. Compliance Procedures**

(In developing the evaluation, plan and ordinance amendments and findings, cities and counties shall address the Metro 2040 Growth Concept, and explain how the proposed amendments implement the Growth Concept.)

- A. On or before six months prior to the deadline established in Section 1, cities and counties shall transmit to Metro the following:*
- 1. An evaluation of their local plans, including public facility capacities and the amendments necessary to comply with this functional plan;*

Compliance:

The City of Portland submitted its Compliance Evaluation in August, 1998, containing the required evaluation of local plans and necessary amendments.



2.A.2. Copies of all applicable comprehensive plans and implementing ordinances and public facility plans, as proposed to be amended;

Compliance:

All applicable comprehensive plans, implementing ordinances, and public facility plans were appended to the August 1998 Compliance Evaluation. Proposed amendments and amendments adopted since August 1998 are included with this Compliance Report.

Discussion:

The Portland Comprehensive Plan and all applicable implementing ordinances in their then-existing form were included as appendices to the August 1998 Compliance Evaluation. Applicable public facility plans were also appended to the August 1998 evaluation, and so are included with this Compliance Report.

Summaries of proposed amendments to the Portland Comprehensive Plan and implementing ordinances are presented in the appropriate sections of this Compliance Report. Current versions of proposed amendments are appended to this report.

References:

- Land Division Code Rewrite Project, Second Proposed Draft: Bureau of Planning; September 1998 (Appendix A).
- Tree Canopy Preservation - Recommended Draft: Bureau Of Planning; January 11, 1999 (Appendix B).
- Citywide Parking Ratios, Public Review Draft: Bureau of Planning; expected February 17, 1999 (Appendix C).
- Commercial Restrictions in Industrial and Employment Areas, Proposed Draft: Bureau of Planning; October 8, 1998 (Appendix D).
- Ordinance 171879, Accessory Dwelling Units: Bureau of Planning; December 1997.
- Comprehensive Plan Goals and Policies, City of Portland: Bureau of Planning; Latest Revision, October 1996.
- Capital Improvement Program 1998-2008, Portland Water Works, January 1998.
- Public Facilities Plan, Bureau of Planning, September 1988.
- Regional Water Supply Plan, Preliminary Report, Water Providers of the Portland Metropolitan Area, August 1995.
- Proposed Transportation Capital Improvement Program, 1998-1999 to 2002-2003, Office of Transportation, January 1998.
- Environmental Services Proposed Capital Budget, FY 1999-2003, Bureau of Environmental Services, undated.

◇ ◇ ◇

2.A.3. Findings that explain how the amended city and county comprehensive plans will achieve the standards required in titles 1 through 6 of this functional plan.

Compliance:

Portland meets this requirement in this Compliance Report.

Discussion:

Findings explaining how the amended Comprehensive Plan will achieve the standards of Titles 1 through 6 are presented in those sections of this report.



2.B. Exceptions to any of the requirements in the above titles may be granted by the Metro Council, as provided for in the Regional Urban Growth Goals and Objectives, Section 5.3, after MPAC review. Requests for an exception should include a city or county submittal as specified in this section. The Metro Council will make all final decisions for the grant of any requested exception.

Compliance:

The City of Portland does not seek exceptions to the requirements of the Functional Plan.



2.C. The Metro Council may grant an extension to time lines under this functional plan if the city or county has demonstrated substantial progress or proof of good cause for failing to complete the requirements on time. Requests for extensions of the compliance requirement in Section 1 of this Title should accompany the compliance transmittal required in Section 2.A. of this Title.

Status:

The City of Portland seeks time extensions to complete the adoption process for several measures at this time.

Discussion:

The City has initiated legislative projects to adopt amendments to the Comprehensive Plan and implementing ordinances to comply with the requirements of the Functional Plan. The details of these amendments are described in the appropriate sections of this Compliance Report.

The City is already required to report on compliance with Title 3 of the Functional Plan in June and December 1999. In order to make the most efficient use of City and Metro staff time and other resources, the City proposes to submit two additional compliance packages to coincide with reporting on Title 3. The Functional Plan sections where compliance work remains to be done, a summary of the expected work schedule, and the proposed date for reporting compliance are presented in the following table.

<i>Title 1, Sect. 2.A</i>	<i>Minimum density</i>	<i>December 1999</i>
This is tied to the Land Division Code Rewrite Project, which is currently before the Planning Commission. A Planning Commission decision is expected in Spring 1999, leading to City Council hearings and decision in Summer 1999.		

<i>Title 1, Sect. 3</i>	<i>Design type boundaries</i>	<i>December 1999</i>
The City will be proposing amendments to the Comprehensive Plan to incorporate a map defining the Design Type boundaries as one element of the larger Comprehensive Plan Update Project (CPUP). Planning Commission hearings are expected to take place in Spring 1999, leading to City Council adoption in Summer 1999.		

<i>Title 2, Sections 2.A.1 & 2.A.2</i>	<i>Minimum and maximum parking ratios</i>	<i>December 1999</i>
Zoning Code amendments to establish the required parking minimum and maximum ratios are being developed by the Citywide Parking Ratios Project, and are expected to be presented to the Planning Commission in April, 1999. Necessary code amendments to comply both citywide and in the Central City will be in place by December 1999.		

*Title 2, Sect. 2.B Maximum free surface parking spaces; December 1999
blended rates in mixed-use areas.*

This work is on the same schedule as the parking minimums and maximums of Sections 2.A.1 and 2.A.2.

*Title 2, Sect. 2.C Show that standards other than the December 1999
Regional Parking Ratios Table will be
substantially the same as the Regional
Parking Ratios Table.*

The City is considering use categories and measurement standards other than those in the Regional Parking Ratios Table. Findings to demonstrate that the effect is substantially the same as the Regional Table will be provided upon completion of the legislative projects described above.

*Title 3, all sections Water Quality, Flood Management and Status report due
Fish and Wildlife Conservation June 1999.
Compliance report
due Dec. 1999*

It is not necessary to request an extension for this work, but the City proposes to submit the extension work packages with its Title 3 reports.

*Title 4, all sections Retail in Employment and Industrial June 1999
Areas*

The City Council directed staff to bring forward proposed amendments to the Zoning Code and a re-zoning of part of the Hayden Meadow area in March 1999. The amendments will comply with Title 4, and are expected to be enacted by May 1999. However, the Zoning Code contains regulations for industrial parks which do not comply with Title 4 – a minor discrepancy. These industrial park regulations will be dropped as part of the Land Division Code Rewrite Project, which is currently before the Planning Commission.

Title 6, Sect. 2 Regional Street Design Guidelines December 1999

As part of CPUP, the City is preparing a Comprehensive Plan policy which will require consideration of the Regional Street Design Guidelines when planning for improvements to regional facilities. The policy will also reference “Creating Livable Streets: Street Design for 2040.” Planning Commission hearings are expected to take place in Spring 1999, leading to adoption in Summer 1999.

*Title 6, Sect. 3A Street Connectivity Standards: Design December 1999
Option.*

The Land Division Code Rewrite Project is currently before the Planning Commission, which is preparing a recommendation for adoption by the City Council. The proposal will contain connectivity requirements and a process to adopt master street plans. The proposal also is expected to include an initial Master Street Plan Map for adoption. City Council adoption of the recommended proposal is expected by Summer 1999.

Title 6, Sect. 4A

Alternative Mode Split Analysis and Target.

One year after the RTP is adopted.

Not necessary to request an extension for this work. The City will comply with this requirement by establishing its Transportation System Plan, which is due one year after Regional Transportation Plan (RTP) adoption.



2.D. In addition to the above demonstrations, any city or county request or determination that functional plan policies should not or cannot be incorporated into comprehensive plans shall be subject to the conflict resolution and mediation processes included within the RUGGO, Goal I, provisions prior to the final adoption of inconsistent policies or actions. Final land use decisions of cities and counties inconsistent with functional plan requirements are subject to immediate appeal for violation of the functional plan.

Compliance:

No response or action required.



2.E. Compliance with requirements of this plan shall not require cities or counties to violate federal or state law, including statewide land use goals. Conflicting interpretations of legal requirements may be the subject of a compliance interpretation and conflict resolution under RUGGO Objective 5.3.

Compliance:

No response or action required.



Section 3. Any Comprehensive Plan Change must Comply

3.A. After the effective date of this ordinance, any amendment of a comprehensive plan or implementing ordinance shall be consistent with the requirements of this functional plan. Metro shall assist cities and counties in achieving compliance with all applicable functional plan requirements. Upon request, Metro will review proposed comprehensive plan and implementing ordinances for functional plan compliance prior to city or county adoption.

Compliance:

Portland is in compliance with this provision.

Discussion:

The City's standard procedure for preparing ordinances to adopt amendments to the Comprehensive Plan (including the Comprehensive Plan Map), the Zoning Code, and the Land Division Code, requires that findings must be made that describe how the action is consistent with Functional Plan provisions.



3.B. In addition to any transmittal required by section 2 of this title, in the process of amending any comprehensive plan provision or implementing ordinance, a city or county shall give notice to Metro as required herein. At the same time any notice is given to the director of the Department of Land Conservation and Development pursuant to ORS 197.610 or 197.615, a copy shall be sent to Metro's Executive Officer. In addition to the content of the notice required by ORS 197.610 or 197.615, the notice furnished to Metro should include an analysis demonstrating that the proposed amendments are consistent with this functional plan, if available. If the analysis demonstrating consistency with the functional plan is not included in the initial notice, a report containing the analysis shall be delivered to Metro no later than fourteen (14) days before the city or county conducts a final hearing on the proposed amendment.

Compliance:

The City has established a procedure which complies with this requirement. Metro will be notified of any changes to the Comprehensive Plan or implementing ordinances and will receive an analysis demonstrating that the changes are consistent with the Functional Plan.



Section 4. Compliance Plan Assistance

- A. Any city or county may request of Metro a compliance plan which contains the following:*
- 1. An analysis of the city or county comprehensive plan and implementing ordinances, and what sections require change to comply with the performance standards.*
 - 2. Specific amendments that would bring the city or county into compliance with the requirements of Sections 1 to 8, if necessary.*
- B. Cities and counties must make the request within four months of the effective date of this ordinance. The request shall be signed by the highest elected official of the jurisdiction.*
- C. Metro shall deliver a compliance plan within four months of the request date. The compliance plan shall be a recommendation from the Executive Officer. The compliance plan shall be filed with the Metro Council two weeks before it is transmitted, for possible review and comment.*

Compliance:

The City of Portland did not request a compliance plan from Metro.



Section 5. Functional Plan Interpretation Process

The Metro Council may initiate a functional plan interpretation through whatever procedures it deems appropriate on its own motion with or without an application. After the effective date of this ordinance, Metro shall provide a process for cities and counties required by this functional plan to change their plans to seek interpretations of the requirements of this functional plan. The process shall provide, in addition to other requirements that the Metro Council may establish, (1) the applications must state the specific interpretation requested; (2) the Executive Officer shall seek comment from interested parties, review the application and make an interpretation to the Metro Council; (3) the Executive Officer's interpretation shall be final unless appealed to the Metro Council by the applicant or any citizen or party who presented written comments to the Executive Officer; (4) the Metro Council may also on its own motion review an Executive Officer interpretation before it becomes final.

Compliance:

No response or action required.



Section 6. Citizen Review Process

A citizen who has presented written or oral testimony to a city or county on an issue of application of this functional plan may petition the Metro Council to initiate a functional plan interpretation or conflict resolution action. After hearing the citizen petition and any response from any affected cities and counties, the Metro Council may, as it considers necessary, decide to:

- 1. Interpret the functional plan; or*
- 2. Initiate a functional plan interpretation using the process in Section 5 of this Title; or*
- 3. Initiate the conflict resolution process of RUGGO Objective 5.3 for any apparent or potential inconsistencies between comprehensive plans and this functional plan; or*
- 4. Postpone consideration of the issue to an appropriate time when compliance with a functional plan requirement is scheduled.*

Compliance:

No response or action required.



Section 7. Enforcement

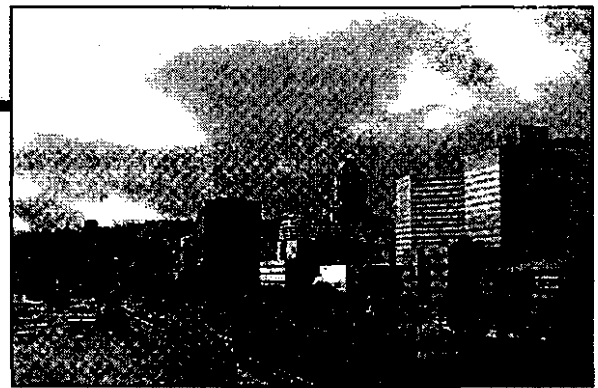
- A. Prior to a final decision to amend a comprehensive plan or implementing ordinance, a city or county determination that a requirement of this functional plan should not or cannot be implemented may be subject to a compliance interpretation and the conflict resolution process provided for in RUGGO, Goal I at the request of the city or county.*
- B. City or county actions to amend a comprehensive plan or implementing ordinance in violation of this functional plan at any time after the effective date of this ordinance shall be subject to appeal or other legal action for violation of a regional functional plan requirement, including but not limited to reduction of regional transportation funding and funding priorities.*
- C. Failure to amend comprehensive plans and implementing ordinances as required by Section 1 of this Title shall be subject to any and all enforcement actions authorized by law.*

Compliance:

No response or action required.



ATTACHMENTS



ATTACHMENT 1

**FLOOD MANAGEMENT AMENDMENTS TO THE
JOHNSON CREEK BASIN PLAN DISTRICT**

EXCERPTED FROM**CHAPTER 33.535
JOHNSON CREEK BASIN PLAN DISTRICT**

(Added by Ord. No. 164472, effective 8/16/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 169763, effective 3/25/96; Ord. No. 170495, effective 8/21/96; Ord. No. 170806, effective 1/17/97; Ord No. 172208, effective 5/13/98.

Johnson Creek Flood Plain Subdistrict Development Standards**33.535.300 Housing Types**

In R3, R2, and R1 zones, allowed housing types are limited to multi-dwelling structures, duplexes, and attached housing. A house is allowed on lots of record that cannot accommodate more than one dwelling unit under the provisions of Section 33.120.205, Density. Adjustments to this Section are prohibited.

33.535.310 Site Development Standards

A. Tree removal. Trees greater than six inches in diameter may be removed only in the following situations:

1. When they are within 10 feet of an existing or proposed building or 5 feet of a paved surface;
2. When they are diseased or pose an immediate danger, as determined by the City Forester or a certified arborist; or
3. When they are below the ordinary high water level of Johnson Creek.

B. Impervious surface. No more than 50 percent of any site may be developed in impervious surface.

C. Stormwater collection. All stormwater originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post-development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

33.535.320 Land Divisions and PUDs

Land divisions and PUDs within the Johnson Creek Flood Risk Area, as indicated on Map 535-1, are prohibited.

ATTACHMENT 2

**LETTER
FROM ELAINE WILKERSON, METRO, TO
DAVID KNOWLES, BUREAU OF PLANNING**

Attachment 2



METRO

RECEIVED
PLANNING BUREAU

1998 JUL 16 P 3:05

*To: (long
Edmond)*

July 15, 1998

Mr. David C. Knowles
Planning Director
City of Portland
1120 S.W. 5th Avenue, Room 1002
Portland, OR 97204

Dear David:

Re: West Hayden Island

The joint request to transfer West Hayden Island unincorporated area from Multnomah County's compliance report to the City of Portland's compliance report can be granted administratively. Your request to reassign capacity targets in Table 1 would have to be done legislatively by the Metro Council.

I believe Metro can accommodate the City/County's request administratively and treat it as a journal entry on a balance sheet permitting the West Hayden Island area to be treated as part of the City of Portland for compliance purposes. The capacity target for dwelling units and jobs for this area would also become part of Portland's target capacity. I understand from the correspondence that the City and County will agree on the target capacities for dwelling units and jobs associated with West Hayden Island.

When you submit your compliance reports, West Hayden Island and its associated capacity and zoning should be addressed in both reports. I suggest that the West Hayden Island arrangement be discussed separate from each jurisdiction's original analysis of its ability to meet Table 1 targets. Just as Portland gains the 'asset of land' and the 'liability' of additional capacity targets, the County will be losing the same asset and liability. This should be reflected in the adjusted capacity analysis.

If you have any questions on this matter, please contact Mary Weber at 797-1735.

Sincerely,

Elaine Wilkerson
Director
Growth Management Services Department

EW/MW/srb
I:\GMMW\wstisl.d.doc

cc: R. Scott Pemble
Mary Weber

ATTACHMENT 3

**CAPACITY CALCULATIONS:
METHODS AND SUPPORTING DATA**

Assumptions Underlying the Housing and Employment Utilization Rates and Housing Capacity Calculations

Assumptions Used to Establish Utilization Rates and Units/Acre For the Zoned Capacity Analysis

General assumptions and decisions:

- The “actual built density” study reviewed the City’s development history in residential zones (R zones) from 1990 to 1995. It determined the percentage of zoned capacity achieved for residential land actually divided or partitioned and developed during that period. (See Title 1, Section 4 of Portland’s February 1999 Compliance Report for more details of this study and its methodology.)
- For R zones (except RX), the calculated capacity table will be set at 80% of actual capacity (rounded to the nearest 0.1 %) unless data from the actual built density study shows a higher percentage. For RX, the calculated capacity will use trending information from pre-applications for units/acre.
- All R zones will use a 100% utilization rate.
- For non-R zones no reduction from the allowed density, as required by Title 1, will be applied. For the non-R zones, the data reflects the actual experience or best estimate and already includes the “underbuild” that may occur in these zones.
- The utilization rate study examined residential development in non-R zones for the period 1990-1996 to estimate the proportion of total development and residential density for each zone in the study. In many cases, the degree of reliability of the utilization rate data is relatively low because of the small sample sizes. The utilization rate will be rounded to the nearest 5% to compensate.
- For CX and EX zones throughout the city, the calculated capacity will combine trending information from pre-applications with the utilization rate study data for units/acre.
- For the EX zone, units/acre were calculated separately for areas inside the Central City Plan District (CCPD) and outside the CCPD.
- The calculated capacity will add 1.8 % of the estimated number of existing single dwelling units and 1.8% of new units calculated for all single dwelling zones to account for expected ADU. . The calculation of the number of existing single-dwelling units was based on Metro’s coverage of existing units in 1994.
- The number of units lying within Portland’s identified redevelopment lands for the Region 2040 design types (11,817 units) was subtracted from the total number of existing units in Portland to give the net figure of single-dwelling units in Portland.

RESIDENTIAL ZONES:

R2.5:

- Based on actual built density, use 100% (rather than the Metro required minimum of 80%) of allowed density as the calculated capacity – 17.4 units per acre.

R5:

- Based on actual built density, use 82% (rather than the Metro required minimum of 80%) of allowed density as the calculated capacity – 7.1 units per acre.

R7:

- Based on actual built density, use 89% (rather than the Metro required minimum of 80%) of allowed density as the calculated capacity – 5.5 units per acre.

R9:

- This is a small area of land annexed from Washington County that does not yet have a Portland zone applied to it.
- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 3.8 units per acre.

R10:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 3.5 units per acre.

R20:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 1.8 units per acre.

RF:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 0.4 units per acre.

R3:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 11.6 units per acre.

R2:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 17.5 units per acre.

R1:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 34.4 units per acre.

RH:

- Calculated capacity is 50% of allowed density to reflect existing minimum density requirements, which are above Metro's required minimum of 30 units/acre - 43.00 units per acre.

RX:

- The calculated capacity will use the pre-application trend of 121 units/acre.

IR:

- The calculated capacity will use the same assumptions as CG and OC - 10% and 31 units/acre. This is a best guess based on an assumption that this zone will behave similarly to these zones where there will be predominately commercial/institutional uses but some residential.

NON-RESIDENTIAL ZONES:

CX:

- Use utilization rate data (rounded) - 20% - for the utilization rate.
- Combine trending information from pre-applications with the Lawson Study data for units/acre - 80 du/acre.

CG:

- Use the utilization rate (rounded) - 10%. (Historically, a 10% utilization rate has been acknowledged by the Oregon Department of Land Conservation and Development (DLCD) and the City's Planning Commission in both the 1980 Comp Plan and the 1989 Periodic Review.)
- Use 31 units/acre based on utilization rate study data.

CS:

- Use the utilization rate study for both rate - 25% and units/acre - 28.

CM:

- Use the utilization rate study for both rate - 80% and units/acre - 16.

CN1:

- Use the utilization rate study for both rate - 75% and units/acre - 20.

CN2:

- Use the utilization rate study for both rate - 45% and units/acre - 8.

CO1:

- Use the utilization rate study for both rate - 70% and units/acre - 14.

CO2:

- Use the utilization rate study for both rate - 50% and units/acre - 18.

EX:

- Examine areas inside CCPD separately from areas outside CCPD to reflect differences in zoning provisions and expected development in River District.
- Combine trending information from pre-applications with the utilization rate data for units/acre. Inside the CCPD – 120; outside CCPD – 94.
- Use the utilization rate study for all EX areas – 45%.

**Assumptions Used to Establish Utilization Rates and Units/Acre
For the Comprehensive Plan Capacity Analysis**General assumptions/decisions:

- The “actual built density” study reviewed the City’s development history in residential zones (R zones) from 1990 to 1995. It determined the percentage of zoned capacity achieved for residential land actually divided or partitioned and developed during that period. (See Title 1, Section 4 of Portland’s February 1999 Compliance Report for more details of this study and its methodology.)
- For R designations (except Central Residential), the calculated capacity table will be set at 80% of actual capacity (rounded to the nearest 0.1 %) unless data from the “actual built density study” show a higher percentage. For RX, the calculated capacity will use trending information from pre-applications for units/acre.
- All R designations will use a 100% utilization rate.
- For non-R designations, no reduction from allowed density, as required by Title 1, will be applied. The study, which examined the non-R zones, reflects the actual experience or best estimate and already includes the “underbuild” that may occur in these zones.
- The utilization rate study examined residential development in non-R zones for the period 1990-1996 to estimate the proportion of total development and residential density for each of the zones in the study. In many cases, the degree of reliability of the utilization rate data is relatively low because of the small sample sizes. The utilization rate will be rounded to the nearest 5% to compensate. For Comprehensive Plan designations that include more than one zone, the data was used to help estimate appropriate utilization rates and units per acre as described below.
- Both the Neighborhood Commercial and Office Commercial designations were developed in the 1991 Zoning Code Rewrite to deal with existing circumstances without creating a lot of non-conforming uses; therefore redevelopment activity will be quite different for the zones that make up these Comp Plan designations.
- For the Central Commercial and Central Employment designations throughout the city, the calculated capacity will combine trend information from pre-applications with the utilization rate data for units/acre.

- For the Central Employment designation, units/acre were calculated separately for areas inside Central City Plan District (CCPD) and areas outside the CCPD.
- The calculated capacity will add 1.8 % of the estimated number of existing single dwelling units and 1.8% of new units calculated for all single dwelling zones to account for expected ADU. . The calculation of the number of existing single-dwelling units was based on Metro's coverage of existing units in 1994.
- The number of units lying within Portland's identified redevelopment lands for the Region 2040 design types (11,817 units) was subtracted from the total number of existing units in Portland to give the net figure of single-dwelling units in Portland.

RESIDENTIAL DESIGNATIONS:

R9:

- This is a small area of land annexed from Washington County that does not yet have a Portland zone applied to it. The zone and Comprehensive Plan Map designation are the same.
- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 3.8 units per acre.

Attached Residential:

- Based on the actual built density study, use 100% (rather than the Metro required minimum of 80%) of allowed density as the calculated capacity – 17.4 units per acre.

High Density Single-Dwelling:

- Based on the actual built density study, use 82% (rather than the Metro required minimum of 80%) of allowed density as the calculated capacity – 7.1 units per acre.

Medium Density Single-Dwelling:

- Based on the actual built density study, use 89% (rather than the Metro required minimum of 80%) of allowed density as the calculated capacity – 5.5 units per acre.

Low Density Single-Dwelling:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 3.5 units per acre.

Limited Single-Dwelling:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 1.8 units per acre.

Farm and Forest:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 0.4 units per acre.

Townhouse Multi-Dwelling:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 11.3 units per acre.

Low Density Multi-Dwelling:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 17.5 units per acre.

Medium Density Multi-Dwelling:

- Calculated capacity is 80% of allowed density to reflect new minimum density requirements – 34.4 units per acre.

High Density Multi-Dwelling:

- Calculated capacity is 50% of allowed density to reflect existing minimum density requirements, which are higher than Metro's required minimum of 30 units/acre – 43.00 units per acre.

Central Residential:

- The calculated capacity will use the pre-application trend of 121 units/acre.

Institutional Residential:

- The calculated capacity will use the same assumptions as CG and OC - 10% and 31 units/acre. This is a best guess based on an assumption that this zone will behave similarly to these zones where there will be predominately commercial/institutional uses but some residential.

NON-RESIDENTIAL DESIGNATIONS:

Central Commercial:

- Use utilization rate study (rounded) - 20% - for the utilization rate.
- Combine trending information from pre-applications with the utilization rate data for units/acre - 80 du/acre.

General Commercial:

- Use the utilization rate study - 7% - and round up to 10%. (Historically, a 10% utilization rate has been acknowledged by DLCD and the Planning Commission in both the 1980 Comp Plan and the 1989 Periodic Review.)
- Use 31 units/acre based on utilization rate study data.

Urban Commercial:

- Use the weighted average of CS and CM for the utilization rate (rounded down) - 40% and units/acre - 27.

Neighborhood Commercial:

- Since CN1 is applied on small, scattered sites that are close to existing residential uses and the market for small commercial sites is low, it is acceptable for a large percentage of these sites to redevelop as residential. This is not expected to have an adverse effect on the employment calculations either. Based on these assumptions and the fact that there is only 9.5 acres of vacant/redevelopable land in this zone the calculated capacity will ignore this zone in setting a utilization rate for NC.
- Use the utilization rate study data for CN2 (rounded up) - 35% - for all NC designated land.
- Use 20 units/acre which is a weighted average of the utilization rate study data in units/acre for both NC zones (CN1=20.5 and CN2=19.9)

Office Commercial:

- Since CO1 is applied on small, scattered site close to existing residential uses and the market for small commercial sites is low; it is acceptable for a large percentage of these sites to redevelop as residential. This is not expected to have an adverse effect on the employment calculations either. Based on this and the fact that there is only 15.8 acres of vacant/redevelopable land in this zone the calculated capacity will ignore this zone in setting a utilization rate for OC.
- Because of the locations of CO2 zoned land, the utilization of this zone for residential uses is likely to behave like CG land; therefore, use the same 10% rate. (As with CG, this was rate was also used and accepted in the Comp Plan Acknowledgment Report and 1989 Periodic Review.)
- For these same reasons, use 31 units/acre.

Central Employment:

- Examine areas inside the Central City separately from areas outside the Central City to reflect differences in zoning provisions and expected development in River District.
- Combine trend information from pre-applications with the utilization rate study data for units/acre. Inside the CCPD - 120; outside CCPD - 94.
- Use the utilization rate study data (rounded) for the utilization rate for all EX areas - 45%.

ATTACHMENT 4

**PUBLIC FACILITIES AND
CAPITAL IMPROVEMENTS PLANNING:
SUPPLEMENTAL DISCUSSION**

Public Facilities and Capital Improvements Planning: Supplemental Discussion

Office of Transportation (PDOT)

PDOT is developing Portland's Transportation System Plan (TSP), which will become part of the Transportation Element of the Comprehensive Plan and replace the current Transportation Public Facilities Plan. Portland's Transportation System Plan will be developed in relation to Metro's Regional Transportation Plan and will be consistent with Metro's 2040 Growth Concept. When it is implemented, the Transportation System Plan will be a primary tool in developing the annual CIP for PDOT. It is expected that the TSP will be completed in December 1999, one year after Metro adopts its Regional Transportation Plan.

At present, PDOT's Capital Improvement Program contains seven program areas: the Bicycle Program; the Facilities Program (increasing productivity in the maintenance of facilities); the Pedestrian Program; the Preservation/Rehabilitation Program; the Street Improvement Program; the Traffic Management Program; and the Transit Program. Within these program areas, PDOT staff develop project proposals which address system deficiencies or correspond to City-sponsored transportation planning projects.

The staff forwards the proposals to an internal CIP committee, which ranks the projects in accordance with the bureau's prioritization criteria. The committee first determines whether the project is consistent with the City's Comprehensive Plan goals and Public Facilities Plan. Next, it assigns equal weight to each of the following prioritization criteria:

- Impact on economic development goal.
- Impact on neighborhood improvement goals.
- Impact on public safety goal.
- Impact on energy and environmental goals.
- Impact on financial stability and public infrastructure goals.
- Impact on pedestrian circulation system goals.
- Impact on the bicycle circulation system goals.

After the projects are ranked, PDOT holds public hearings to solicit citizen comments. Finally, the PDOT management team makes its final recommendations to its Citizens Bureau Advisory Committee and the Commissioner of Public Works.

Although the ranking criteria do not call for explicit consideration of the 2040 Growth Concept, the Transportation System Plan must be consistent with the Regional Transportation Plan. In addition, PDOT's method of developing and prioritizing projects both directly and indirectly addresses development called for in regional plans. For example, the Bicycle, Pedestrian, and Transit programs seek to increase non-automobile travel in the region; the Street

Improvement Program aims to construct, reconstruct, and improve streets ranging from regional trafficways to local neighborhood streets; and the Transit program supports transit-related projects on City rights-of-way.

When PDOT completes its Transportation System Plan and makes it the basis for developing its annual Capital Improvement Program, capital transportation projects will be more thoroughly integrated with regional plans and the Growth Concept.

Bureau of Environmental Services (BES)

As with other bureaus, proposals for capital projects arise from BES staff working in various program areas. BES convenes a bureau-wide stakeholder team to investigate, score, and rank all proposed CIP projects in accordance with identified CIP criteria. In addition, an independent team provides further review and information concerning controversial and lower-ranked projects to ensure that the greatest benefit is achieved for the investment of limited resources. The resulting recommendations are reviewed and adopted by the Bureau Leadership Team.

There are five major program areas within BES's Capital Improvement Program: Sewage Treatment Systems, Maintenance and Reliability Program, Surface Water Management, the Combined Sewer Overflow Program, and the System Development Program. All of these programs affect Portland's ability to accept additional population and employment growth, but the Surface Water Management and System Development programs have the greatest influence on providing adequate infrastructure for land proposed for development. The Surface Water Management program addresses water quality and stream hydrology problems, critical for adequate stormwater drainage. The System Development program provides for expansion of the sewerage collection system, bringing urban-level service to areas within Portland's Urban Services Area.

Proposed projects are ranked using six criteria that are weighted in accordance with their importance to citywide goals. The criteria and their weighting factors are:

- Protection of human health, safety, and property (weighting factor 4).
- Protection of existing capital investment/system reliability (weighting factor 3).
- Regulatory or contractually driven improvements (weighting factor 2).
- Improvements which enhance the environment (weighting factor 1).
- Improvements which reduce bureau costs (weighting factor 1).
- Improvements which accommodate growth and economic development (weighting factor 1).

Although the accommodation of growth is not the most important factor in ranking CIP projects, BES considers the needs of projected growth in the timing and funding of capital projects.

The Planning Bureau meets regularly with BES staff to provide information concerning the Comprehensive Plan, regional planning, growth projections, and other matters bearing on planning for capital projects.

Portland Water Works (Water)

Water's public facility planning addresses needs for water supply, transmission, storage, distribution, and treatment components of the water supply system. Investments in water conservation also require capital and operational planning and investment strategies.

Portland is a member of the Regional Water Providers Consortium, which is responsible for coordinating the implementation of a long-range water supply plan for the Portland metropolitan area. The Consortium is composed of 26 cities and special districts and Metro. The regionally sponsored plan provides regional direction for meeting future water needs to the year 2050. Both the City's Bull Run and Columbia South Shore water systems feature prominently in the region's future water supply picture.

Water is factoring the general information from the Regional Water Supply Plan into its Infrastructure Master Plan (the IMP). The Bureau will use the IMP as the framework for developing future CIP programs. Water's 10-year CIPs fund system improvements and studies that will help define the future capital construction needs of the City's water system. The majority of CIP projects are proposed to address a specific maintenance need or deficiency in the system.

After a project has been identified and defined, and preliminary cost and time estimates have been prepared, a bureau-wide committee reviews projects and makes selections for further consideration.

First, all mandatory projects are selected for funding; the mandatory status indicates that these projects are required to be funded by existing contract, law, or regulation. Next, the remaining projects are ranked according to seven "needs" identified by the Water Bureau using weighted prioritization criteria:

- Preserve and maintain public health (weighting factor 5).
- Promote public and employee safety (weighting factor 4).
- Maintain water-system assets (weighting factor 4).
- Meet environmental and conservation goals (weighting factor 3)
- Maintain economic viability of water system and region's economy (weighting factor 3)
- Responding to growth needs (weighting factor 3)
- Fair and equitable provision of water service (weighting factor 2)

This method of developing and ranking capital improvement projects directly and indirectly supports the 2040 Growth Concept, although it is not explicitly mentioned in the prioritization criteria. For example, "responding to growth needs" directly addresses plans for increases in housing and jobs. "Fair and equitable provision," "economic viability," and "maintain water system assets" criteria address City and regional goals and thus indirectly respond to the effects of projected growth.

Review of Public Facilities Capacities

The Bureau of Planning (BOP) holds periodic meetings with other bureaus to integrate their infrastructure planning with Portland's overall plan for its allocated portion of regional growth. BOP has been able to ensure that the numerical projections used in developing infrastructure plans are in accordance with the City's zoning and Comprehensive Plan designations.

BOP is also working with OFA to complete the TGM-funded study noted in the body of the report. When complete, this study will provide the basis for developing comprehensive information on current services and facilities, projected needs, costs, and funding strategies that will allow for improved public facilities planning. Using this study, the City will be able to do an even better job of assuring the timely provision of public facilities.

ATTACHMENT 5

**TITLE 1, SECTION 5.C.4:
SUPPLEMENTAL DISCUSSION**

TABLES 266-1 AND 266-2

Title 1, Section 5.C.4: Supplemental Discussion

Proposed Tree Replacement and Planting Concept

In early June 1998, the City Planning Commission approved a Tree Preservation and Planting Concept. Code language based on the concept is expected to go back before the Planning Commission again in February 1999, and before City Council in April 1999 (under the title "Tree Canopy Preservation").

The goal is to preserve, restore and enhance the urban tree canopy as new development occurs. It is primarily aimed at new residential development, and the standards are met by one or more of a combination of the following: preserving existing trees, planting new trees, or paying into a tree planting fund. The proposal is to:

- Establish minimum requirements for planting new trees or preserving existing trees, based upon lot size, zone, and development type. Single-dwelling residential development in single- or multi-dwelling zones would be required to plant or preserve 2 caliper inches of tree per 1,000 square feet of site area. Where lots are smaller than 3,000 square feet in either residential or commercial zones, 3 caliper inches must be planted.
- Accommodate constrained sites or construction preferences by allowing property owners to pay into a fund on a per caliper inch basis for all or part of the unmet requirement.
- Require that trees to be preserved be in good condition and establish measures to be taken to protect all trees to be preserved from damage during construction.
- Make the tree caliper inch size standard conform to existing street tree requirements.
- Prohibit adjustments to the tree standards, add new definitions, and establish exceptions for sites which are 100 percent covered by buildings (in appropriate zones).

The proposed tree replacement and planting code amendments will have no effect on calculated housing or job capacities, due to the flexibility built into the proposal. Development will not be prevented or hindered by requirements to preserve any particular specimens. Developers can choose which trees to preserve, if any, and where to plant any new replacement trees. Tree planting can be avoided entirely or partially by paying into a City street tree fund. The result is that the proposed requirements will not affect the quantity of developable land, and thus will have no effect on calculated capacities.

Environmental Overlay Zoning

Portland's environmental overlay zoning does not reduce the City's calculated housing and job capacities.

Two environmental overlay zones provide differing levels of protection to environmental resources and functional values:

- The Environmental Protection Zone (the "protection" or "p" zone) provides the highest level of protection for identified significant sites: development will be approved in the p zone only in rare and unusual circumstances.
- The Environmental Conservation Zone (the "conservation" or "c" zone) allows environmentally sensitive urban development if approval criteria are satisfied during a land use review.

According to Metro's Urban Growth Report, all lands within either 50-foot or 200-foot buffer zones of identified waterways and wetlands are considered unbuildable. Currently, under the Portland Zoning Code, only lands within the environmental protection zone are considered unbuildable.

A survey of the City's land area coverage, available on the City's GIS, revealed that approximately 9,790 acres in Portland are p-zoned, with about half of this acreage located within parks (Forest Park alone contains nearly 4,000 acres of environmental protection zone). The remainder lies mainly in or near riparian corridors, wetlands, and significant habitat areas — areas already eliminated from Metro's regional buildable lands inventory, and thus not used in calculating target capacities.

The remainder of environmentally zoned land in Portland lies in conservation zones, where development that is carefully designed to be sensitive to the site's resources may be approved. Conservation zones may allow some development for the following reasons:

- Some disturbance is allowed in the transition area (which buffers the resource area) and, under some circumstances, in the resource area.
- Environmental review may allow modification of environmental zone boundaries based on more detailed study.
- Environmental review may allow development in conservation zones if there is no other reasonable option and it can be shown to minimize the loss of environmental resources or values.
- For most lots affected by environmental zones, part of the lot lies outside the zone. Development is still possible in the non-environmentally zoned part of each lot.
- Required building setbacks can be reduced on lots with environmental zoning, allowing development to avoid sensitive areas on the affected lot.
- In some areas, transferable development rights exist, which allow an affected lot's density to be transferred to another lot, thus preventing the net loss of development.

- Proposed amendments to the Land Division Code will allow clustering, which will permit development to achieve base zone densities without affecting land protected by environmental zones (described in more detail in Section 5.C.5 of this Report).

Work Task 1.2 of Portland's Comprehensive Plan Periodic Review of December, 1996, found that the environmental conservation zone overlay had not caused any reduction in development of housing units in affected areas during the study years (1991-96). Of 273 environmental reviews conducted during that period, only one proposal was denied based solely on environmental review criteria — and that property was later sold and developed to the density allowed by the base zone. Conservation zones are expected to continue to allow environmentally sensitive development in accordance with base zones.

In summary, development to the base zone's density is still possible in areas affected by the conservation zone, and on many lots lying partially within the protection zone. Because of the facts explained above, there is no net reduction in housing or job capacities due to Portland's environmental zoning.

Greenway Overlay Zone

Portland's Greenway Overlay Zone, implementing the Willamette River Greenway within the City, does not reduce the City's calculated job and housing capacities.

The Greenway Overlay Zone is defined in Chapter 33.440 of the Zoning Code, and the Willamette River Greenway Plan boundary is established on the City's Official Zoning Maps. The width of the zone as shown on the City's zoning maps is variable — ranging from less than 100 feet to over 2000 feet from the riverbank. It includes four designations, each with its own function and purpose:

- The River Natural zone protects, conserves, and enhances land with scenic quality or with significant importance as wildlife habitat.
- The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.
- The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.
- The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

According to the Portland Zoning Code, except in the River Recreational and River Industrial zones, the Greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as conditional uses. In the River Recreational zone, primary uses are limited to river-dependent or river-related recreational uses. On river frontage lots in the River Industrial zone, primary uses that are not river-dependent or river-related must go through Greenway review to receive approval. For approval to be granted, the site must be found unsuitable for river-dependent or river-related uses.

Development standards in Greenway zones that could potentially reduce the housing or job capacities of the affected land include:

- Greenway setback. The setback extends 25 feet landward from the top of the riverbank. Riverward from the setback's outer limit, Greenway Review and a Greenway Goal Exception are required for development or fill that is not river-related or river-dependent. Riverward of the setback's inner limit, all development requires Greenway review.
- Floor area ratio (FAR). The FAR is limited to 2:1 for the first 200 feet inland, measured from the ordinary high water line, except when:
 - the site's FAR is already more restrictive;
 - the site is in the Central City Plan District; or,
 - the use is an industrial use in an industrial base zone.
- View corridors. View corridors are generally public rights-of-way that afford a view of the Willamette River. Identified view corridors are to be preserved by protecting rights-of-way from being vacated; preventing placement of buildings, structures and other features to block the view; and by using landscaping to enhance the view.

The Portland Zoning Code establishes procedures and criteria for Greenway review and the granting of exceptions to Statewide Planning Goal 15 — Willamette Greenway. The Code states that the Greenway Review will ensure that proposed site changes will be consistent with the Willamette Greenway Plan and design guidelines.

The Greenway zones generally do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use, with the exception that in some areas only river-dependent or river-related uses are to be allowed by right. Greenway Review may allow non-river-dependent or non-river-related uses in these areas. Development is not prevented in appropriate zones. Instead, it is oriented toward the river and its resources.

The restriction on FARs within the first 200 feet of the Greenway Setback should not reduce calculated housing or jobs capacities as it does not apply to land within the Central City Plan District or to industrial land, which includes most of the land likely to be developed with multi-story buildings. The view corridor restrictions apply only to identified existing public rights-of-way and land lying between the river and these rights-of-way. The extent of these corridors is not expected to prevent development to the standards of the underlying base zone.

Because job and housing capacities are calculated using base zoning or comprehensive plan designations, the restrictions established by Greenway overlay zoning should have no significant net effect on calculated capacities.

Scenic Resource Zone

Portland's Scenic Resource Zone Overlay does not reduce the City's calculated job and housing capacities.

The Scenic Resource zone is intended to protect significant identified scenic resources in the City. The zone functions by establishing height limits within view corridors to protect significant views, and by establishing additional landscaping and screening standards to protect identified scenic resources. It establishes two principal scenic resource categories:

- View corridors are identified in the City's Scenic Resources Protection Plan. All development, with the exception of public safety facilities, is subject to the height limits of the base zone, unless a more restrictive limit is established by the view corridor.
- Scenic corridors are also identified in the Scenic Resources Protection Plan. Development standards include a limit on blank facades and maximum building length, additional landscaping standards, and special street and side building setback provisions.

The Scenic Resources Protection Plan, adopted by City Council in May, 1991, identifies 88 view corridors and scenic viewpoints in the City. Of these, 19 view corridors establish height restrictions. Of the 19 view corridors with height restrictions, seven look across industrial areas or railroad yards, two look from roads near riverbanks across the adjacent river, two look along transportation corridors, and the remaining eight are in the Central City downtown area.

Both scenic and view corridors are subject to the density standards of the base zone, as expressed by FAR or other measure. Therefore, the principal control on job or housing capacities is the base zone, not the presence of view or scenic corridors. The scenic corridors place restrictions on wall length, setbacks, and landscaping, which have no direct effect on achieved densities.

View corridors may impose a more restrictive height limit than the base zone allows, which could reduce the developed density of an affected area. During development of the Scenic Resources Protection Plan, zoning, height restrictions, and land uses were evaluated corridor-by-corridor for a Goal 5 Economic, Social, Environmental, and Energy (ESEE) analysis. The ESEE analysis determined that there would be no loss in potential floor area in the then-proposed scenic corridors.

Flood Management Amendments to the Johnson Creek Basin Plan District

On April 29, 1998, the City Council adopted certain amendments to the Johnson Creek Plan District (Attachment 1). These amendments will not result in a reduction in housing capacity.

The adopted amendments are:

- Restrictions on redevelopment within the Federal Emergency Management Agency (FEMA) Floodway, the channel necessary to pass the 100-year flood event. Building footprint expansion or alterations exceeding 50 percent of assessed value would be prohibited.
- Creation of a Flood Risk Area. The Flood Risk Area is equivalent to the 5-year floodplain, and is an area subject to frequent flooding.
- Prohibition on land divisions and Planned Unit Developments within the Flood Risk Area. No further land division or PUD development would be allowed within the Flood Risk Area.

The prohibition on further land divisions within the Flood Risk Area and the restrictions on redevelopment in the FEMA Floodway will prevent infill development and redevelopment in these areas. However, the lands affected by the plan amendments (located either in the floodway or the 5-year floodplain) have already been removed from the buildable lands inventory. Since the affected areas are not considered "buildable," these amendments will have no effect on calculated capacities. See the Johnson Creek Plan District regulations, Portland Zoning Code, Chapter 33.535 (Appendix A).

There is already a provision for transferable development rights (TDRs) in the Johnson Creek Basin Plan District which may serve to slightly increase the City's calculated housing capacity. The TDRs allow mitigation of some lost housing potential if certain conditions are met (sending sites must be at least 50 percent within the Environmental Protection overlay zone, the receiving site must be developed as a PUD, etc.).

ATTACHMENT 6

**TITLE 1, SECTION 5.C.5:
SUPPLEMENTAL DISCUSSION**

Title 1, Section 5.C.5: Supplemental Discussion

Bio-swales, storm water retention, and other storm water management facilities.

The dedication of areas to stormwater management facilities will not have a significant effect on Portland's housing or job capacities, based upon the following facts.

In July 1997, the City Council adopted the recommendations of the Stormwater Policy Advisory Committee (SPAC) that stormwater be managed as close as possible to the site where it is generated and that it be managed in a manner which will maintain or improve upon the pre-development runoff quality and quantity. SPAC's recommendations, which focus on new development and redevelopment, also include water quality and quantity performance standards.

Stormwater from new or certain redevelopment sites is to be managed on-site unless special circumstances exist which make off-site management of all or some of the generated stormwater necessary. Special circumstances include certain soil types, landslide risk, likely contamination of groundwater, certain zoning or *Comprehensive Plan* designations, and other factors that make on-site management of stormwater impracticable. Where on-site stormwater management is not feasible, off-site management or payment of an in-lieu fee will be required.

BES, in consultation with other bureaus and members of the public, is in the final stages of developing a Stormwater Manual to define approved practices and measures for stormwater quality and quantity management and implement SPAC policies.

The approved practices will include facilities such as sumps, sand filters, and underground vaults, as well such as wet ponds, bio-swales, and wetlands. There will be no requirement to use any particular method; methods may be adopted to meet site requirements, but must be sized, designed and constructed in accordance with Stormwater Manual specifications.

Based on engineering models of stormwater quality catchments for sediment removal, BES staff estimates that in Portland, on-surface stormwater management features (including bio-swales and other "natural" measures) will typically require no more than five percent of the surface area of a developed site. In this context, "site" includes all the land affected by development. It could be a single lot or an entire subdivision development. The estimated five percent of site area is a maximum estimate, based on an above-surface facility.

This five percent requirement implies that for many individual lots, the surface stormwater management facility will fit into existing landscaped areas. For larger residential developments where consolidated facilities, such as wet ponds, are desirable, up to one lot in 20 may have to be devoted to stormwater management. Planned unit developments (PUDs) allow the clustering of lots

necessary to avoid any loss of overall development capacity. Portland's Land Division Code (Title 34) is currently being rewritten, and concepts now under discussion allow PUD-like clustering and dedication of open space for subdivisions of land. If implemented, this concept will allow development to base-zone density even where land must be devoted to stormwater management. A more detailed discussion of the upcoming Land Division Code rewrite and its effect on development capacities is presented in the next section of this discussion (part B – Open Space).

Stormwater management policies for existing development have not yet been formulated. Although on-site stormwater management will be preferred, many "regional" stormwater management facilities are needed. BES is developing plans for these facilities. New public stormwater facilities will be established in areas of the city where infrastructure is inadequate, and these facilities will generally occupy land in or near stream channels. Many of these facilities will be located in riparian areas, which are already removed from the buildable lands inventory.

Based upon development review experience at the City, development standards in most zones effectively set aside sufficient land to allow for stormwater management. Although this land is currently devoted to landscaping or "outdoor area," it is possible for a portion of the available land to be used for on-site surface stormwater management facilities. For example, the yard of a single-family detached house can be landscaped to provide stormwater management benefits, while adequate bio-swales or other features can be placed in the landscaped areas of many parking lots.

In higher density zones, building or paving may cover up to 100 percent of the lot. Even in such situations, on-site stormwater management is possible by means of surface drainage filters, underground vaults, and other similar facilities. Where circumstance forces the development of off-site facilities, or where regional facilities are developed to handle runoff from multiple properties, such facilities will generally be placed in or near existing riparian areas. Because most of these riparian areas are often already constrained from development, the land used for off-site stormwater management is not expected to significantly reduce the City's housing and job capacities.

The following list of Portland Zoning Code development standards is provided as further evidence to show that most zones limit building coverage, require open space, or provide for landscaped areas that allow adequate room for placement of on-site stormwater management facilities, in most circumstances. See Appendix A to refer to the specific information.

- Development Standards in Single-Dwelling zones: Table 110-3. For example, maximum building coverage ranges from ten percent up to 50 percent.
- Development Standards in Multi-Dwelling zones: Table 120-3. For example, required minimum landscaped area ranges from 15 percent up to 35 percent, except in the RX zone, where there is no minimum.

- Development Standards in Commercial zones: Table 130-3. For example, maximum building coverage ranges from 50 percent up to 85 percent, except in the CX zone, where there is no limit.
- Development Standards in Employment and Industrial zones reflect some of the most intensive use of land within the City's urban areas. Generally, development costs for underground facilities and other more expensive options are offset by the revenues generated by the development in the higher density, more intensively used zones. About half of these zones have a maximum building coverage of 85 percent and a minimum landscaped area of 15 percent. The Central Employment (EX), General Industrial 1 (IG1) and Heavy Industrial (IH) zones have no limits on building coverage. See Table 140-4.
- Section 33.266.130 contains development standards for interior landscaping of parking areas for multi-family dwellings and non-residential uses. These areas can be used as on-site surface stormwater management facilities in some instances. All surface parking areas with more than 10 spaces must provide interior landscaping from one of the two, or from a mix of the two options shown below, and, in addition, must also meet minimum perimeter landscaping area widths (5-10 feet, depending upon the zone). All landscaping must also comply with the standards of Chapter 33.248, Landscaping and Screening.
 - 1) Option 1. Interior landscaping must be provided at the rate of 20 square feet per stall. At least one tree must be planted for every 200 square feet of landscaped area. Ground cover plants must completely cover the remainder of the landscaped area.
 - 2) Option 2. One tree must be provided for every four parking spaces. If surrounded by cement, the tree planting area must have a minimum dimension of 4 ft. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 ft.

Open Space Dedications, other Local Code Requirements

The proposed requirements and allowances for open space dedications will not have a significant effect on Portland's calculated job or housing capacities, based on the following facts. A comprehensive review of Portland's Zoning and Land Division Codes has not revealed any other code requirements that appear likely to affect the City's job or housing capacities.

At present, there are no requirements for open space dedications in Portland's Land Division Code (Title 34) or Zoning Code (Appendix A) except in Planned Unit Developments (PUDs, Chapter 33.269 of the Zoning Code). In residential PUDs, at least 40 percent of the area not devoted to streets must be used for open areas. Half of this open space area must be in common ownership. In non-residential PUDs, at least 20 percent of the non-street area must be open space, and half of that amount must be placed under common ownership. PUD density (and thus housing or job capacities) is determined by the base zone; clustering of buildings allows the overall densities to be achieved.

Title 34 is currently being rewritten, with adoption by the City Council expected to occur by February 1999. Proposals are being considered which will both broaden opportunities and create some new requirements for open space dedications. Specifically, these proposed amendments include:

- Creation of lots in landslide and flood-hazard areas will be discouraged. Transfer of development rights (where allowed) and clustering could be used to achieve minimum density requirements on affected sites. Dedication of landslide or flood-hazard areas as open space will be encouraged.
- Creation of lots in the floodway would be prohibited; floodways would be required to be entirely within common open space tracts. This will not affect the ability to meet housing capacities because flood-hazard areas have already been deducted from the buildable lands inventory.
- For sites with environmental zoning, all of the non-disturbance area would be required to be entirely within common open space tracts.
- For sites with environmental zoning, landslide, or flood-hazard constraints, minimum density would be based on gross site area minus the area in the e-zone, landslide or flood-hazard areas. This will also not affect the City's ability to meet housing capacities because these kinds of constrained lands have already been deducted from the City's buildable lands inventory on which the capacities are based.
- Exceptions to minimum density may be allowed where there are steep slopes (25 percent or more), access limitations, or other physical constraints. In addition, minimum density may be reduced where a stormwater or street dedication requirement results in the need for lot size adjustments in order to meet minimum density. We have already provided a determination regarding stormwater facilities requirements (see preceding stormwater discussion).
- As is currently allowed through a PUD or cluster subdivision, lots that are smaller than current base zone requirements may be created. This option to cluster small lots may result in the creation of common open space tracts, and allows base zone densities to be achieved in spite of open space dedication.

As mentioned above, in flood hazard and landslide hazard areas, land devoted to open space does not contribute to Portland's calculated housing or job capacities. Flood hazard areas and land with slopes steeper than 15 percent have already been deducted from the inventory of buildable lands on which the capacities are based. In addition, clustering and transfer of development rights will mitigate the effect of open space dedications on such lands.

It is impossible at this time to determine the specific net effect of the mitigation Citywide, taking into account all possible scenarios. It is also impossible to predict the number and scope of exemption requests from minimum density standards that may be made in order to divide physically constrained land for development. However, the effects have been comprehensively considered here, and the recent and up-coming code amendments are designed to provide adequate flexibility, tradeoffs and options to address a diverse set of circumstances. As mentioned, the majority of sites for which physical constraints are present (steep slopes, wetlands, flood risk areas, etc.) are already removed from the buildable lands inventory. It is expected that, with the Zoning Code provisions and the new Land Division Code's provisions, there will be no significant net effect upon the required housing capacities.

Where other factors lead to dedication of open space, the proposed amendments to the Land Division Code will allow clustering, which will offset the open space and maintain the housing capacity of the area, consistent with the underlying base zone minimum density standard.