

Code Maintenance 2003

Amendments to Title 33 Planning and Zoning

City Council Adopted Report

**Amendments Adopted by Ordinance # 177422
Effective June 7, 2003**

**Amendment Adopted by Ordinance # 177404
Effective July 1, 2003**



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April 30, 2003

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Section I

Project Summary

On October 16, 2002, the Portland City Council passed a resolution adopting a list of approximately 55 Zoning Code amendments to be considered in the FY2002-2003 Code Maintenance package. This list was adopted as part of the City's annual Regulatory Improvement Work Plan, which seeks to address land use and building code regulations that conflict, are overly complex, duplicative, or produce unintended results. The list reflects input from 120 individuals, including focus groups consisting of neighborhood advocates, environmental advocates, developers, environmental and land use planners, small business owners, and City staff.

The amendments included in the Code Maintenance 2003 package are intended to further certain objectives of the Regulatory Improvement Work Plan, which seeks consistency and correctness of land use regulations implemented by City bureaus. Specifically, these amendments are intended to improve clarity and implementation of the City's Zoning Code without changing basic policy or intent of the regulations. Several amendments with minor policy implications are also included. It was determined that in these cases, the significance of the policy change would be low, while the benefit of the change in the daily administration of the Code would be high.

City Council Actions.

- Adopted this report;
- Amended Title 33 (Planning and Zoning), and Title 1 (General Provisions), as identified in this report;
- Adopted the commentary on Code Maintenance 2003, included in this report, as legislative intent and further findings;
- Adopted Ordinance # 177422, which established an effective date of June 7, 2003, for amendments in this report, with the exception of the hazardous substance amendments in Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to Hazardous Substances Review in the List of Chapters and Table of Contents; and
- Adopted Ordinance #177404, which established an effective date of July 1, 2003, for hazardous substance amendments in this report in Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to Hazardous Substances Review in the List of Chapters and Table of Contents.

Section II Background

Why undertake Code Maintenance 2003?

Code Maintenance 2003 is part of a continuing effort to improve the clarity and structure of the Portland Zoning Code. It consists primarily of technical amendments intended to correct and clarify the Zoning Code in order to improve its administration, without changing basic policy or intent. It is one of three amendment packages that make up the City's annual Regulatory Code Improvement List (ReCIL), which was adopted by City Council in October 2002. The ReCIL is the core of the Regulatory Improvement Work Plan, which seeks to build an effective process of continuous improvement to Portland's land use and building regulations, regulatory-related procedures, costs, and customer service. In adopting the ReCIL, City Council directed the Bureau of Development Services to bring to the Planning Commission proposed Code improvements that address issues identified on the Code Maintenance ReCIL list. The Planning Commission was directed to submit a recommendation report to City Council by April 2003.

What is the source of the amendments contained in Code Maintenance 2003?

The amendments in this package have been suggested by a range of interested stakeholders, including neighborhood advocates, Development Services customers, small business owners, environmental advocates, land use consultants, City staff from the Bureau of Development Services, Bureau of Planning, and other service agencies. In developing the annual ReCIL, a series of focus groups were assembled in the fall of 2002 to request feedback on what amendments to consider for the FY 2002-2003 package. Based on input from more than 120 stakeholders, a list of amendments was drafted. This draft list was widely circulated and available for review on the Bureau of Development Services' website. Following further modifications, the list was adopted by City Council in October 2002.

How were the amendments contained in Code Maintenance 2003 selected?

The amendments were selected largely as a result of public input from the stakeholders identified above. Stakeholders were asked to prioritize suggested amendments, and to consider such factors as conflict of regulations within the Zoning Code, and with regulations in other City and State codes; clarifying disjointed language that makes understanding and implementing the regulation difficult; opportunities to simplify overly complex regulations while still achieving the intended purpose of the regulation; and identifying regulations in the Zoning Code that

duplicate those in other City codes, and which are more appropriately administered by other bureaus. Additionally, amendments were required to meet the following objectives:

- The amendment request improves clarity of the Zoning Code without changing the intent behind the specific regulation in question, and clarifies wording that may be open to interpretation;
- The amendment request addresses ongoing problems with administration of existing Code language, and may result in a minor policy change with low significance; and
- The amendment request will help implement the City's Comprehensive Plan, and be consistent with existing Policies and Objectives of that plan.

A table that summarizes the issues related to amendments in Code Maintenance 2003, and identifies which category each amendment is located, is included in the appendix of this report. Section III of this report summarizes amendments included in the "minor policy" category.

Section III

Summary of Minor Policy Amendments

The following table summarizes the policy implications of the amendments that are identified as minor policy:

Summary of Minor Policy Amendments to Title 33, Planning and Zoning

Page	Regulation Code Section	Amendment Summary	Justification
28	Side Setbacks 33.110.220	In the R7, R5 and R2.5 zones, allow a reduction in the minimum building setback between existing development and a side lot line along a proposed right-of-way or tract from 5 feet to 3 feet, when proposed as part of a land division.	In order to meet new land division standards, such as requiring shared stormwater facilities, resource protection areas, and tree preservation plans to be located in platted tracts, it is often necessary to reduce side setbacks for existing structures when processing land division applications. Currently, such reductions require an Adjustment Review, and are customarily approved. Requiring an adjustment to the current setback standard can increase the review procedure from a Type I to a Type IIX, with a pre-application conference requirement.
38 56	Required Landscaping for Electrical Substations 33.110.245.C.6 33.120.275.C.5	Exempt electrical substations located in fully enclosed buildings from the L3 perimeter landscape requirement.	The intent of the existing standard is to screen open-air structures and equipment related to electrical substations. For substations that are fully enclosed within a building, as are those built as part of the Interstate MAX project, the equipment and structures are already fully screened. As a Basic Utility, electrical substations will still be subject to a Conditional Use Review, which requires that the facility be fully compatible with adjacent residential uses based on building scale and style, setbacks and landscaping.

Page	Regulation Code Section	Amendment Summary	Justification
40 56	Accessory structures 33.110.250.B2 33.120.280.B.2	Allow existing accessory structures to remain on a newly platted lot without a primary structure for a limited time.	This situation is often created as part of land division proposals that involve existing development. Adjustments to allow accessory structures to remain for a limited time are customarily approved.
50 126	Minimum Required Landscaping 33.120.235 33.130.225	Exempt houses, attached houses and duplexes from the minimum landscape requirements of the Multi-Dwelling and Commercial zones.	The landscape standards in Multi-Dwelling and Commercial zones were intended for multi-dwelling and commercial development. With this amendment, houses, attached houses and duplexes will be subject to the landscape standards that apply to similar development in Single-Dwelling zones. The landscape requirement more appropriately will be based on development type as opposed to the zone in which the development is located.
150	Community Design Standards: Red brick in Mississippi Avenue Conservation District 33.218.140.O.8 33.218.150.K.7	Delete requirement that street-facing facades in the Mississippi Conservation District must be red brick or a combination of block and red brick.	This amendment was requested by the Mississippi Historic District Target Area. Brick facades represent a small minority of buildings in this district, with wood being the predominant material. The red brick requirement is not <i>preserving</i> a predominant historic quality, but instead is <i>creating</i> a character that is not consistent with the Avenue's historic development.
152	Convenience Stores 33.219	Process applications for convenience stores through a building permit rather than a land use review.	The amendment recognizes that the current Convenience Store Review, processed as a Type II land use review, involves little discretion, and instead consists of confirming that the applicant has met stated submittal requirements. The amendment does not affect the fundamental purpose of the Convenience Store Review, which is to establish early contact between the applicant and affected neighborhood, and to develop and maintain a Good Neighbor Plan.

Page	Regulation Code Section	Amendment Summary	Justification
166	Nonconforming Development 33.258.070.D.2	Exempt from the \$100,000 nonconforming upgrade threshold the cost of improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality), and the Stormwater Management Manual.	The amendment removes disincentives for stormwater retrofits to existing development by exempting the costs of such improvements from the \$100,000 threshold. The amendment is supportive of the Stormwater Advisory Committee recommendations to provide incentives for stormwater retrofits.
174	Minimum/Maximum Parking Ratios for Religious Institutions 33.266.110	Allow minimum and maximum parking ratios for religious institutions to be determined as part of the Conditional Use Review.	The minimum and maximum parking ratios for religious institutions is based on the size of the main assembly area. The amendment recognizes that in today's religious institutions, the main assembly space represents only one of many spaces and activities occurring on-site. The amendment allows flexibility in establishing a minimum/maximum parking ratio suited to the particular proposal. The amendment reflects the way in which minimum and maximum parking ratios are established for a variety of other conditional uses.
184	Loading Standards: Forward ingress/egress 33.266.310.D	Exempt some sites in the Central City plan district from the requirement that loading facilities be designed to allow vehicles to enter and exit the site in a forward motion.	The amendment provides greater flexibility in building and site design for development in the Central City plan district, while still recognizing the intent of the standard to facilitate the flow of on-street traffic (for vehicles, bikes and pedestrians).

Page	Regulation Code Section	Amendment Summary	Justification
188	Cascade Station/PIC Plan District: On-Site Containment/ Uses Involving Hazardous Substances 33.508.050 33.508.110	Delete references to on-site containment of hazardous substances, and uses involving hazardous substances.	The Bureau of Water Works has drafted an amendment to Title 21 (Water), which gives the Bureau of Water Works the authority to designate wellhead protection areas, including those in the Columbia South Shore area. This authority allows the Bureau of Water Works to set standards for the storage, handling, containment, use and transportation of hazardous materials. With the new authority, existing regulations in Title 33 regarding hazardous materials in the Columbia South Shore area are redundant, and in some cases, will conflict with more specific measures proposed through Chapter 21.35.
216	Columbia South Shore Plan District 33.515.030 33.515.100		
194	Cascade Station/PIC Plan District: Environmental review exemptions 33.508.314	Allow in environmental zones the removal of trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist.	The new language is taken directly from the list of exemptions currently included in Chapter 33.430 (Environmental Zones). This exemption has been applied in environmental overlays outside the CS/PIC and Columbia South Shore plan districts since 1994.
194	Cascade Station/PIC Plan District: Pre-application Requirements 33.508.340.C	Remove the pre-application conference requirement for Type II environmental reviews.	Pre-application conferences are typically required only for Type III reviews. The CS/PIC plan district environmental regulations mimic those in the Columbia South Shore plan district. In 2001, the pre-application conference requirement for Type II environmental reviews in the Columbia South Shore plan district was deleted.

Page	Regulation Code Section	Amendment Summary	Justification
200	Central City Plan District: Central City Parking Review Five Year Renewal 33.510.263.G.4 33.510.263.K.6 33.510.264.F.4 33.510.265.F.4 33.510.267.F.4 33.808.200	Delete the Type III Central City Parking Review (CCPR) five-year renewal requirement for surface parking lots.	The approval criteria for the five-year renewal of a CCPR are limited to demonstrating that the surface parking lot is in compliance with all previous approved plans, conditions of approval, and applicable provisions of the Zoning Code. These criteria address enforcement issues, which are handled by BDS Code Compliance Division.
222	Columbia South Shore Plan District: Environmental review exemptions 33.515.274	Allow in environmental zones the removal of trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist.	The new language is taken directly from the list of exemptions currently included in Chapter 33.430 (Environmental Zones). This exemption has been applied in environmental overlays outside the Columbia South Shore and Cascade Station/Portland International Center plan districts since 1994.
244	Land Divisions of Mobile Home Parks 33.642 33.670	Allow owners of existing mobile home parks to divide their land without being subject to the land division regulations that apply to other land divisions.	These two chapters are being added to comply with ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park). The intent of the ORS provision is to allow owners of individual mobile homes the opportunity to acquire ownership of the lot where their dwelling unit is located.
272	Conditional Uses: Review procedures 33.815.040.B	Exempt development of on-site pedestrian circulation systems from Conditional Use Review.	A variety of improvements are already exempt from Conditional Use Review. The amendment adds to this list on-site pedestrian circulation systems.

Page	Regulation Code Section	Amendment Summary	Justification
276	Conditional Use Master Plans: Amendments 33.820.090.A	Allow reductions in approved master plan boundaries to be processed as a Type II amendment instead of a Type III.	The amendment makes a distinction between a modification that expands the master plan boundary and one that reduces the boundary. Modifications that are limited to a reduction in the boundary, where the reduction does not affect any previous conditions of approval or bring the site out of conformance with a required development standard, would be processed as a Type II amendment to the master plan.
278	Excavations and Fills Review 33.830	Delete the requirement that excavation and fill activities be reviewed through a Type II land use review procedure.	Excavation and fill activities are already regulated in greater detail by existing City codes outside Title 33, including Title 10 (Erosion and Sediment Control Regulations) and Title 24 (Building Regulations). These other Codes are implemented by staff with more expertise than land use planners in assessing the impacts of excavation and fill activities.
284	Hazardous Substances Review 33.840	Delete the requirement that the use, storage and handling of identified hazardous substances be reviewed through a Type II land use review procedure.	The use, storage and handling of hazardous substances are regulated to a greater degree by a variety of federal, state and local regulations. In Portland, the Fire Bureau is the principal agency responsible for regulating the use, storage and handling of hazardous substances, primarily through the Uniform Fire Code and Title 31 (Fire Regulations). The Fire Bureau has both the regulations and expertise to evaluate safety issues related to hazardous substances.

Page	Regulation Code Section	Amendment Summary	Justification
288 302	Corrections to the Official Zoning Maps 33.855.070 Title1 (General Provisions)	Allow the Planning Director to make technical corrections to maps in Title 33.	The amendment to 33.855.070, with a companion amendment to Chapter 1.01 (Code Adoption), clarifies when the Planning Director may make technical, objective corrections to maps in Title 33, including the Official Zoning Maps. Discretionary map corrections would be processed through a Type II land use review procedure set forth in Section 33.855.070.

Section IV

Project Schedule

- January 28, 2003** On January 28, 2003, the Bureau of Development Services published *Code Maintenance 2003: Proposed Report and Recommendation*, which contains approximately 55 amendments to the Portland Zoning Code, and one amendment to Title 1, General Provisions. Copies of this report are available at the Development Services Building, 1900 SW Fourth Avenue, Fourth Floor. A copy of this report was also available for review at each neighborhood coalition office.
- February 11, 2003** On February 11, 2003, an informational open house was held at the Development Services Building to allow the public to review *Code Maintenance 2003: Proposed Report and Recommendation*, and ask questions of Bureau of Development Services staff.
- February 25, 2003** The Code Maintenance 2003 package was presented to the Portland Planning Commission. Public testimony on the package was heard.
- March 11, 2003** The Planning Commission held a work session to further discuss the proposed amendments. The Commission voted to forward to City Council a favorable recommendation on the amendments included in this report.
- April 9, 2003** City Council will consider the Planning Commission's recommendation on the amendments included in this report. The hearing will be held at 9:30 am in Council Chambers, City Hall, 1221, SW Fourth Avenue.
- April 16, 2003** City Council adopted by Ordinance # 177404 the hazardous substance amendments in this report, included in Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100; in Chapter 33.840; and in the List of Chapters and Table of Contents.
- April 23, 2003** City Council adopted by Ordinance # 177422 the remaining amendments in this report.

Section V

Adopted Code Amendments

How to read this section

This section is organized numerically by Code chapter and includes the adopted amendments to the chapters identified. Even-numbered pages contain commentary on the amendments. Odd-numbered pages show Code language with the adopted changes. Language added to the Code is underlined. Language to be deleted from the Code is shown with a ~~strike through~~.

Title 33 Planning and Zoning

**TITLE 33, PLANNING AND ZONING
LIST OF CHAPTERS**

Two new chapters related to the land division of existing mobile home parks are added to the land division regulations. Refer to amendments in Chapters 33.642 and 33.670 for more information on these new regulations.

As the Excavations and Fills Review and Hazardous Substances Review are deleted from Title 33, references to those reviews in the "List of Chapters" are also deleted. Refer to Chapter 33.830 and 33.840, respectively, for more information on amendments to the Excavations and Fills Review and Hazardous Substances Review.

**TITLE 33, PLANNING AND ZONING
LIST OF CHAPTERS**

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- 611 Lots in the R2.5 Zone
- 612 Lots in Multi-Dwelling Zones
- 613 Lots in Commercial Zones
- 614 Lots in Employment Zones
- 615 Lots in Industrial Zones
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- 632 Sites in Potential Landslide Hazard Areas
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- 636 Tracts and Easements
- 638 Planned Development
- 639 Solar Access
- 640 Streams, Springs, and Seeps
- 641 Transportation Impact
- 642 Land Divisions of Mobile Home Parks
- 651 Water Service
- 652 Sanitary Sewer Disposal Service
- 653 Stormwater Management
- 654 Rights-of-Way
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- 662 Review in C, E, & I Zones
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- 665 Planned Development Review
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- 668 Review of Changes to an Approved Planned
Unit Development
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- 825 Design Review
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- 835 Goal, Policy, and Regulation Amendments
- ~~840 Hazardous Substances Review~~
- 846 Historic Reviews
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- 853 Tree Review
- 854 Validation Review
- 855 Zoning Map Amendments

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As the Excavations and Fills Review and Hazardous Substances Review are deleted from Title 33, references to those reviews in the Table of Contents are also deleted. (Refer to Chapter 33.830 and 33.840, respectively, for more information on amendments to the Excavations and Fills Review, and Hazardous Substances Review.)

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**CHAPTER 33.100
OPEN SPACE ZONE**

List of Sections. As the Excavations and Fills Review is deleted from Title 33, references to that review in the list of sections for Chapter 33.100 are also deleted. (Refer to Chapter 33.830 for more information on amendments to the Excavations and Fill Reviews.)

33.100.210 Demolitions. This technical amendment deletes an obsolete reference to Section 24.55.200 (Demolition Delay - Housing Preservation), which was repealed by Ordinance No. 171455, effective August 29, 1997. The amendment also clarifies what is regulated by Chapter 33.445, Historic Resource Protection Overlay Zone.

33.100.215 Excavations and Fills. Reference to the Excavations and Fills Review is deleted from Title 33.

**CHAPTER 33.100
OPEN SPACE ZONE**

Sections:

General

[No change]

Use Regulations

[No change]

Development Standards

33.100.200 Development Standards

33.100.205 Fences

33.100.210 Demolitions

~~33.100.215 Excavations and Fills~~

33.100.220 Nonconforming Development

33.100.225 Signs

33.100.230 Street Trees

33.100.210 Demolitions

The demolition of ~~all buildings~~ historic resources is regulated by Chapter 33.445, Historic Resource Protection Zone. ~~In addition, the demolition of residential buildings must comply with Section 24.55.200 of Title 24, Building Regulations, concerning waiting periods for demolition.~~

~~**33.100.215 Excavations and Fills**~~

~~Excavations and fills may require a review. See Chapter 33.830, Excavations and Fills.~~

**CHAPTER 33.110
SINGLE-DWELLING ZONES**

As the density regulations are relocated to the 600s chapters (Land Divisions and Planned Development), reference to density is deleted from the list of sections in the Single-Dwelling zones. (Refer to Section 33.110.205 for more information on this amendment.)

As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.110 are also deleted. (Refer to amendments to Chapter 33.830 for more information on the Excavations and Fills Review.)

**CHAPTER 33.110
SINGLE-DWELLING ZONES**

Sections:

General

[No change]

Use Regulations

[No change]

Development Standards

33.110.200 Housing Types Allowed

~~33.110.205 Density~~

33.110.212 Validation of Lots and Lots of Record

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33.110.275 Parking and Loading

33.110.280 Signs

33.110.282 Trees

33.110.285 Street Trees

33.110.205 Density. The maximum density regulation is currently identified as a development standard. A development standard is intended to be applied when an applicant proposes development on a site. However, the maximum density standards identified in Table 110-3 are not used as development standards that are applied to development when reviewing building permit applications. (The number of units permitted on a lot in a Single-Dwelling zone is regulated by the allowed housing types, identified in Table 110-2.) Instead, the maximum density regulations are used when processing a land division application.

The amendment proposes relocating the density regulations for the RF through R5 zones to Chapter 33.610, Lots in RF through R5 Zones. Density regulations for the R2.5 zone are deleted in the base zone, as Chapter 33.611, Lots in the R2.5 Zone, already contains such regulations.

33.110.220 Setbacks

- D. Exceptions to the required setbacks.** The minimum required setback for development in the R7 through R2.5 zones is five feet. When proposing a land division in these zones, it is often difficult for existing development to meet the minimum side setback requirement while also meeting new land division requirements. For example, sidewalks now must be located in a right-of-way, instead of in an easement. Other land division requirements must be accommodated in a tract, such as tree preservation plans; seeps, streams and springs; recreation areas; utility corridors; and stormwater drainage. When an existing house is located toward the front of the lot, with a proposed tract and/or right-of-way along the side, it is difficult to maintain the minimum required side setback between the house and the edge of the tract or right-of-way.

Adjustment requests to reduce the minimum required five foot side setback for existing development are often submitted as part of land division applications, and frequently approved down to three feet. (Three feet is the minimum depth typically approved through the Adjustment process as anything less triggers increased construction requirements to meet Fire and Life Safety codes.) However, with the new land division code, the need for the Adjustment requires the land division to be processed as a Type IIx, instead of a Type I, and requires a pre-application conference.

The amendment to Section 33.110.220 allows side setbacks for existing development in the R7 through R2.5 zones to be reduced by right from five feet to three feet as part of a land division application. This reduced setback is allowed only between existing development and a side lot line along a proposed right-of-way or tract. (Eaves would be allowed to project one foot into the reduced setback, which is consistent with Building Code requirements.) The amendment would not allow reduced setbacks between buildings.

33.110.205 Density

- ~~A. **Purpose.** Density standards serve several purposes. They match housing density with the availability of public services and with the carrying capacity of the land. For example, more housing can be allowed on flat areas than on steep, slide-prone lands. At the same time, the density standards promote development opportunities for housing and promote urban densities in less-developed areas. The density regulations are a tool used during a land division or Planned Development Review.~~
- ~~B. **Maximum density.** The maximum density allowed in each zone is stated in Table 110-3. The maximum density may be increased if allowed in 33.110.240, Alternative Development Options.~~
- ~~C. **Minimum density.** The minimum density standards for the RF through R5 zones are in Section 33.610.100, Density Standards. The minimum density standards for the R2.5 zone are in Section 33.611.100, Density Standards.~~

33.110.220 Setbacks

D. Exceptions to the required setbacks.

1-6. [No change]

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

33.110.205 Density

33.110.220 Setbacks

D. Exceptions to the required setbacks.

7. Land divisions with existing development.

The amendment to delete the maximum density requirements in 33.110.205, and to include an exception to required side building setback in 33.110.220.D.7 are reflected in Table 110-3.

Table 110-3 Development Standards In Single-Dwelling Zones [1]							
Standard	RF	R20	R10	R7	R5	R2.5	
						detached	attached
Maximum Density (See 33.110.205)	1 unit per 87,120 sq. ft. [2]	1 unit per 20,000 sq. ft. [2]	1 unit per 10,000 sq. ft. [2]	1 unit per 7,000 sq. ft. [2]	1 unit per 5,000 sq. ft. [2]	1 unit per 5,000 sq. ft. [2]	1 unit per 2,500 sq. ft. [2]
Maximum Height (See 33.110.215)	30 ft. [32]	30 ft. [32]	30 ft. [32]	30 ft. [32]	30 ft. [32]	35 ft. [32]	35 ft. [32]
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback [43] [54] [98]	10 ft.	10 ft.	10 ft.	5 ft. [9]	5 ft. [9]	5 ft. [9]	5 ft. [65] [9]
- Rear building setback [43] [98]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback [43] [76] (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Required Outdoor Area							
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension [87] (See 33.110.235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Notes:

[1] These standards may be superseded by the regulations of an overlay zone or plan district.

[2] ~~See 33.610 and 33.611 for more information on calculating maximum density.~~

Renumber existing footnotes 3 through 9 to 2 through 8

[9] The minimum setback between an existing building and a side lot line along a proposed right-of-way or tract may be reduced to 3 feet when proposed as part of a land division.

33.110.230 Main Entrances in R10 through R2.5 Zones

- B. Where these standards apply.** The main entrance standard requires at least one main entrance within eight feet of the longest street-facing wall of the dwelling unit. On corner lots, or lots with multiple street frontages, a direct application of this standard requires the applicant to locate the main entrance within eight feet of **the** longest street-facing facade. This was not the intent of the standard. Instead, the standard was intended to ensure that on whichever street-facing façade the main entrance is located, the main entrance must be within eight feet of the most dominant (or longest) wall plane **on that frontage**. The amendment clarifies this intent for sites with multiple street-frontages. The amendment provides greater design flexibility on the part of the applicant. The amendment also precludes the need for the many adjustments that have been processed in the past when a new street created through a land division resulted in the longest street-facing façade of an existing dwelling facing the new street, but the existing main entrance being located within eight feet of the now shorter street-facing façade.

33.110.230 Main Entrances in R10 through R2.5 Zones

B. Where these standards apply.

1-3. [No change]

4. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

~~4~~5. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards; and

~~5~~6. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

33.110.240 Alternative Development Options

C. Attached housing.

2. R2.5 zone. Because the maximum density requirements are relocated to Chapter 33.611, Lots in the R2.5 Zone, reference to the density requirements of the base zone is deleted for clarity. (Refer to amendments to 33.110.205 for more information.)

E. Duplexes and attached houses on corners.

2. Density and lot size. Because the maximum density requirements are relocated to Chapter 33.611, Lots in the R2.5 Zone, reference to the density requirements of the base zone is deleted for clarity. (Refer to amendments to 33.110.205 for more information.)

33.110.240 Alternative Development Options

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

1. R20 through R5 zones. [No change]
2. R2.5 zone.
 - a. Density and lot size. The density ~~requirements of the base zone~~ and the minimum lot dimension standards stated in Chapter 33.611, Lots in the R2.5 Zone, apply.
 - b-d. [No change]

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

1. Qualifying situations. [No change]
2. Density and lot size. One extra dwelling unit is allowed, except in the R2.5 zone where the maximum density ~~of the base zone, as stated in 33.611.100.C.1,~~ may not be increased. For duplexes, the lot must comply with the minimum lot size standard for new lots in the base zone. For attached houses, the original lot, before division for the attached house project, must comply with the minimum lot size standard for new lots in the base zone.
3. Entrances. [No change]

33.110.240 Alternative Development Options (continued)

F. Flag lot development standards. This amendment clarifies that the flag lot development standards also apply to flag lots in the R2.5 zone. The reference in this section to the R2.5 zone was inadvertently deleted as part of the Land Division Code Rewrite project.

H. Transitional sites.

2. **Density.** Because the maximum density requirements are relocated to Chapter 33.610, Lots in RF through R5 Zones, and Chapter 33.611, Lots in the R2.5 Zone, reference to the density requirements of the base zone is deleted for clarity. (Refer to amendments to 33.110.205 for more information.)

33.110.240 Alternative Development Options (continued)

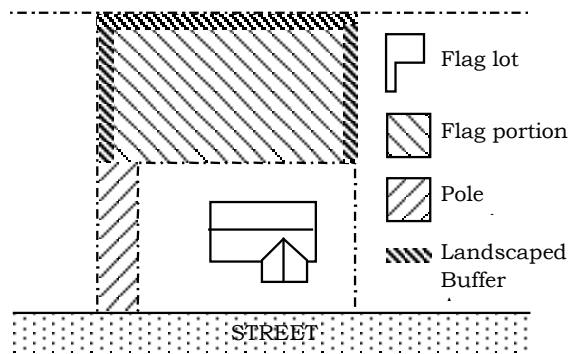
F. Flag lot development standards. The following standards apply to development on flag lots:

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

Zone	Setback
RF, R20, R10	15 feet
R7, R5, <u>R2.5</u>	10 feet

2. Landscaped buffer area. In the R7 through ~~R5~~ R2.5 zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided, are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 110-9.

**Figure 110-9
Flag Lot Description and Buffer**



H. Transitional sites. The transitional site standards allow for a transition of development intensities between nonresidential and single-dwelling zones. A stepped increase in density is allowed on single-dwelling zoned lots that are adjacent to most commercial, employment or industrial zones. The transition site provisions promote additional housing opportunities in a way that has minimal impacts on built-up single-dwelling neighborhoods.

1. Qualifying situations. The transitional site regulations apply only to lots in the R20 through R2.5 zones which have a side lot line that abuts a lot in the C, E, or I zones, except for the CN and CO zones. The side lot line of the residential lot must abut the lot in a nonresidential zone for more than 50 percent of the residential lot's length. If the lot is part of an attached housing project, the extra unit allowed by this subsection applies to the attached housing project, rather than just to the lot adjacent to the nonresidential zone.
 2. Density. The lot or attached housing project may have one dwelling unit more than ~~is~~ the density allowed by ~~the base zone~~ 33.610.100.C.1 and 33.611.100.C.1.
- 3-5. [No change]

33.110.245 Institutional Development Standards

C. The standards.

2. Setbacks on a transit street or in a pedestrian district.
 - c. Conflicts. This amendment addresses a potential conflict between the maximum building setback and minimum buffering requirements across the street from a residential zone. Consistent with how conflicts between maximum building setbacks and other development standards are addressed elsewhere in the Code, the amendment clarifies that the depth of the maximum building setback standard supersedes the minimum depth of the buffering standard.

The amendment also addresses a potential conflict between the minimum setback for detached accessory structures and the minimum buffering requirements for institutional sites adjacent to a residential zone. Because the buffering regulation addresses a more specific situation than the setback regulation for detached accessory structures, the buffering regulation should supersede. The amendment clarifies that in situations where there is a conflict between these two standards, the buffering standard supersedes.
6. Electrical substations. The entire perimeter of electrical substations is required to be landscaped to the L3 standard (i.e., one tree per 30 lineal feet; six foot high shrubs that form a 95 percent opaque screen; and living groundcover). The intent of the standard is to screen open-air structures and equipment related to electrical substations from adjoining properties and public rights-of-way. For substations that are fully enclosed within a building, as were those built as part of the Interstate MAX project, the structure and equipment are already fully screened. To negate the need for adjustment reviews to the L3 landscape standard for electrical substations that are entirely enclosed, the amendment exempts electrical substations that are fully enclosed within a building from the required L3 landscape standard. As a Basic Utility, electrical substations still will be subject to a Conditional Use review, which requires that the facility be physically compatible with adjacent residential uses based on building scale and style, setbacks and landscaping, and that any differences in appearance or scale will be mitigated through such means as setbacks, screening, landscaping or other design features.
8. Garbage and recycling collection areas. This amendment clarifies that exterior recycling collection areas, in addition to garbage collection areas, must be screened from the street and adjacent properties.

33.110.245 Institutional Development Standards

C. The standards.

1. [No change]
2. Setbacks on a transit street or in a Pedestrian District.
 - a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.
 - b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.130.215.B.1.
 - c. Conflicts.
 - (1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.
 - (2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.
- 3-5. [No change]
6. Electrical substations. In addition to the standards in Table 110-7, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
7. [No change]
8. Garbage and recycling collection areas. All exterior garbage cans, ~~and~~ garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
9. [No change]

33.110.250 Accessory Structures

- B. General standards.** Existing land use regulations do not allow an accessory structure, such as a garage, shed or greenhouse, to exist on a lot without a primary structure (e.g., a house). However, this situation is often created as part of land division proposals that involve existing development. Applicants currently are required to either demolish the existing accessory structure, or seek an adjustment to allow the accessory structure to remain for a limited time, or until a primary structure has been constructed on the lot. The need for the Adjustment Review increases what would have been a Type I land use review to a Type IIx land use review, with a required pre-application conference. (The Type IIx procedure adds an additional \$1,986 to the land use review fee.)

Rather than require applicants in such situations to demolish viable structures that could be used in conjunction with new development on the newly created lot, BDS staff has customarily approved such adjustments on the condition that a primary structure be constructed on the lot within a one to two year period. The amendment accomplishes the same objective by including language that allows the accessory structure to remain for a limited period, prior to the construction of a primary structure. Additionally, the amendment streamlines the land use review process by allowing simple land divisions to be processed as a Type I procedure instead of a Type IIx procedure.

The amendment, as revised by Planning Commission, adds clarifying language about when the required covenant must be submitted to the City. The original BDS staff proposal to require a performance guarantee has been deleted from the revised amendment as it is viewed as excessive, and a disincentive to using this Code provision. Additionally, BDS staff does not foresee accessory structures existing as the sole development on newly created lots for an extended period, as newly created lots are typically developed with a primary structure within a short period of time. Should an accessory structure remain on a newly created lot longer than the allowed period, Code Compliance proceedings will equally accomplish what was intended with the performance guarantee requirement.

33.110.260 Demolitions. This technical amendment deletes an obsolete reference to Section 24.55.200 (Demolition Delay - Housing Preservation), which was repealed by Ordinance No. 171455, effective August 29, 1997. The amendment also clarifies what is regulated by Chapter 33.445, Historic Resource Protection Overlay Zone.

33.110.265 Excavations and Fills. As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.110 are also deleted. (Refer to Chapter 33.830 for more information on amendments to the Excavations and Fills Review.)

33.110.250 Accessory Structures

A. Purpose. [No change]

B. General standards.

1. The regulations of this section apply to all accessory structures except detached accessory dwelling units. The regulations for detached accessory dwelling units are stated in Chapter 33.205.
2. Accessory structures ~~must be constructed~~ are allowed on a lot only in conjunction with ~~or after the~~ a primary building, ~~They and may not be built exist on a lot~~ prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.
3. A detached accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060. The covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
- ~~34.~~ Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to accessory structures.

C-E. [No change]

33.110.260 Demolitions

The demolition of ~~all buildings~~ historic resources is regulated by Chapter 33.445, Historic Resource Protection Zone. ~~In addition, the demolition of residential buildings must comply with Section 24.55.200 of Title 24, Building Regulations, concerning waiting periods for demolition.~~

~~33.110.265 Excavations and Fills~~

~~Excavations and fills require a review and are subject to the regulations of Chapter 33.830, Excavations and Fills.~~

**CHAPTER 33.120
MULTI-DWELLING ZONES**

As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.120 are also deleted from the list of sections. (Refer to Chapter 33.830 for more information on amendments to the Excavations and Fills Review.)

Corrections to Maps 120-1 through 120-30 are also reflected in the list of sections.

**CHAPTER 33.120
MULTI-DWELLING ZONES**

Sections:

General

[No change]

Use Regulations

[No change]

Development Standards

33.120.200 Housing Types Allowed

33.120.205 Density

33.120.210 Lot Size

33.120.215 Height

33.120.220 Setbacks

33.120.225 Building Coverage

33.120.230 Building Length

33.120.231 Main Entrances

33.120.232 Street-Facing Facades

33.120.235 Landscaped Areas

33.120.237 Trees

33.120.240 Required Outdoor Areas

33.120.250 Screening

33.120.255 Pedestrian Standards

33.120.260 Recycling Areas

33.120.265 Amenity Bonuses

33.120.270 Alternative Development Options

33.120.275 Development Standards for Institutions

33.120.277 Development Standards for Institutional Campuses in the IR Zone

33.120.280 Accessory Structures

33.120.285 Fences

33.120.290 Demolitions

~~33.120.295 Excavations and Fills~~

33.120.300 Nonconforming Development

33.120.305 Parking and Loading

33.120.310 Signs

33.120.315 Street Trees

Supplemental Information

Map 120-1 ~~Park Block Frontage~~ Index Map for RH Areas with Maximum FAR of 4:1

Maps 120-2 through ~~120-30-120-26~~ Floor Area Ratios in the RH Zone RH Areas with Maximum FAR of 4:1

Table 120-3 Development Standards in Multi-Dwelling Zones.

Minimum Density (Footnote 5). This technical amendment clarifies the ambiguity and conflict resulting from the inadvertent inclusion of both Footnotes 5 and 6 in the minimum density requirement for the R1 zone. As an example, on an existing site of 2,500 square feet in the R1 zone, because the maximum density would be two units, Footnote 5 indicates the minimum density is also two. However, on the same sized lot, Footnote 6 indicates the minimum density is only one unit. As indicated in the commentary included in the *Land Division Code Rewrite Project*, it was recognized that the development standards in the R1 zone (building coverage, landscaping, parking, setbacks, etc.) would make it difficult to meet the minimum required density on lots smaller than 10,000 square feet. Footnote 6 specifically was intended to address this difficulty by allowing a reduced density. However, Footnote 5 contradicts this by requiring a higher minimum density. The amendment addresses this conflict by removing reference to Footnote 5 in the minimum density requirement for the R1 zone.

Minimum Density (Existing Footnote 7). This footnote indicates that the minimum density standard does not apply to conversions of existing residential structures. As written, this exempts such conversions from the minimum density standard entirely, and allows conversions to reduce the residential density *below* the minimum required density. The intent of this footnote was not to allow conversions to bring the residential density out of conformance, or further out of conformance, with the standard, but instead, was intended to allow conversions that bring the residential density *closer* into conformance with the standard. The amendment clarifies this intent. With the *Land Division Code Rewrite Project*, the following language was included in Section 33.120.205.C to clarify this intent: "A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site which bring the site closer into conformance without coming all the way into conformance." As such, the existing Footnote 7 now serves no purpose, and is deleted.

Table 120-3 Development Standards in Multi-Dwelling Zones

Table 120-3 Development Standards in Multi-Dwelling Zones [1]						
Standard	R3	R2	R1	RH	RX	IR
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area [2,3]	1 unit per 2,000 sq. ft. of site area [2,3]	1 unit per 1,000 sq. ft. of site area [2,3]	FAR of 2 to 1 [3,4]	FAR of 4 to 1	FAR of 2 to 1 [3,4,14 13]
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area [5,7]	1 unit per 2,500 sq. ft. of site area [5,7]	1 unit per 1,450 sq. ft. of site area [5,6,7]	1 unit per 1,000 sq. ft. of site area [7]	1 unit per 500 sq. ft. of site area [7]	none
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft. [87]	25/65 ft. [4,15 14]	100 ft.	75 ft. [4]
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. [1716] - Garage entrance setback [109] (See 33.120.220)	10 ft. --- [1615] 5-14 ft. [98] 18 ft.	10 ft. --- [1615] 5-14 ft. [98] 18 ft.	3 ft. --- [1615] 5-14 ft. [98] 5/18 ft.[1110]	0 ft. 0 ft.[1615] 5-14 ft. [98] 5/18 ft.[1110]	0 ft. 0 ft.[1615] 0 ft. 5/18 ft.[1110]	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	[No change]					
Max. Building Coverage (See 33.120.225)	[No change]					
Max. Building Length (See 33.120.230)	none	100 ft.[1211]	100 ft [1211]	none	none	none
Min. Landscaped Area (See 33.120.235)	[No change]					
Required Outdoor Area Individual areas: - Minimum area - Minimum dimension [1312] Combined areas: - Minimum area - Minimum dimension [1312] (See 33.120.240)	[No change]					

Notes:

[1] – [4] [No change]

[5] If maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.

[6] If the site is less than 10,000 sq. ft. in area, the minimum density is 1 unit per 2,000 sq. ft.

~~[7] The minimum density standards do not apply to conversions of existing residential structures.~~

Renumber Notes 8 through 17 to 7 through 16.

33.120.220 Setbacks

B. Building setback standard.

2. Building setbacks on a transit street or in a Pedestrian District.
 - a. Measurement. Subparagraph 1 of this paragraph is intended to apply to alterations to a single building on a site, whether or not the building currently conforms with the maximum building setback standard. This is evidenced by references to Figure 120-1, which illustrates changes to an existing building **in conformance** with the standard, and Figure 120-2, which illustrates changes to an existing building that is **not in conformance** with the standard. The amendment deletes unintended language in Subparagraph 1 that refers solely to existing buildings that are **in conformance** with the standard.

33.120.220 Setbacks

B. Building setback standard. The required minimum or maximum building setbacks, if any, are stated in Tables 120-3 and 120-4, and apply to all buildings and structures on the site except as specified in this section. Transit street setbacks apply only to buildings. Setbacks for parking areas are in Chapter 33.266.

1. Exceptions to the required minimum building setbacks. [No change]
2. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. The building setbacks on a transit street or in a Pedestrian District are as follows:
 - a. Measurement.
 - (1) Where an existing building ~~that meets the standards of this paragraph~~ is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 120-1 and 120-2.
 - (2) [No change]
 - b-e. [No change]

33.120.231 Main Entrances

- B. Where these standards apply.** The main entrance standard requires at least one main entrance within eight feet of the longest street-facing wall of the dwelling unit. On corner lots, or lots with multiple street frontages, a direct application of this standard requires the applicant to locate the main entrance within eight feet of **the** longest street-facing facade. This was not the intent of the standard. Instead, the standard was intended to ensure that on whichever street-facing façade the main entrance is located, the main entrance must be within eight feet of the most dominant (or longest) wall plane **on that frontage**. The amendment clarifies this intent for sites with multiple street-frontages. The amendment provides greater design flexibility on the part of the applicant. The amendment also precludes the need for the many adjustments that have been processed in the past when a new street created through a land division resulted in the longest street-facing façade of an existing dwelling facing the new street, but the existing main entrance being located within eight feet of the now shorter street-facing façade.

33.120.231 Main Entrances

B. Where these standards apply.

1. The standards of this section apply to houses, attached houses, manufactured homes, and duplexes in the multi-dwelling zones.
2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.
3. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
4. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
5. ~~In addition,~~ Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

33.120.235 Landscaped Areas

- B. Minimum landscaped areas.**
- C. Landscaping standards.**

This amendment exempts sites developed with a house, attached house, or duplex from the Multi-Dwelling zone landscape requirements. By doing so, these residential structure types will be subject to the landscape standards that apply to similar development in the Single-Dwelling zones. With this amendment, the landscape requirement more appropriately will be based on development type as opposed to the zone in which the development is located.

The minimum landscaped area standard of Chapter 33.120 requires between 0 to 35 percent of the site to be landscaped at least to the L1 standard, and all required setbacks must be landscaped to the L1 standard. The L1 standard requires living groundcover and one tree per 30 linear feet of landscaped area. This standard was intended for multi-dwelling development (i.e., structures containing three or more dwelling units) where residential tenants did not have the authority of the owner to plant and maintain landscaping, and on lots that are larger than those typical of the Single-Dwelling zones. This landscape standard is not practical when applied to houses, attached houses or duplexes, particularly on small lots.

For example, when a series of detached single-dwellings are built on adjoining narrow lots, the multi-dwelling landscape standard requires each lot to meet the L1 standard, even within the required five foot side setbacks. On a typical lot of 100 feet in depth, this results in two side by side rows of trees located only several feet apart, with each row containing four trees.

The multi-dwelling landscape standard is also impractical when applied to single-dwelling attached units. Because attached single-dwellings are typically constructed on lots ranging in width from 18 to 25 feet, the minimum required landscape standard requires a minimum of one tree in each front yard and rear yard area, resulting in trees being planted less than 20 feet apart in yards that are less than 50 square feet in area. Again, in the five foot side setbacks, on a typical lot having a depth of 100 feet, a minimum of four trees is required.

The existing landscape standard pre-dates the T1 tree standard, adopted by City Council in August 1999, which specifically applies only to single-dwelling and duplex development (see 33.120.237). As indicated in the adopted commentary for the T1 tree standard, "the regulation will help preserve and enhance Portland's urban forest by requiring trees when new residential structures are built." Because the T1 standard was specifically developed for single-dwelling and duplex structures, it should serve as the appropriate landscape standard for such development.

33.120.235 Landscaped Areas

B. Minimum landscaped areas. The required amount of landscaped area is stated in Table 120-3. Sites developed with a house, attached house, or duplex are exempt from this standard. Required landscaped areas must be at ground level and must comply with at least the L1 standard in Chapter 33.248. Up to 1/3 of the required landscaped area may be for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and open recreational facilities. Remaining landscaped areas must comply with the standards in Subsection C₂ below. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area. The outdoor areas required in 33.120.240 below, also apply towards meeting the minimum landscaped area requirements of this section, if they are uncovered.

C. Landscaping standards.

1. Building setbacks. The required building setbacks must be landscaped to at least the L1 standard of Chapter 33.248, Landscaping and Screening. Parking, access, and maneuvering areas, detached accessory structures, and other allowed development are exempt from this standard. Sites developed with a house, attached house or duplex are also exempt from this standard.
2. Parking areas. Perimeter and internal parking area landscaping standards are stated in Chapter 33.266, Parking And Loading.

33.120.250 Screening

- B. **Garbage collection areas.** This amendment clarifies that exterior recycling collection areas, in addition to garbage collection areas, must be screened from the street and adjacent properties.

33.120.260 Recycling Areas. The existing standards for recycling areas were included in the Zoning Code in 1991 when such requirements did not exist elsewhere in City Code. Since that date, Chapter 17.102 (Solid Waste and Recycling Collection) has been amended to include recycling requirements for businesses and multi-dwelling development. These requirements are implemented by the Office of Sustainable Development. The existing standards in Title 33 are duplicative of the recycling rules and regulations implemented by the Office of Sustainable Development. Additionally, future revisions to Chapter 17.102 may make the existing language in Title 33 not only duplicative but contradictory of recycling rules and regulations implemented by the Office of Sustainable Development. As such, the amendment proposes deleting from Title 33 specific standards for central recycling collection areas, thereby allowing such facilities to be regulated by Title 17 and the Office of Sustainable Development. However, because the Title 17 requirements for recycling areas may impact site and floor plan layouts, the amendment includes a reference to the recycling requirements of Title 17 so as to alert developers. This amendment is supported by the Office of Sustainable Development.

33.120.250 Screening

- B. Garbage and recycling collection areas.** All exterior garbage cans, and garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.120.260 Recycling Areas

~~Multi-dwelling developments that have 5 or more units must provide for recycling collection areas as stated below: Requirements for recycling areas are regulated by the Office of Sustainable Development. See Section 17.102.180, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.~~

- ~~**A. Materials accepted.** The recycling area must be set up to accept the following materials: newspapers, mixed waste paper, and at least three of the following items: glass containers (clear and green), corrugated cardboard, magazines, tin cans, and plastic bottles including milk jugs. A method of storing or containing the recyclable materials must be provided in the recycling area.~~
- ~~**B. Size.** For every 15 dwelling units, there must be a recycling area at least 7 1/2 feet by 6 1/2 feet. Recycling areas must be at least 8 feet high.~~
- ~~**C. Location.** The recycling area must be at least as close to the dwelling units as the closest garbage collection area including trash chutes. It may be located indoors or outside. The recycling area can be part of a garbage, storage, or laundry area, but the space must be clearly designated with signs for recyclable materials. If located outside, the recycling area must be covered by a roof or the containers must be of weatherproof material and have lids. Location of the recycling area and method of storage must be approved by the Fire Marshall. The recycling area must be accessible to the recycling collection service personnel between 6 a.m. and 6 p.m., without intervening stairs, doors, or gates. Where the recycling area is not accessible in these ways, the building management must move the stored recyclable materials to an accessible outdoor location for pickup by the collection service personnel.~~
- ~~**D. Screening.** If the recycling area is located outdoors, it must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.~~
- ~~**E. Signs.** The recycling area and containers must be clearly labeled to indicate the type of materials accepted.~~

33.120.270 Alternative Development Options

This amendment reinserts reference to required development standards on flag lots, which were inadvertently deleted as part of the Land Division Code Rewrite project. These standards would apply to development on existing flag lots, and on new flag lots that may still be created in the Multi-Dwelling Zones in limited situations.

33.120.270 Alternative Development Options

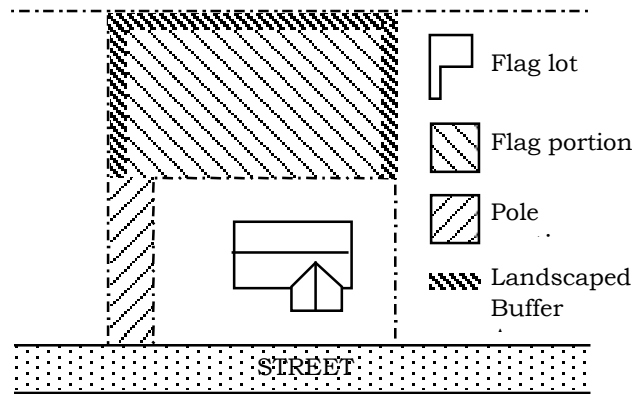
G. Flag lot development standards. The following standards apply to development on flag lots:

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

Zone	Setback
R3, R2, R1, RH	10 feet

2. Landscaped buffer area. In the R3 through RH zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided, are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 120-8.

**Figure 120-8
Flag Lot Description and Buffer**



[Existing Figures 120-8 through 120-11, and all references to them, are renumbered to 120-9 through 120-12.]

33.120.275 Development Standards for Institutions

C. The standards.

5. Electrical substations. The entire perimeter of electrical substations is required to be landscaped to the L3 standard (i.e., one tree per 30 lineal feet; six foot high shrubs forming a 95 percent opaque screen; and living groundcover). The intent of the standard is to screen open-air structures and equipment related to electrical substations from adjoining properties and public rights-of-way. For substations that are fully enclosed within a building, as were those built as part of the Interstate MAX project, the structures and equipment are already fully screened. To negate the need for adjustment reviews to the L3 landscape standard for electrical substations that are entirely enclosed, the amendment exempts electrical substations fully enclosed within a building from the required L3 landscape standard. As a Basic Utility, electrical substations still will be subject to a Conditional Use review, which requires the facility to be physically compatible with adjacent residential uses based on building scale and style, setbacks and landscaping, and any differences in appearance or scale to be mitigated through such means as setbacks, screening, landscaping or other design features.

33.120.280 Accessory Structures

- B. **General standards.** Existing land use regulations do not allow an accessory structure, such as a garage, shed or greenhouse, to exist on a site without a primary structure (e.g., a house). However, this situation is often created as part of land division proposals that involve existing development. Applicants currently are required to either demolish the existing accessory structure, or seek an adjustment to allow the accessory structure to remain for a limited time, or until a primary structure has been constructed on the site. Rather than require applicants in such situations to demolish viable structures that could be used in conjunction with new development on the newly created lot, BDS staff has customarily approved such adjustments on the condition that a primary structure be constructed on the site within a one to two year period. The amendment accomplishes the same objective by including language that allows the accessory structure to remain for a limited period, with requirements that ensure the accessory structure will be removed if a primary structure is not constructed on the site within two years of final plat approval.

The amendment, as revised by Planning Commission, adds clarifying language about when the required covenant must be submitted to the City. The original BDS staff proposal to require a performance guarantee has been deleted from the revised amendment as it is viewed as excessive, and a disincentive to using this Code provision. Additionally, BDS staff does not foresee accessory structures existing as the sole development on newly created lots for an extended period, as newly created lots are typically developed with a primary structure within a short period of time. Should an accessory structure remain on a newly created lot longer than the allowed period, Code Compliance proceedings will equally accomplish what was intended with the performance guarantee requirement.

33.120.275 Development Standards for Institutions

C. The standards.

- 1-4. [No change]
5. Electrical substations. In addition to the standards in Table 120-5, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
6. Grassy areas. [No change]

33.120.280 Accessory Structures

A. Purpose. [No change]

B. General standards.

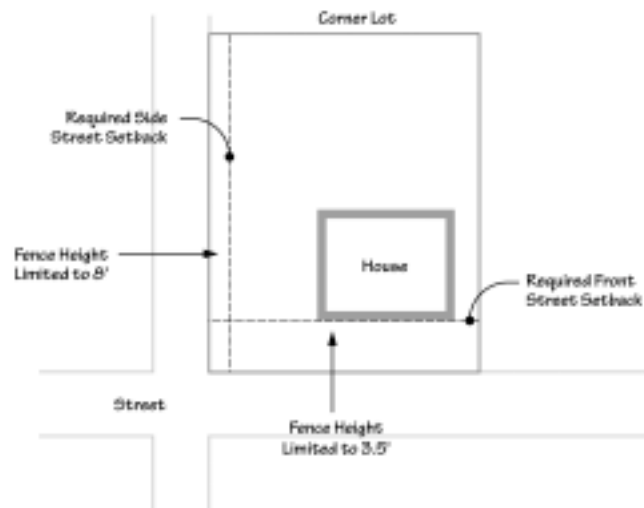
1. The regulations of this section apply to all accessory structures except for detached accessory dwelling units. The regulations for detached accessory dwelling units are stated in Chapter 33.205.
2. Accessory structures ~~must be constructed~~ are allowed on a site only in conjunction with or after the a primary building. ~~They and may not be built exist on a site prior to the construction of the primary structure., except as allowed by Paragraph B.3, below.~~
3. A detached accessory structure that becomes the only structure on a lot as the result of a land division may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060. The covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
34. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to accessory structures.

C-E. [No change]

33.120.285 Fences

- C. Location.** Prior to 2001, the height of fences was limited to 3-1/2 feet in front building setbacks, and 8 feet in required side setbacks (see illustration, below). In 2001, changes to the standard were adopted to clarify the allowed height of fences in zones where a "street building setback" is identified. The unintended consequence of the revised language was to limit the height of fences in side street setbacks to 3-1/2 feet.

The amendment seeks to further clarify the height of fences in side street setbacks, and reestablish the policy that existed prior to 2001 that allowed 8 foot high fences in side street setbacks.



33.120.285 Fences

C. Location.

1. Street building setbacks.
 - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.
 - b. Measured from a side lot line. Fences up to ~~3-1/2~~ 8 feet high are allowed in a required street building setback that is measured from a side lot line.
2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

Commentary

33.120.290 Demolitions. This technical amendment deletes an obsolete reference to Section 24.55.700 (Demolition Delay - Housing Preservation), which was repealed by Ordinance No. 171455, effective August 29, 1997. The amendment also clarifies what is regulated by Chapter 33.445, Historic Resource Protection Overlay Zone.

33.120.295 Excavations and Fills. As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.120 are also deleted. (Refer to amendments to Chapter 33.830 for more information on the Excavations and Fills Review.)

33.120.290 Demolitions

The demolition of ~~all buildings~~ historic resources is regulated by Chapter 33.445, Historic Resource Protection Zone. ~~In addition, the demolition of residential buildings must comply with Section 24.55.700 of Title 24, Building Regulations, concerning waiting periods for demolition.~~

~~33.120.295 Excavations and Fills~~

~~Excavations and fills require a review and are subject to the regulations of Chapter 33.830, Excavations and Fills.~~

Maps 120-1 through 120-30 Maximum Floor Area Ratios

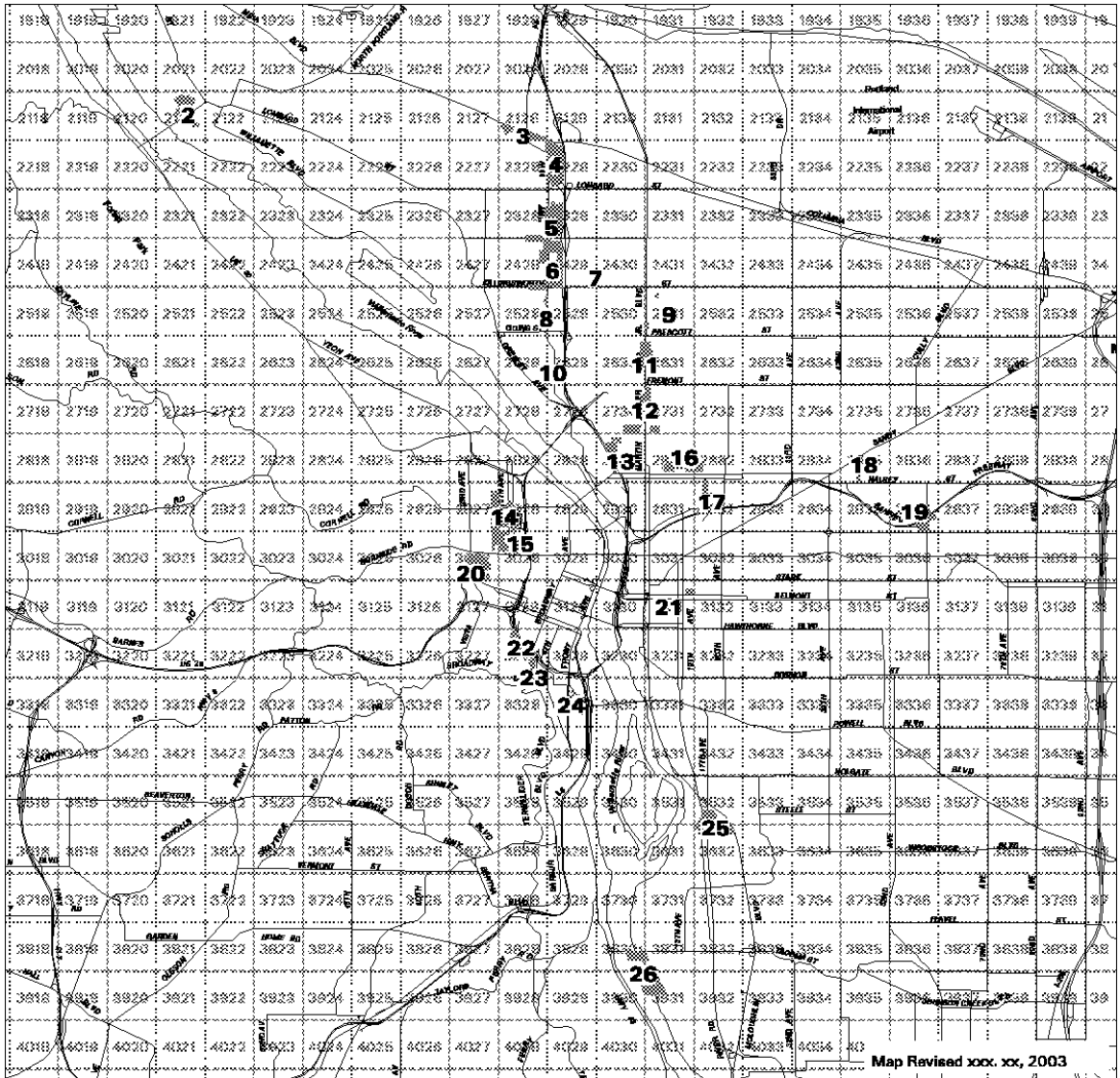
Generally, the maximum floor area ratio (FAR) in the RH zone is 2 to 1; however on sites shown on Maps 120-2 through 120-30, the maximum FAR is 4 to 1. Over time, these maps have become outdated in that some of the areas shown are no longer zoned RH, and some are within the Central City plan district, which has its own FAR map. In addition, the current maps were created by hand and are somewhat unclear.

The changes to these maps accomplish several things:

1. Areas that are no longer zoned or designated RH are removed from the maps;
2. Areas that are within the Central City plan district are removed from the maps;
3. Errors are corrected;
4. Lines are moved to the center of rights-of-way to match zoning lines;
5. The maps are reorganized, redesigned, and digitized to make them more understandable;
and
6. A key to all of the maps is added.

Each of the revised maps is shown on the following pages, along with information on what changes, if any, are made. In the interest of brevity, the current maps 120-1 through 120-30 are not included, but all are to be deleted and replaced by the 26 maps on the following pages.

Adopted Map 120-1 replaces the current Map 120-1, which is just a placeholder. The new map is a key to the maps that follow.



Map 120-1

Index Map for RH Areas with Maximum FAR of 4:1

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Commentary

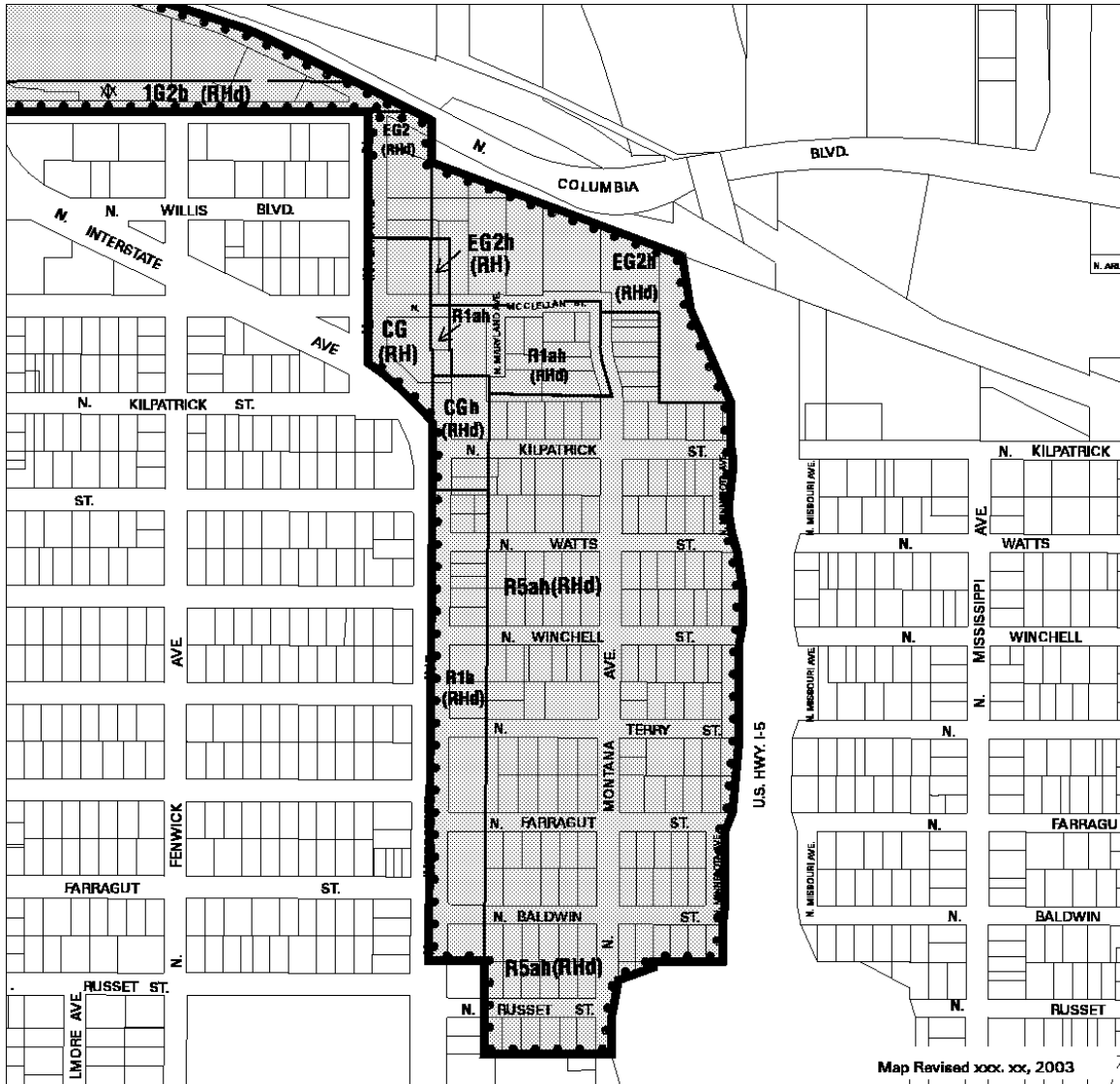
Adopted Map 120-2 replaces the current Map 120-2. There are no changes.

Commentary

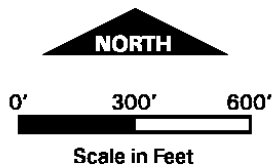
Adopted Map 120-3 replaces the current Map 120-12 and removes the areas where the Kenton Plan removed RH zoning.


Commentary

Adopted Map 120-4 replaces the current Map 120-13 and removes the areas where the Kenton Plan removed RH zoning.



Map Revised xxx. xx, 2003



 Boundary of Existing/Potential RH-Zoned Area

Map 120-4

RH Areas with Maximum FAR of 4:1

Quarter Sections: 2128, 2129, 2228, 2229

Bureau of Planning • City of Portland, Oregon

Commentary

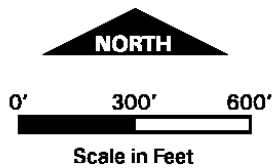
Adopted Map 120-5 replaces the current Maps 120-14, 15, and parts of 16 and 17, and removes an area shown incorrectly with a Comprehensive Plan designation of RH.




Map 120-5

RH Areas with Maximum FAR of 4:1

Quarter Sections: 2328, 2329, 2428, 2429

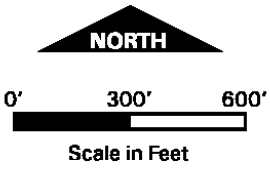
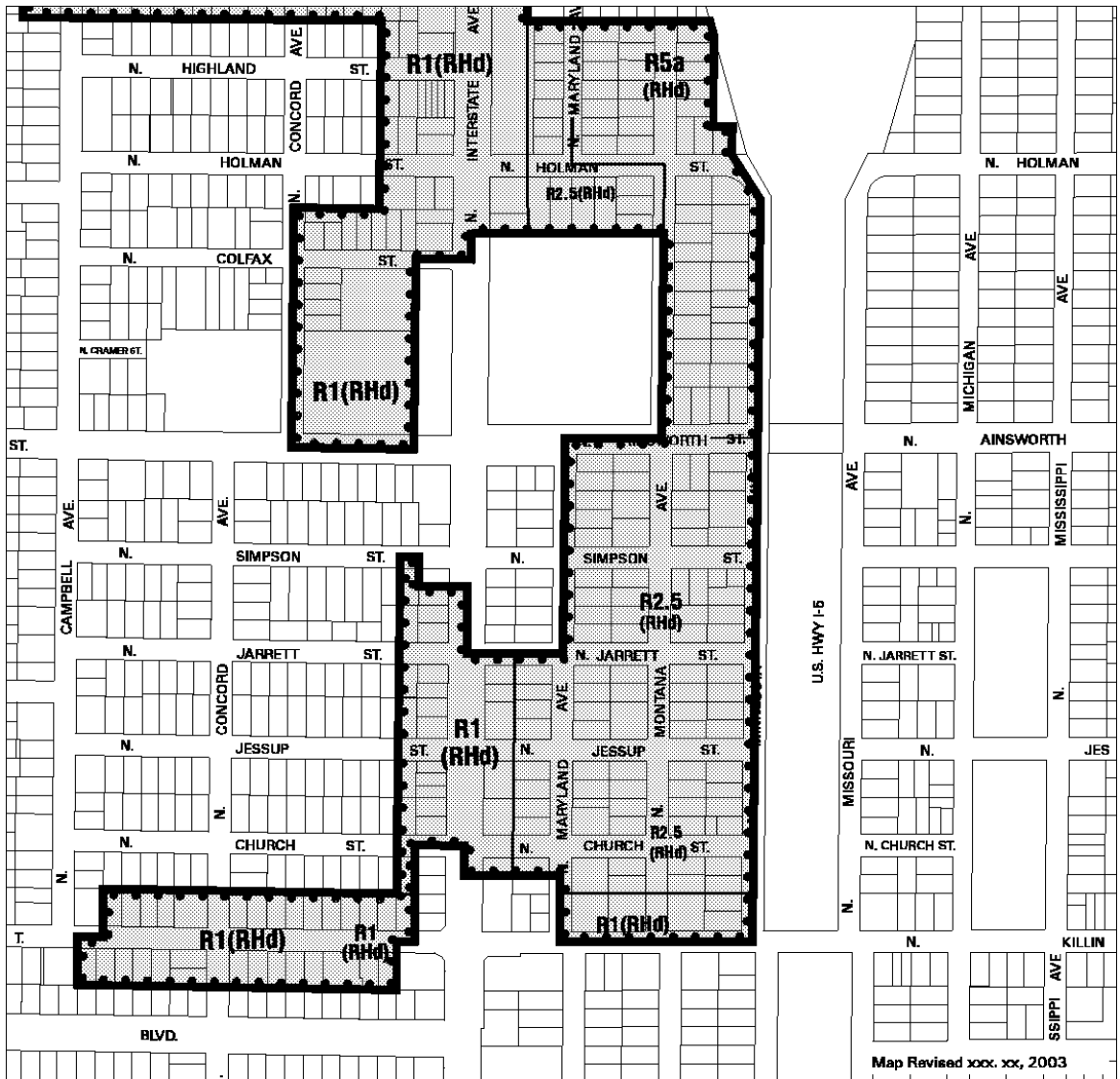


 Boundary of Existing/Potential RH-Zoned Area

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Commentary

Adopted Map 120-6 replaces parts of the current Maps 120-16 and 17, and removes an area shown incorrectly with a Comprehensive Plan designation of RH.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-6

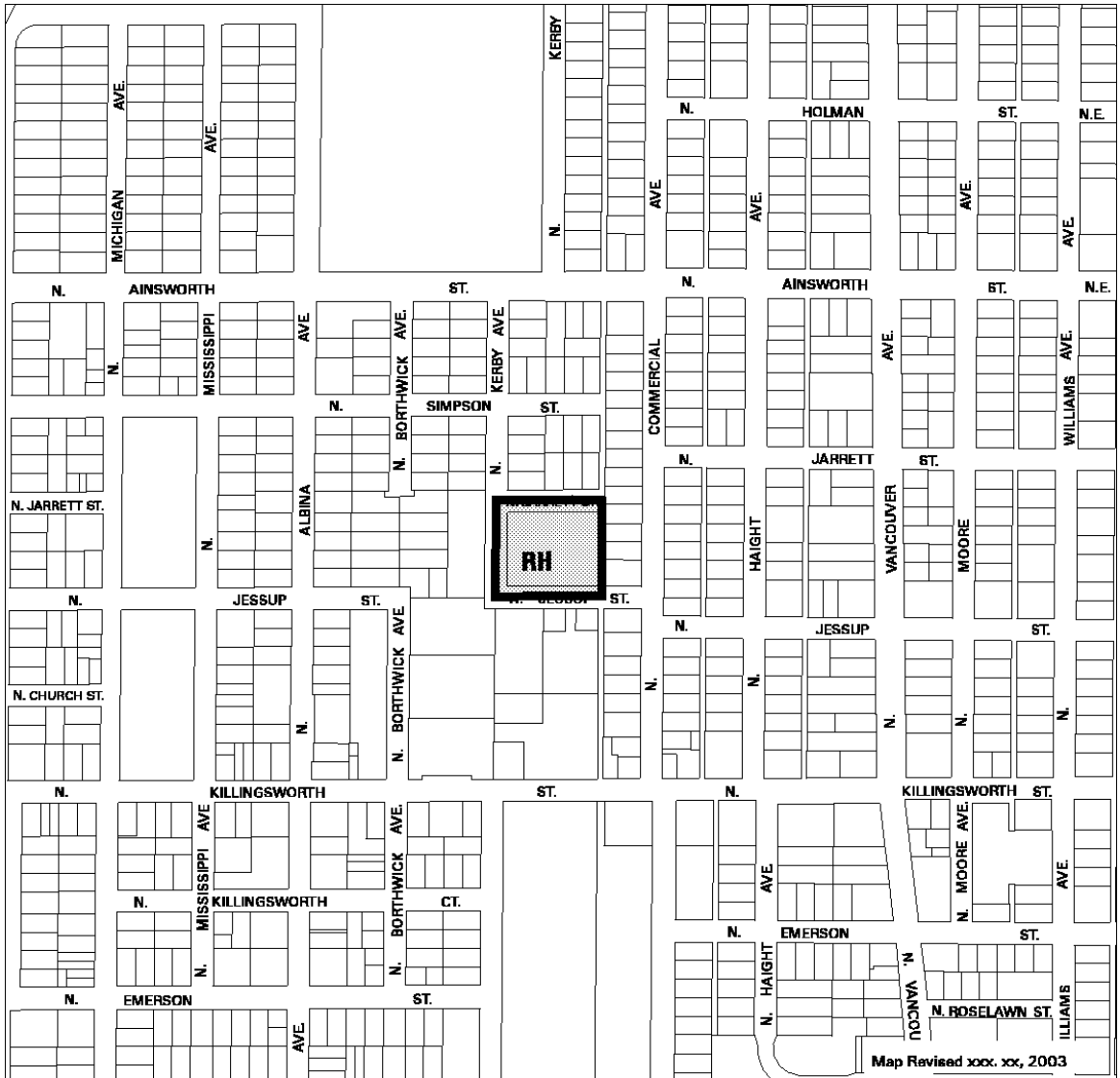
RH Areas with Maximum FAR of 4:1

Quarter Sections: 2428, 2429, 2528, 2529

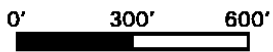
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Commentary


Adopted Map 120-7 replaces parts of the current Map 120-17. There are no changes.



Map Revised xxx. xx, 2003



Scale in Feet

 Boundary of Existing/Potential RH-Zoned Area

Map 120-7

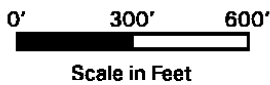
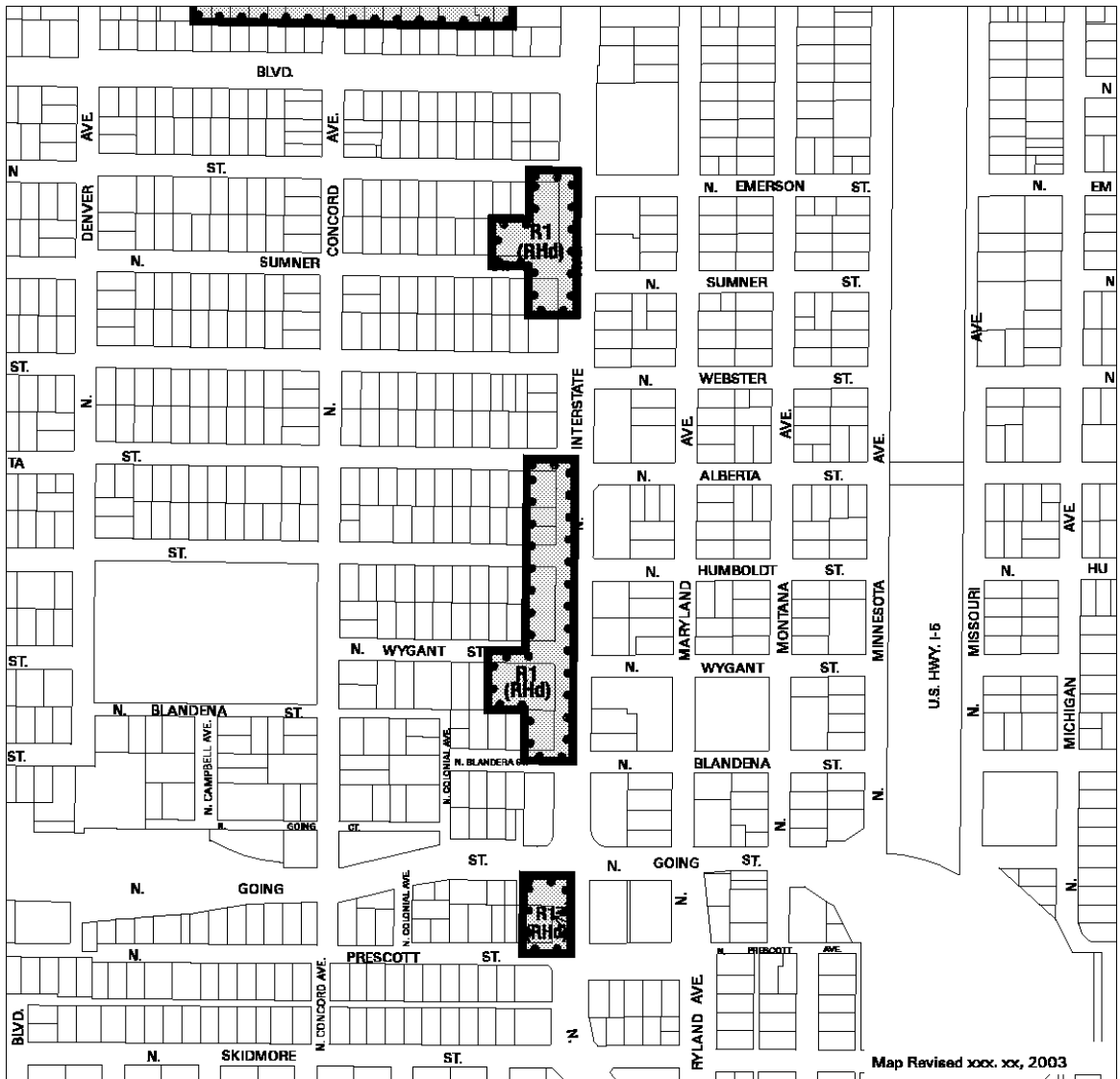
RH Areas with Maximum FAR of 4:1


Quarter Sections: 2429, 2430, 2529

Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-8 replaces parts of the current Map 120-18. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-8

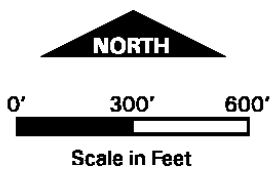
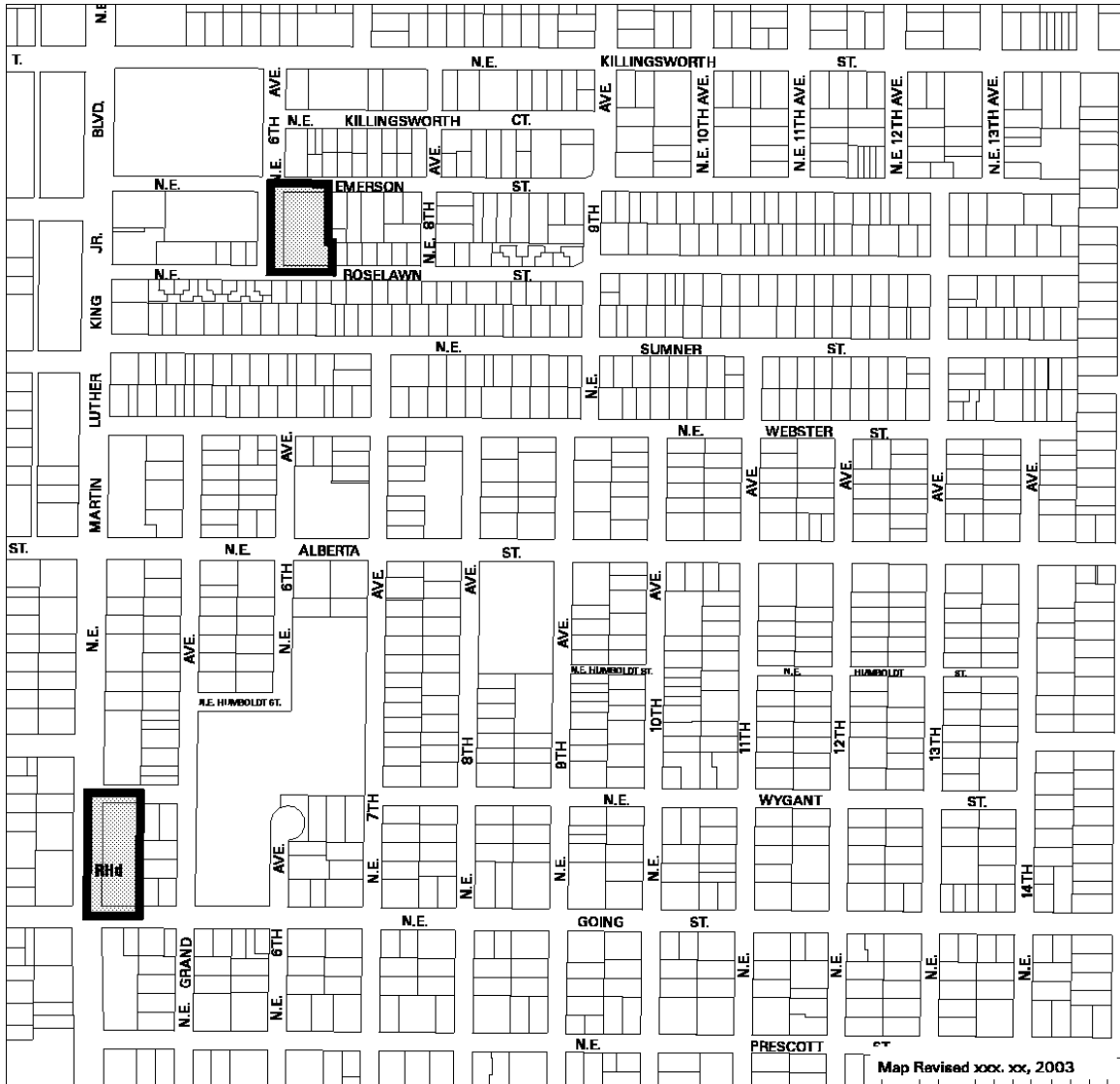
RH Areas with Maximum FAR of 4:1


Quarter Sections: 2528, 2529, 2628, 2629

Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-9 replaces the current Map 120-19. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-9

RH Areas with Maximum FAR of 4:1

Quarter Sections: 2430, 2531, 2630, 2631

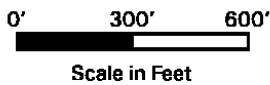
Bureau of Planning • City of Portland, Oregon

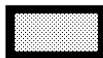
Commentary

Adopted Map 120-10 replaces the current **Map 120-20**. There are no changes.

Commentary

Adopted Map 120-11 replaces the current Maps 120-21 and 22. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-11

RH Areas with Maximum FAR of 4:1

Quarter Sections: 2531, 2630, 2631, 2730, 2731

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Commentary

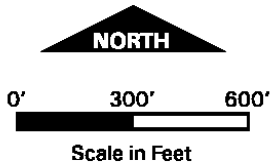
Adopted Map 120-12 replaces the current Maps 120-23 and 24. There are no changes.




Map 120-12

RH Areas with Maximum FAR of 4:1

Quarter Sections: 2630, 2631, 2730, 2731, 2830, 2831

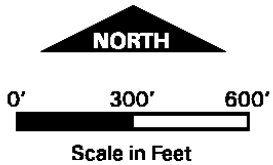



 Boundary of Existing/Potential RH-Zoned Area

Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-13 replaces the current Map 120-25. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-13

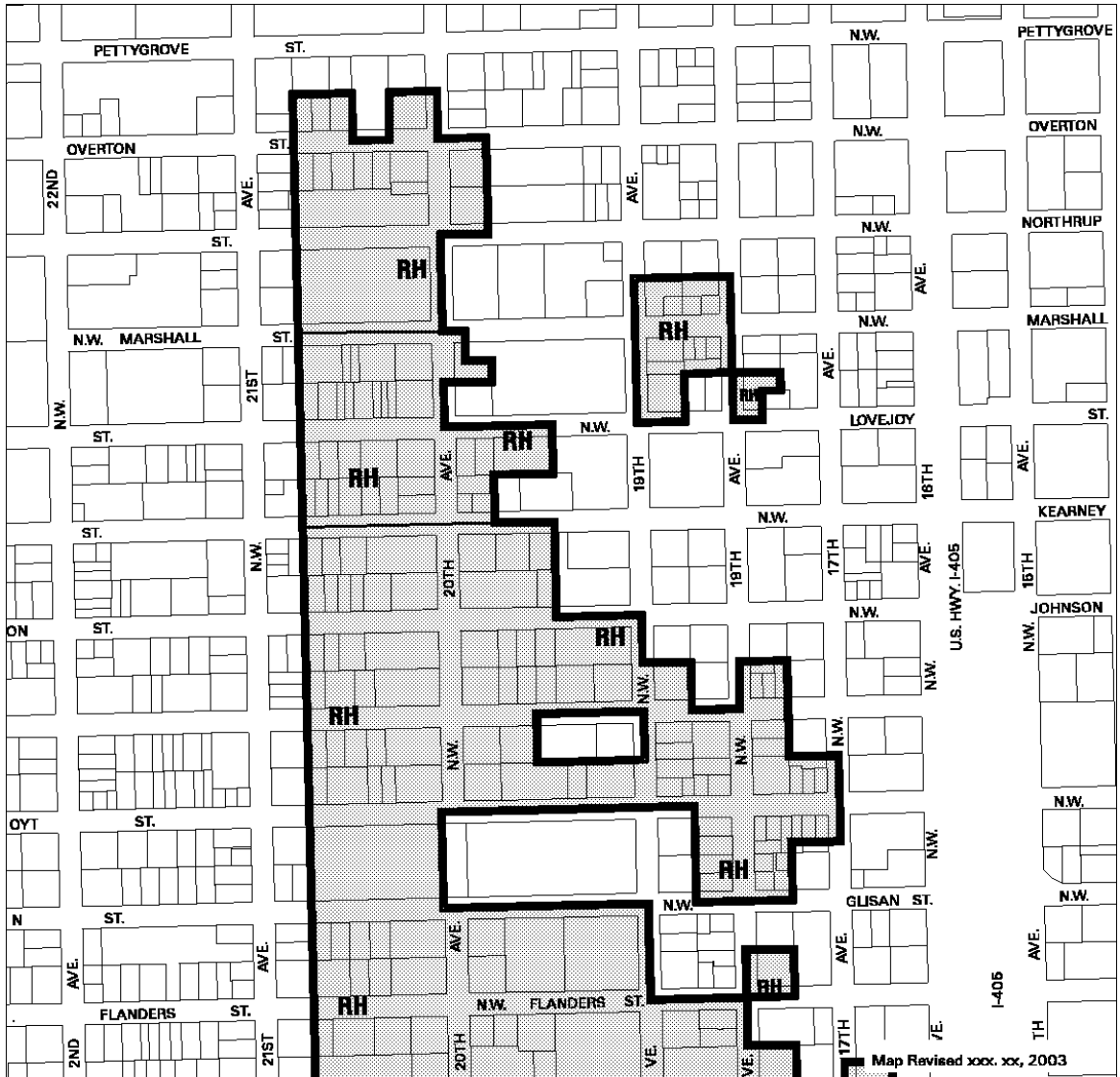
RH Areas with Maximum FAR of 4:1

Quarter Sections: 2730, 2731, 2830, 2831

Bureau of Planning • City of Portland, Oregon

Commentary

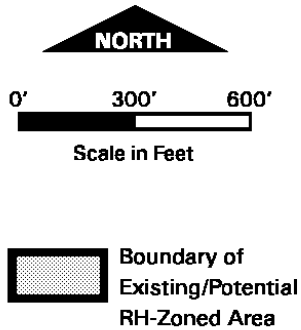
Adopted Map 120-14 replaces part of the current Map 120-6, and removes the block bounded by NW 19th, 20th, Lovejoy and Marshall. The block has been zoned EXd since at least 1991.



Map 120-14

RH Areas with Maximum FAR of 4:1

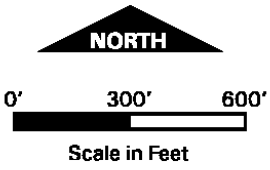
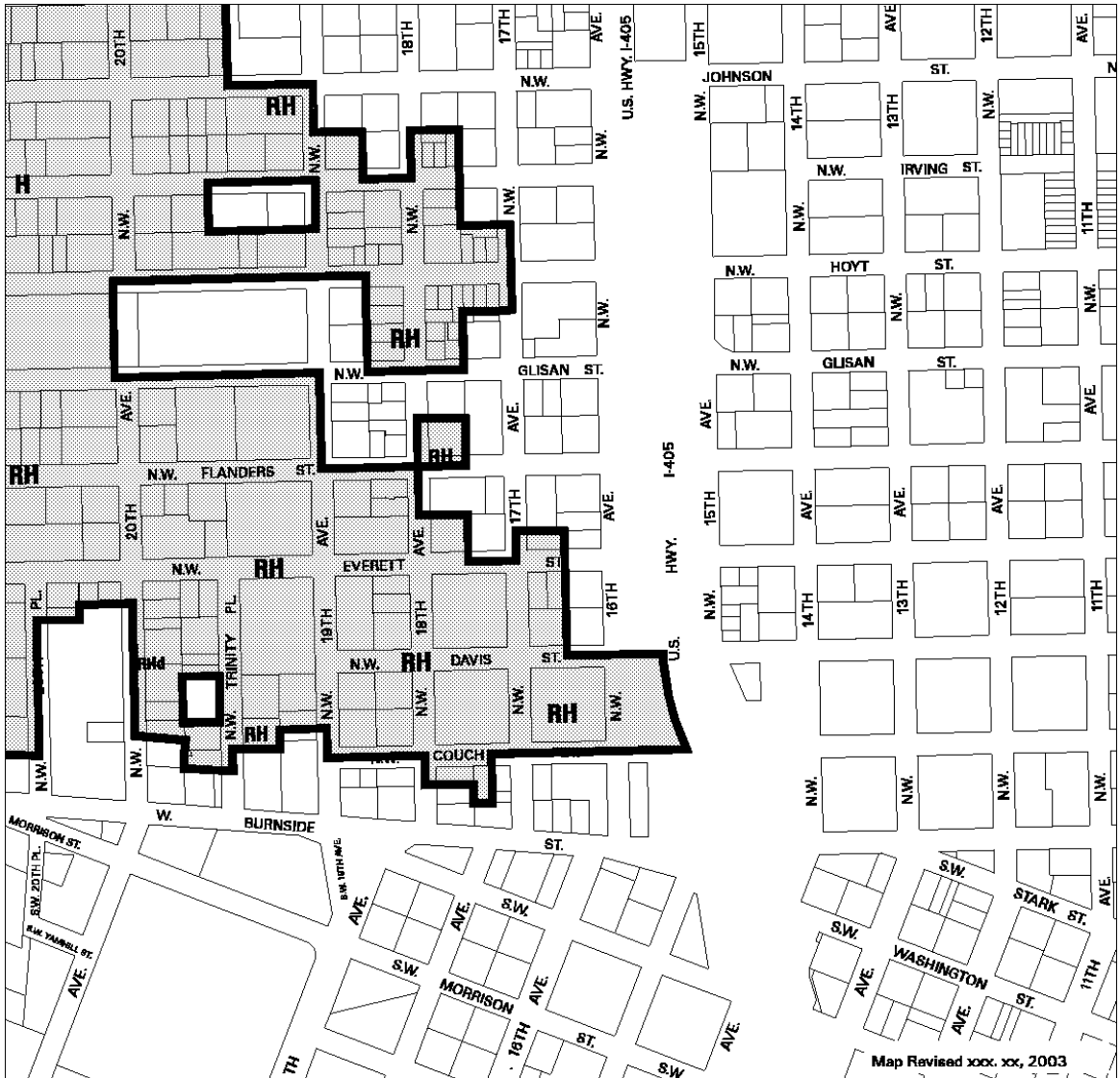
Quarter Sections: 2927, 2928, 3027, 3028




Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-15 replaces part of the current Map 120-6, and extends the line to the center of I-405 to match the zoning line.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-15

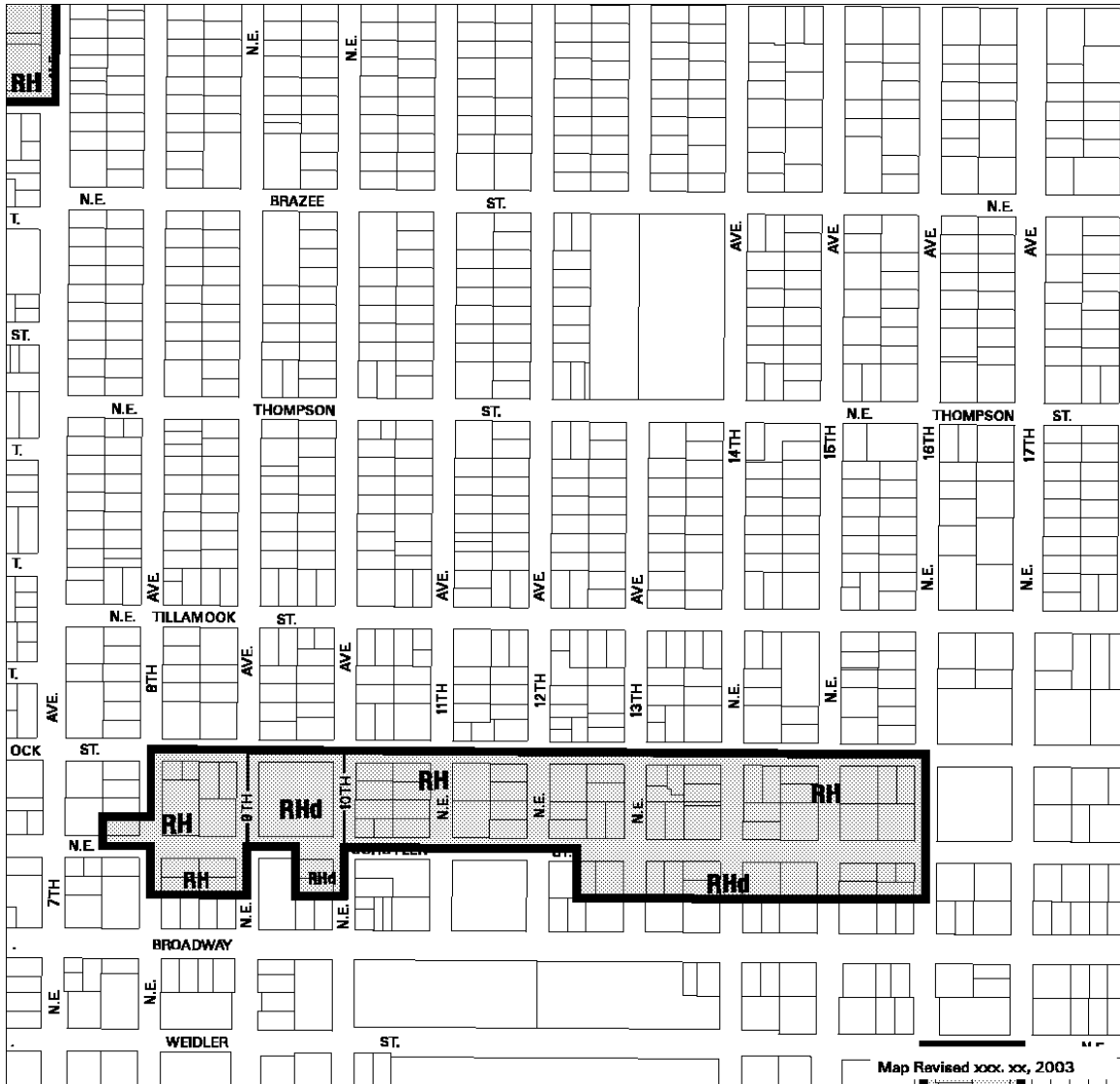
RH Areas with Maximum FAR of 4:1

Quarter Sections: 2927, 2928, 3027, 3028

Bureau of Planning • City of Portland, Oregon

Commentary

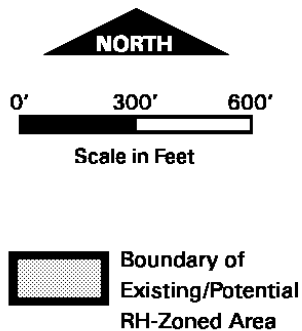
Adopted Map 120-16 replaces current Maps 120-3 and 26 and part of 27. There are no changes.



Map 120-16

RH Areas with Maximum FAR of 4:1

Quarter Sections: 2731, 2831, 2832



Bureau of Planning • City of Portland, Oregon

Commentary

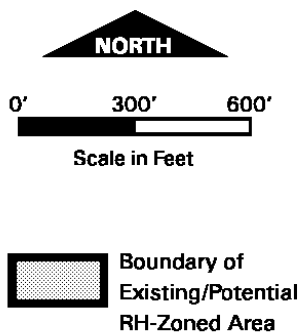
Adopted Map 120-17 replaces the current Map 120-4 and part of 120-27. The area west of NE 16th is removed. This area is within the Central City plan district, which has its own FAR maps. In addition, the zoning and designation changed to RX in 1995 for the Lloyd Place Apartments (LUR 94-00330).



Map 120-17

RH Areas with Maximum FAR of 4:1

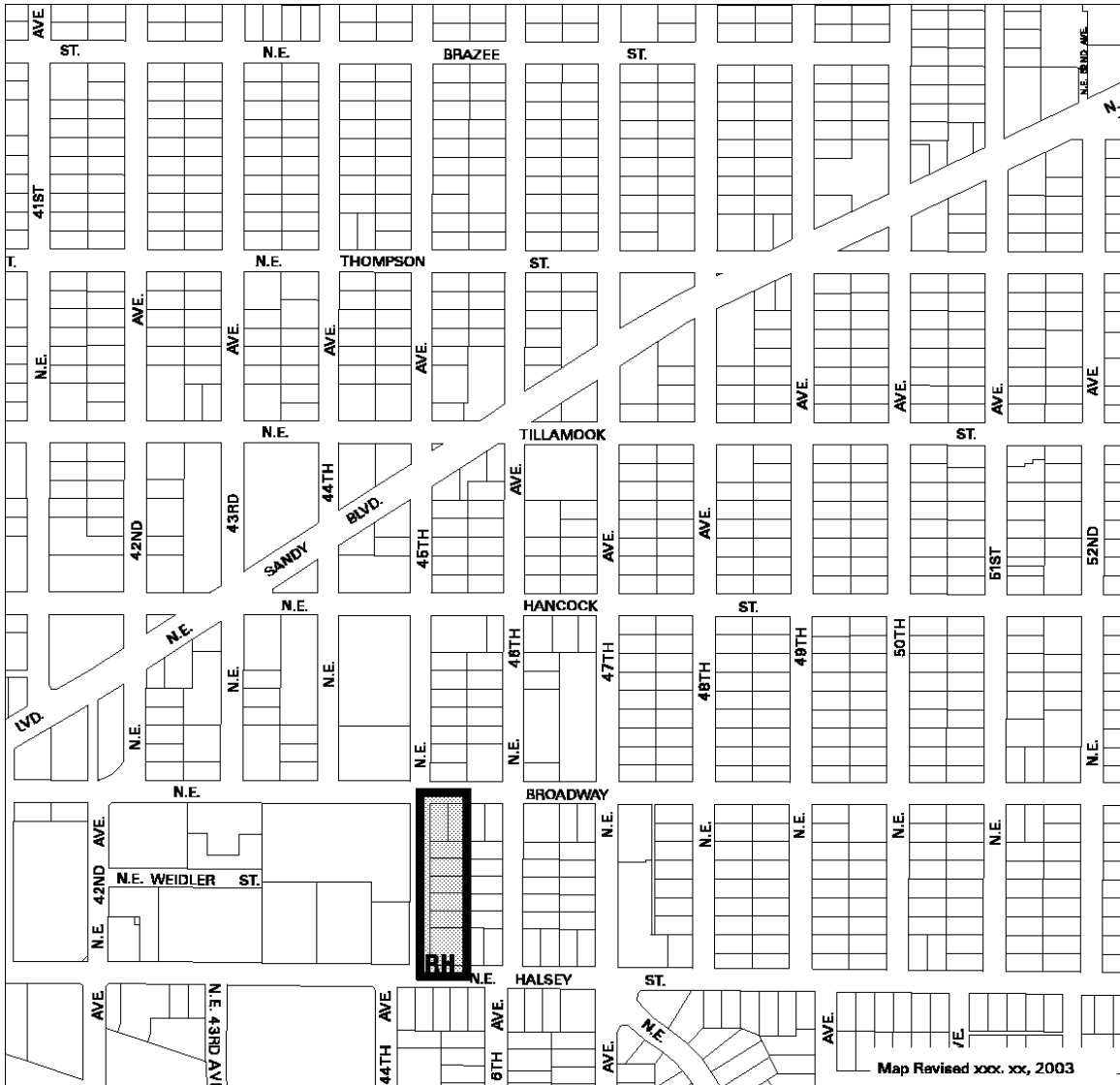
Quarter Sections: 2831, 2832, 2932



Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-18 replaces the current Map 120-5. The area west of NE 45th is removed, as it was changed to RX by the Hollywood/Sandy Plan.



Map 120-18

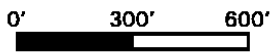
RH Areas with Maximum FAR of 4:1

Quarter Sections: 2835, 2935, 2936


Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-19 replaces the current Map 120-7. There are no changes.



Scale in Feet

 Boundary of Existing/Potential RH-Zoned Area

Map 120-19

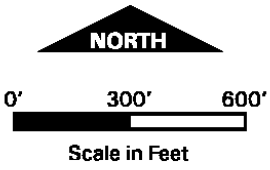
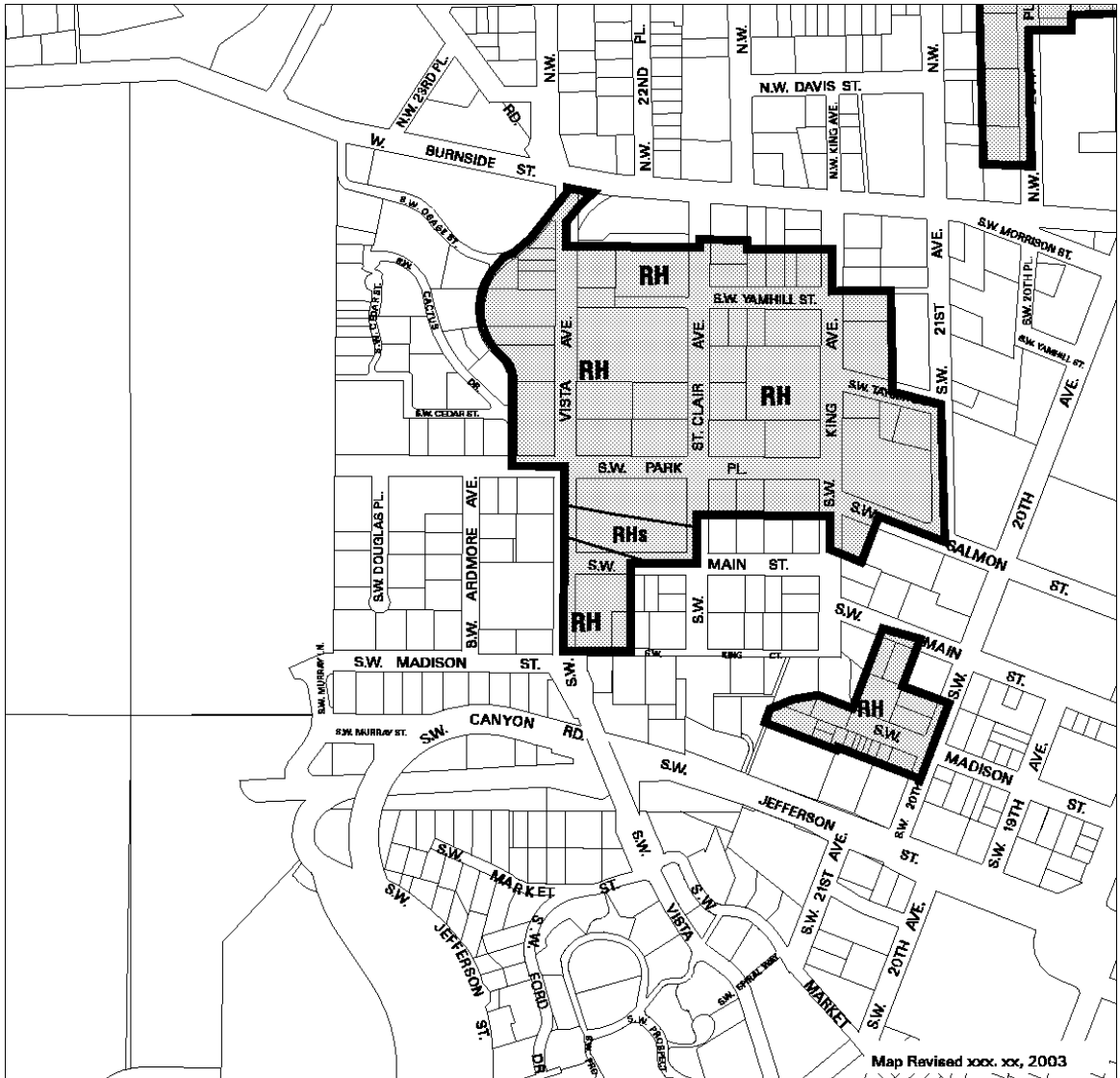
RH Areas with Maximum FAR of 4:1


Quarter Sections: 2835, 2935, 2936, 3036

Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-20 replaces the current Map 120-8. Portions that are within the Central City plan district, which has its own FAR maps, are removed, and an error is corrected to include the portion fronting Burnside.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-20

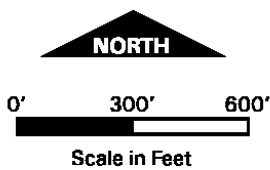
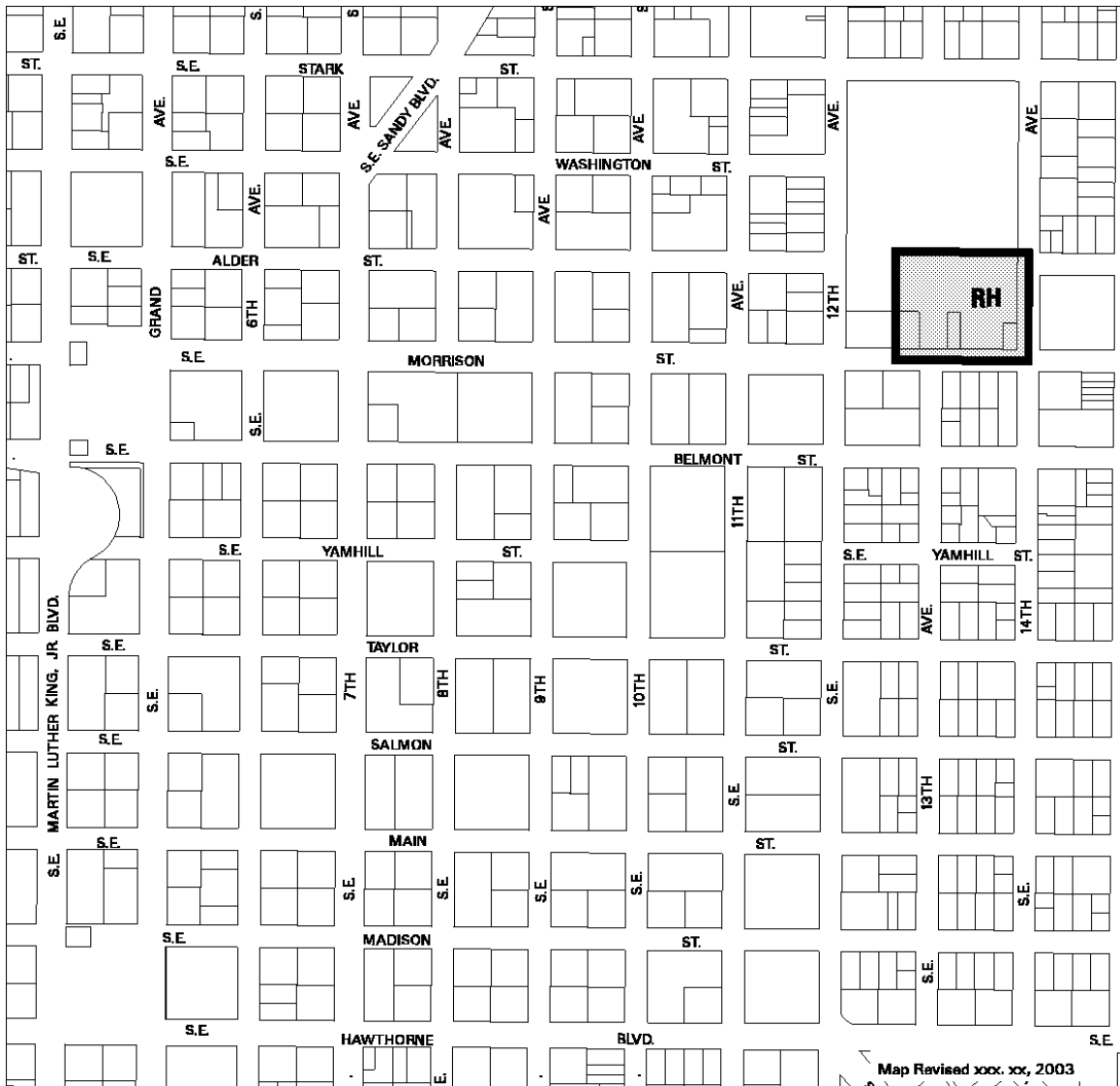
RH Areas with Maximum FAR of 4:1


Quarter Sections: 3027, 3028, 3127, 3128

Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-21 replaces the current Map 120-28. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-21

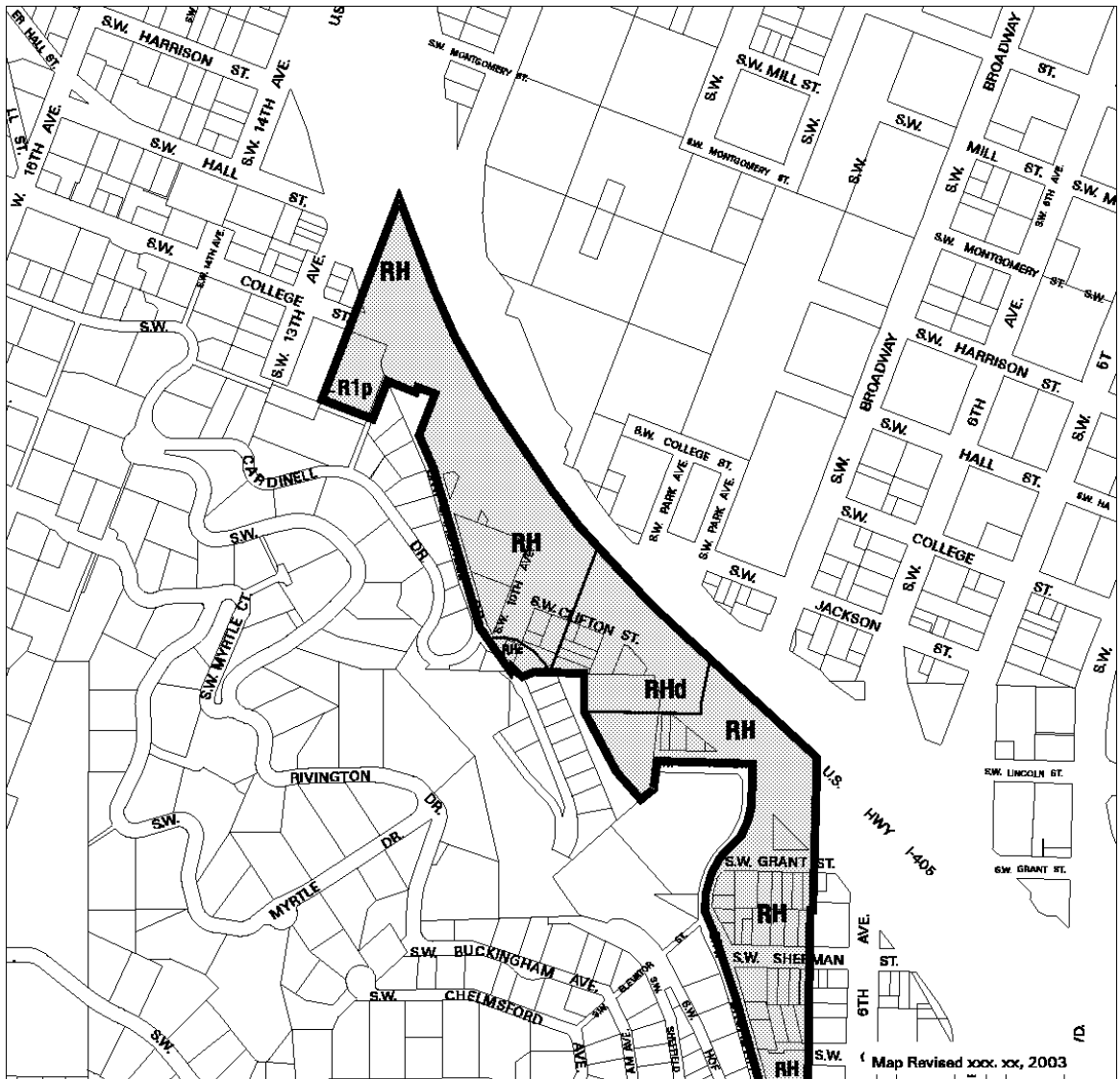
RH Areas with Maximum FAR of 4:1

Quarter Section: 3131

Bureau of Planning • City of Portland, Oregon

Commentary

Adopted Map 120-22 replaces part of the current Map 120-10, and extends the line to the center of I-405 to match the zoning line.

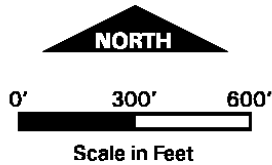



Map 120-22

RH Areas with Maximum FAR of 4:1

Quarter Sections: 3128, 3228

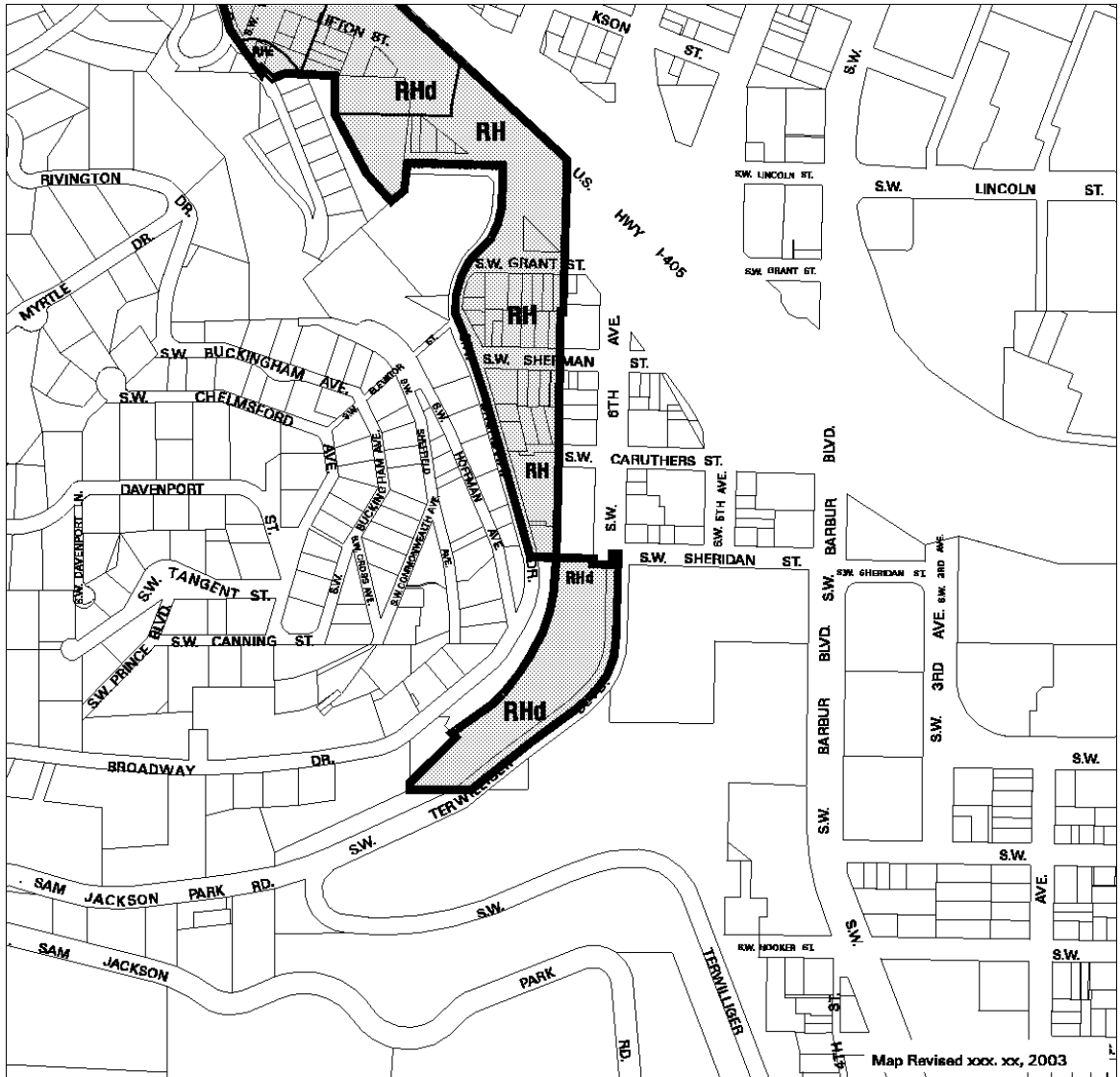
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 Boundary of Existing/Potential RH-Zoned Area

Commentary

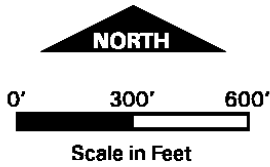
Adopted Map 120-23 replaces part of the current Map 120-10, and extends the line to the center of I-405 to match the zoning line.




Map 120-23

RH Areas with Maximum FAR of 4:1

Quarter Sections: 3228, 3328, 3329

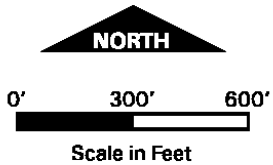
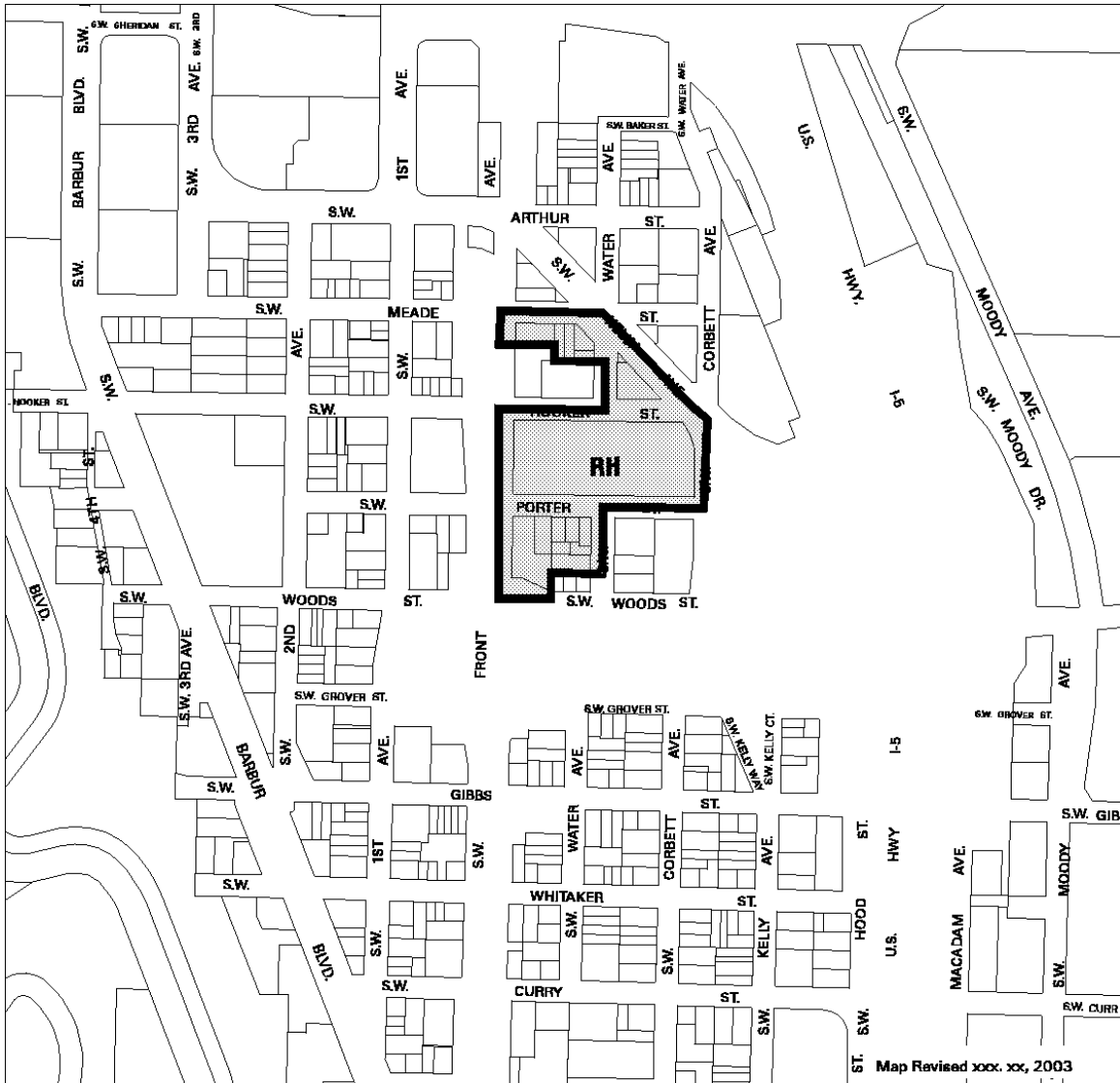



 Boundary of Existing/Potential RH-Zoned Area

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Commentary

Adopted Map 120-24 replaces the current Map 120-11. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-24

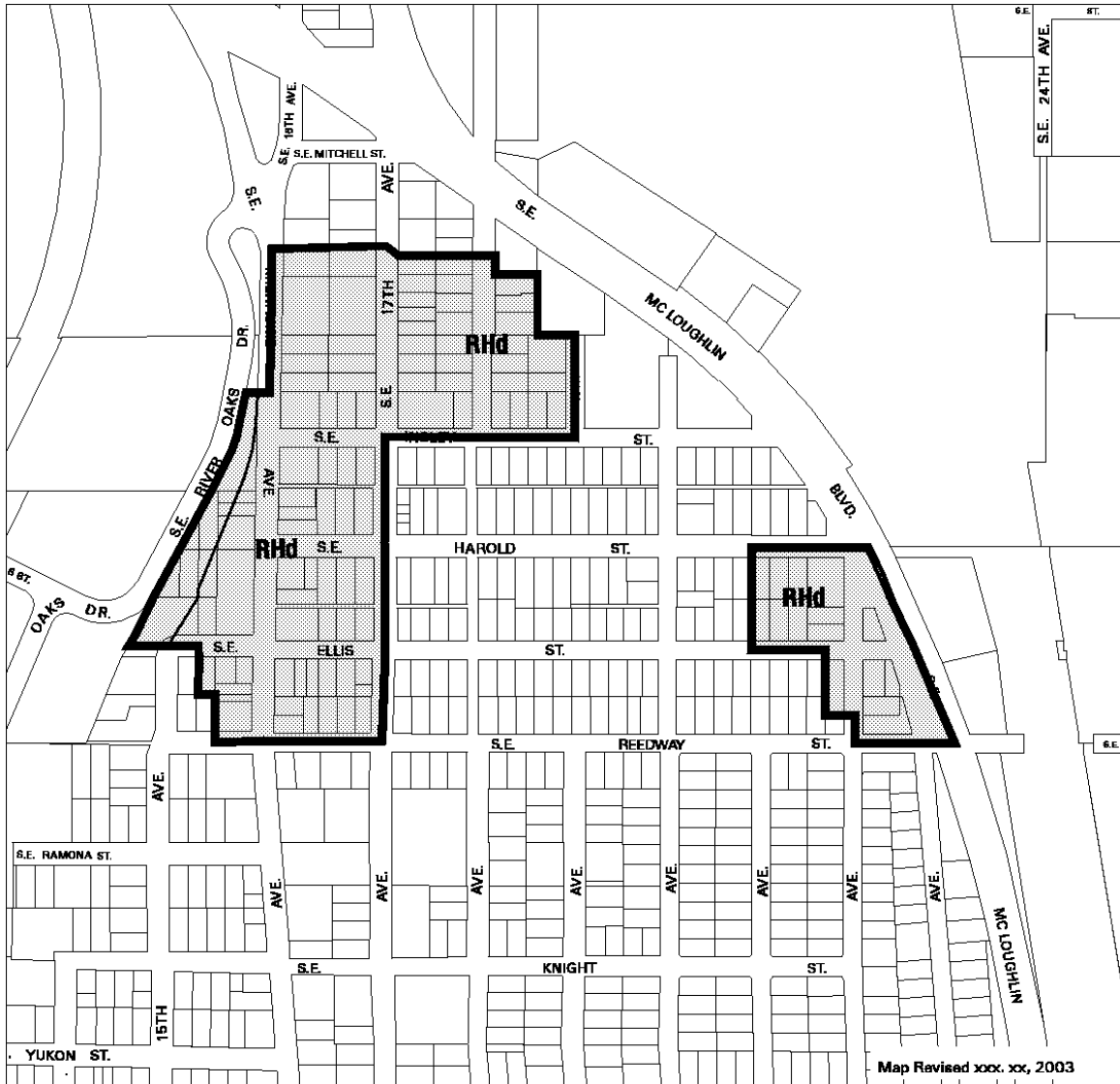
RH Areas with Maximum FAR of 4:1

Quarter Sections: 3228, 3328, 3329

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Commentary

Adopted Map 120-25 replaces the current Map 120-29, and extends the line to the center of McLoughlin to match the zoning line.

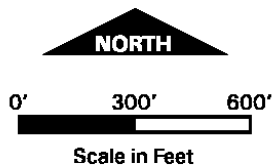



Map 120-25

RH Areas with Maximum FAR of 4:1

Quarter Sections: 3532, 3632

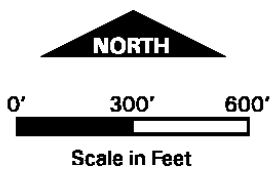
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 Boundary of Existing/Potential RH-Zoned Area

Commentary

Adopted Map 120-26 replaces the current Map 120-30. There are no changes.



 Boundary of Existing/Potential RH-Zoned Area

Map 120-26

**RH Areas with
Maximum FAR of 4:1**

Quarter Sections: 3830, 3831, 3930, 3931

Bureau of Planning • City of Portland, Oregon

**CHAPTER 33.130
COMMERCIAL ZONES**

As regulations regarding hazardous substances and excavation and fill activities are removed from Title 33, references to the Hazardous Substances Review and Excavations and Fills Review in Chapter 33.130 are also deleted. (Refer to Chapter 33.830 and 33.840, respectively, for more information on amendments to the Excavations and Fills Review and Hazardous Substances Review.)

Chapter 17.102 (Solid Waste and Recycling Collection) includes specific rules and regulations regarding recycling areas, which are implemented by the Office of Sustainable Development. Because the Title 17 requirements for recycling areas may impact site and floor plan layouts, the amendment includes a new section (33.130.310, Recycling Areas) that references the recycling requirements of Title 17. This amendment is supported by the Office of Sustainable Development.

**CHAPTER 33.130
COMMERCIAL ZONES**

Sections:

General

[No change]

Use Regulations

33.130.100 Primary Uses

33.130.110 Accessory Uses

~~33.130.120 Hazardous Substances~~

33.130.130 Nuisance-Related Impacts

Development Standards

33.130.200 Lot Size

33.130.205 Floor Area Ratio

33.130.210 Height

33.130.215 Setbacks

33.130.220 Building Coverage

33.130.225 Landscaped Areas

33.130.227 Trees

33.130.230 Ground Floor Windows

33.130.235 Screening

33.130.240 Pedestrian Standards

33.130.242 Transit Street Main Entrance

33.130.245 Exterior Display, Storage, and Work Activities

33.130.250 General Requirements for Residential and Mixed-Use Developments

33.130.253 Additional Requirements in the CM Zone

33.130.255 Trucks and Equipment

33.130.260 Drive-Through Facilities

33.130.265 Detached Accessory Structures

33.130.270 Fences

33.130.275 Demolitions

~~33.130.280 Excavations and Fills~~

33.130.285 Nonconforming Development

33.130.290 Parking and Loading

33.130.295 Signs

33.130.300 Street Trees

33.130.305 Superblock Requirements

33.130.310 Recycling Areas

33.130.100 Primary Uses

B. Limited uses.

11. Commercial Parking. In Table 130-1, Commercial Parking in the Storefront Commercial (CS) zone is identified as a limited ("L") use. However, as indicated in Paragraph 33.130.100.B.11, Commercial Parking is an allowed ("Y") use. This technical amendment replaces the "L" designation with a "Y" designation in the table.

33.130.100 Primary Uses

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.

1-10. [No change]

11. Commercial Parking. This regulation applies to all parts of Table 130-1 that have note [11]. Except where plan district provisions supersede these regulations, Commercial Parking ~~is an allowed use in the CS zone, and~~ is a conditional use in the CG and CX zones. Within plan districts, there may be special regulations.

Table 130-1 Commercial Zone Primary Uses								
Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Residential Categories	[No change]							
Commercial Categories								
Retail Sales And Service	[No change]							
Office								
Quick Vehicle Servicing								
Vehicle Repair								
Commercial Parking	N	N	N	N	N	L [11] Y	CU [11]	CU [11]
Self-Service Storage	[No change]							
Commercial Outdoor Recreation	[No change]							
Major Event Entertainment	[No change]							
Industrial Categories	[No change]							
Institutional Categories	[No change]							
Other Categories	[No change]							

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

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

L = Allowed, But Special Limitations

N = No, Prohibited

Commentary

33.130.120 Hazardous Substances. As regulations regarding Hazardous Substances Review are removed from Title 33, references to hazardous substances in Chapter 33.130 are also deleted. Refer to amendments to Chapter 33.840 for more information on amendments to the Hazardous Substances Review.

33.130.120 Hazardous Substances

- A. Purpose.** These regulations are intended to allow small amounts of hazardous substances for uses commonly located in commercial areas. Uses that involve larger quantities of hazardous substances are required to locate in employment or industrial zones.
- B. The standards.** The quantities and uses of hazardous substances allowed on a site are stated in Table 130-2. Terms are explained and described in Section 33.140.120. The hazardous substance review is stated in Chapter 33.840.

Table 130-2 Commercial Zone Allowed Hazardous Substances	
Hazardous Material Category	Quantity Levels Allowed
Class A & B Explosives Forbidden	All quantity levels are prohibited.
Poison A or B Pyrophoric Liquid	Consumer quantity levels may be allowed after a hazardous material review. All other quantities are prohibited.
Corrosive Flammable Gas Flammable Solid Irritating Non-Flammable Gas ORM A, B or E Organic Peroxide Oxidizer	Consumer quantity levels and package use quantities are allowed. Bulk plant and bulk use quantities are prohibited, except bulk use quantities of fuels stored underground for on-site sale or use are allowed.
Combustible Liquid	Bulk plant quantity levels are allowed if storage tanks are underground. Above ground tanks require a hazardous material review. Bulk use, package use and consumer commodities are allowed.

Table 130-3 Maximum Building Setback (New Note 6). This amendment clarifies whether an open porch in the *CM* and *CS* zones may be counted toward the portion of the ground level, street-facing *building* wall that meets the maximum allowed building setback. While a traditional porch does not meet the definition of a building, as it is not typically enclosed on at least 50 percent of its sides, it is a predominant architectural element associated with residential structures. Furthermore, a porch architecturally announces the main entrance of a building, which is supportive of the purpose for requiring a maximum building setback.

In calculating the maximum allowed building setback for residential development *along transit streets and in pedestrian districts*, Section 33.130.215.B.1.a(3) already allows open porches that meet certain design standards to count toward the street-facing building wall. The amendment proposes to apply the same allowance to the maximum building setback for residential development in the *CM* and *CS* zones. (Note that the maximum allowed building setbacks in the *CM* and *CS* zones applies along any street, regardless of whether the site is on a transit street or in a pedestrian district.)

Table 130-3 Development Standards [1]								
Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR [2] (see 33.130.205)	No change							
Maximum Height (see 33.130.210)								
Min. Building Stbks (see 33.130.215) Street Lot Line								
Lot Line Abutting an OS, RX, C, E, or I Zone Lot								
Lot Line Abutting other R Zoned Lot [89]								
Max. Building Stbks (see 33.130.215) Street Lot Line Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. [5][6]	10 ft. [5][6]	None 10 ft.	None 10 ft.
Building Coverage (see 33.130.220)	[No change]							
Min. Landscaped Area (see 33.130.225)								
Landscaping Abutting an R Zoned Lot [67] (see 33.130.215.B.)								
Ground Floor Window Stds. Apply (see 33.130.230)								
Pedestrian Requirements (see 33.130.240)								
Required parking [78]								

Notes:

- [1] - [4] [No change]
- [5] At least 50 percent of the length of the ground level street-facing wall facade of buildings must be within 10 feet of the street lot line. ~~This standard applies to walls facing a street lot line.~~ If the site has three or more block frontages, this standard only applies to two frontages.
- [6] For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the standards of 33.130.215.B.1.a(3) is included as part of the ground level, street-facing facade of the building.
- [67] [No change]
- [78] [No change]
- [89] [No change].

33.130.215 Setbacks

B. Building setback standard.

1. Building setbacks on a transit street or in a Pedestrian District.
 - a. Measurement. Subparagraph 1 of this paragraph is intended to apply to alterations to a single building on a site, whether or not the building currently conforms with the maximum building setback standard. This is evidenced by references to Figure 130-1, which illustrates changes to an existing building in **conformance** with the standard, and Figure 130-2, which illustrates changes to an existing building that is **not in conformance** with the standard. The amendment deletes unintended language in Subparagraph 1 that refers solely to existing buildings that are **in conformance** with the standard.

C. Alternative maximum setback option for large retailers.

2. Regulation. Existing regulations provide an alternative maximum building setback option for retail buildings having floor area in excess of 100,000 square feet. To qualify for this option, the ground level wall of other buildings on the site must be within the maximum setback for at least 25 percent of the site's frontage along transit street and streets in a pedestrian district. The remaining parking area must be broken into "parking blocks" through the use of internal accessways that serve as "streets." Over time, the parking blocks are intended to provide room for the infill development of additional commercial space.

What is not clear from the existing regulations is whether retailers using this option must also conform to the vehicle area limitations of Chapter 33.266.130.C, which allow no more than 50 percent of a site's frontage along a transit street or street in a pedestrian district to be used for vehicle area. A review of the commentary that accompanied the large retailer exemption, (included in the *Interim Implementation of the Transportation Planning Rule*, adopted in 1996) indicates the intent was to exempt such sites from the vehicle area limitation. Both the commentary and regulations recognize that by requiring only 25 percent of the building wall to be within the maximum building setback, the remaining 75 percent of the frontage could be in vehicle area. The impacts of this vehicle area are intended to be mitigated by the internal accessway requirements, which break up the parking area into smaller "blocks," and provide clearly identifiable pedestrian links between "blocks" to and from the large retail building. Additionally, unless development using this option is exempt from the vehicle area limitation, an adjustment would always be required, which was not the intent. Conformance with one standard should not require an adjustment from another standard.

In Paragraph C, the amendment clarifies what setback standard applies when a site has multiple street frontages.

33.130.215 Setbacks

B. Building setback standard. The required minimum and maximum building setbacks, if any, are stated in Table 130-3. The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, these standards apply to all zones except the CX zone. The maximum building setbacks on a transit street or in a Pedestrian District are as follows:

a. Measurement.

(1) Where an existing building ~~that meets the standard of this paragraph~~ is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 130-1 and 130-2.

(2)-(3). [No change]

b-d. [No change]

C. Alternative maximum setback option for large retailers.

1. Purpose. [No change.]

2. Regulation. Sites with a Bbuilding with having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 130-3 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the following requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.

a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. ~~For sites with frontage on more than one transit street or in a Pedestrian District, the regulations of Subparagraphs B.2.c. and B.2.d., above, apply.~~ These buildings must be constructed before or at the same time as the large retail store;

b. Internal circulation system. An internal circulation system that meets the following standards must be provided.

(1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;

(2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;

C. Alternative maximum setback option for large retailers.

2. Regulation.

b. Internal circulation system. (continued)

C. Alternative maximum setback option for large retailers.

2. Regulation.

b. Internal circulation system. (continued)

- (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
- (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
- (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-5, at the intersections of internal accessways that have parking; and
- (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

c. Connections between sites. [No change].

33.130.225 Landscaped Areas

- B. Minimum landscaped area standard.** This amendment exempts sites developed with a house, attached house or duplex structure from the Commercial zone landscape requirements. By doing so, these residential structure types will be subject to the landscape standards that apply to similar development in the Single-Dwelling zones. With this amendment, the landscape requirement more appropriately will be based on development type as opposed to the zone in which the development is located.

The minimum landscaped area standard of Chapter 33.130 requires between 0 to 15 percent of the site to be landscaped at least to the L1 standard, and all required setbacks must be landscaped to the L1 standard. The L1 standard requires living groundcover and one tree per 30 linear feet of landscaped area. This standard was intended for commercial development, and for multi-dwelling development (i.e., structures containing three or more dwelling units) on lots where residential tenants do not have the authority of the owner to plant and maintain landscaping. This landscape standard is not practical when applied to houses, attached houses or duplexes, particularly on small lots.

For example, when a series of detached houses are built on adjoining narrow lots, the multi-dwelling landscape standard requires each lot to meet the L1 standard, even within the required five foot side setbacks. On a typical lot of 100 feet in depth, this results in two side by side rows of trees located only several feet apart, with each row containing four trees. The multi-dwelling landscape standard is also impractical when applied to attached houses. Because attached houses are typically constructed on lots ranging in width from 18 to 25 feet, the minimum required landscape standard requires a minimum of one tree in each front yard and rear yard area, resulting in trees being planted less than 20 feet apart in yards that are less than 50 square feet in area. Again, in the five foot side setbacks, on a typical lot having a depth of 100 feet, a minimum of four trees is required.

The existing landscape standard pre-dates the T1 tree standard, adopted by City Council in August 1999, which specifically applies only to single-dwelling and duplex development (see 33.130.227). As indicated in the adopted commentary for the T1 tree standard, "the regulation will help preserve and enhance Portland's urban forest by requiring trees when new residential structures are built." Because the T1 standard specifically was developed for single-dwelling and duplex structures, it should serve as the appropriate landscape standard for such development.

33.130.235 Screening

- B. Garbage collection areas.** This amendment clarifies that exterior recycling collection areas, in addition to garbage collection areas, must be adequately screened from streets and adjacent properties.

33.130.225 Landscaped Areas

- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 130-3. Sites developed with a house, attached house or duplex are exempt from this standard. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.130.235 Screening

- B. Garbage and recycling collection areas.** All exterior garbage cans, ~~and~~ garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.130.250 General Requirements for Residential and Mixed-Use Developments

C. Residential main entrance.

2. Where these standards apply. The main entrance standard requires at least one main entrance be within eight feet of the longest street-facing wall of the dwelling unit. On corner lots, or lots with multiple street frontages, a direct application of this standard requires the applicant to locate the main entrance within eight feet of the longest of the street-facing facades. This was not the intent of the standard. Instead, the standard was intended to ensure that on whichever street-facing façade the main entrance is located, the main entrance must be within eight feet of the most dominant (or longest) wall plane **on that frontage**. The amendment clarifies this intent for sites with multiple street-frontages. The amendment provides greater design flexibility on the part of the applicant. The amendment also precludes the need for the many adjustments that have been processed in the past when a new street created through land division resulted in the longest street-facing façade of an existing dwelling facing the new street, but the existing main entrance being located within eight feet of the now shorter street-facing façade.

33.130.250 General Requirements for Residential and Mixed-Use Developments

A. Generally. [No change]

B. Floor area ratio. [No change]

C. Residential main entrance.

1. Purpose. [No change]

2. Where these standards apply.

a. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the commercial zones.

b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.

c. On sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

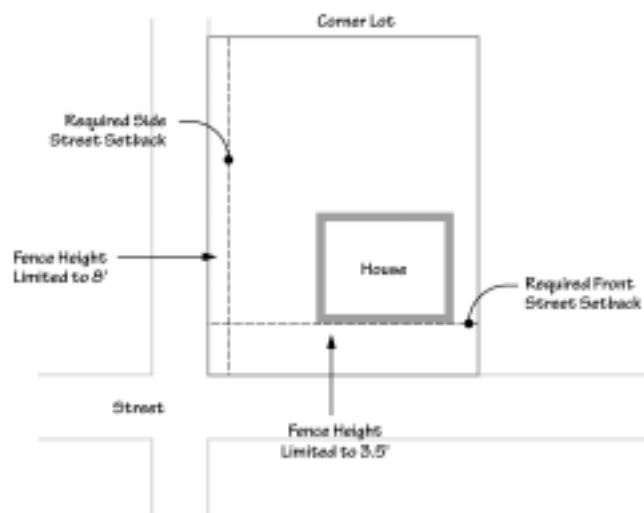
3. Location. [No change]

4. Duplexes on corner lots. [No change]

33.130.270 Fences

- C. **Location and heights.** Prior to 2001, the height of fences was limited to 3-1/2 feet in front building setbacks, and 8 feet in required side setbacks (see illustration, below). In 2001, changes to the standard were adopted to clarify the allowed height of fences in zones where a "street building setback" is identified. The unintended consequence of the revised language was to limit the height of fences in side street setbacks to 3-1/2 feet.

The amendment seeks to further clarify the height of fences in side street setbacks, and reestablish the policy that existed prior to 2001 that allowed 8 foot high fences in side street setbacks.



33.130.280 Excavations and Fills. As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.130 are also deleted. (Refer to amendments to Chapter 33.830 for more information on the Excavations and Fills Review.)

33.130.310 Recycling Areas. Chapter 17.102 (Solid Waste and Recycling Collection) includes specific rules and regulations regarding recycling areas, which are implemented by the Office of Sustainable Development. Because the Title 17 requirements for recycling areas may impact site and floor plan layouts, the amendment includes a new section (33.130.310, Recycling Areas) that references the recycling requirements of Title 17. This amendment is supported by the Office of Sustainable Development.

33.130.270 Fences

C. Location and heights.

1. Street building setbacks.
 - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.
 - b. Measured from a side lot line. Fences up to ~~3-1/2~~ 8 feet high are allowed in a required street building setback that is measured from a side lot line.
2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

~~33.130.280 Excavations and Fills~~

~~Excavations and fills may require a review. See Chapter 33.830, Excavations And Fills.~~

33.130.310 Recycling Areas

Requirements for recycling areas are regulated by the Office of Sustainable Development. See Section 17.102.180, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

**CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES**

As regulations regarding hazardous substances and excavation and fill activities are removed from Title 33, references to the Hazardous Substances Review and Excavations and Fills Review in Chapter 33.140 are also deleted. (Refer to Chapter 33.830 and 33.840, respectively, for more information on amendments to the Excavations and Fills Review and Hazardous Substances Review.) References to wastewater and stormwater disposal are also deleted (see amendment to Section 33.140.260).

Chapter 17.102 (Solid Waste and Recycling Collection) includes specific rules and regulations regarding recycling areas, which are implemented by the Office of Sustainable Development. Because the Title 17 requirements for recycling areas may impact site and floor plan layouts, the amendment proposes a new section (33.140.315, Recycling Areas) that references the recycling requirements of Title 17. This amendment is supported by the Office of Sustainable Development.

**CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES**

Sections:

General

[No change]

Use Regulations

33.140.100 Primary Uses

33.140.110 Accessory Uses

~~33.140.120 Hazardous Substances~~

33.140.130 Nuisance-Related Impacts

33.140.140 On-Site Waste Disposal

Site Development Standards

33.140.200 Lot Size

33.140.205 Floor Area Ratio

33.140.210 Height

33.140.215 Setbacks

33.140.220 Building Coverage

33.140.225 Landscaped Areas

33.140.230 Ground Floor Windows in the EX Zones

33.140.235 Screening

33.140.240 Pedestrian Standards

33.140.242 Transit Street Main Entrance

33.140.245 Exterior Display, Storage, and Work Activities

33.140.250 Trucks and Equipment

33.140.255 Drive-Through Facilities

~~33.140.260 Wastewater and Stormwater Disposal~~

33.140.265 Residential Development

33.140.270 Detached Accessory Structures

33.140.275 Fences

33.140.280 Demolitions

~~33.140.285 Excavations and Fills~~

33.140.290 Nonconforming Development

33.140.295 Parking and Loading

33.140.300 Signs

33.140.305 Street Trees

33.140.310 Superblock Requirements

33.140.315 Recycling Areas

Commentary

33.140.120 Hazardous Substances. As regulations regarding Hazardous Substances Review are removed from Title 33, references to hazardous substances in Chapter 33.140 are also deleted. Refer to Chapter 33.840 for more information on amendments to the Hazardous Substances Review.

33.140.120 Hazardous Substances

A. Purpose. These regulations are intended to allow hazardous substances in a manner consistent with the intent of the specific zones while maintaining the public safety and protecting the environment.

B. Allowed quantities of hazardous substances. The allowed on-site quantities of hazardous substances are stated in Table 140-2. Materials which are considered hazardous substances are stated in Chapter 33.910, Definitions. Radioactive materials are not covered by the regulations of this chapter.

Table 140-2 Allowed Hazardous Substances			
Hazardous Substance Category [1]	EG1, EG2 & EX	IG1 & IG2	IH
Class A & B Explosives Forbidden	b N, u N, p N, e Y	b N, u N, p N, e Y	b N, u N, p R, e Y
Poison A or B Pyrophoric Liquid	b N, u N, p R, e Y	b N, u R, p Y, e Y	b N, u R, p Y, e Y
Corrosive Flammable Gas Flammable Liquid	b N, u Y, p Y, e Y	b R, u Y, p Y, e Y	b R, u Y, p Y, e Y
Flammable Solid Irritating Non-Flammable Gas ORM A, B or E Organic Peroxide Oxidizer	b N, u Y, p Y, e Y	b R, u Y, p Y, e Y	b Y/R [2], u Y, p Y, e Y
Combustible Liquid	b R/Y [3], u Y, p Y, e Y	b R/Y [3], u Y, p Y, e Y	b Y/R [2], u Y, p Y, e Y
Quantities: b = bulk plant, u = bulk use, p = package use, c = consumer commodity See 33.140.120.D. for definitions. Y = Yes, Allowed, R = Hazardous Substance Review Required (See Chapter 33.840), N = No, Prohibited			

Notes:

- [1] Hazardous substances belonging to more than one category are subject to the regulations of the more stringent category.
- [2] If the site is 1/2 mile or closer to a residential zone, school, college or medical center, a hazardous material review is required.
- [3] If the substance is stored underground, then it is allowed outright.

C. Hazardous substance categories. The hazardous substance categories are defined by the U.S. Department of Transportation (DOT) in the code of Federal Regulations (CFR), Title 49, Parts 100 to 177 (October, 1983). Specific hazardous substances are assigned to categories in the Hazardous Materials Table, 49 CFR, Part 172.101. Hazardous substances that are not listed in the Hazardous Material Table are assigned to categories based on the definitions of the categories. Radioactive materials are not covered by the regulations of this section.

33.140.120 Hazardous Substances (continued)

33.140.120 Hazardous Substances (continued)

~~D. Descriptions of hazardous substance quantities.~~

- ~~1. Bulk plant. Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. The primary emphasis of uses at the bulk plant level is on hazardous substances. Materials are stored in large, permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by product or accessory to another product are not in this category.~~
- ~~2. Bulk use. Hazardous substances at the bulk use level are used or sold on site. The hazardous substances are incidental to the primary product or service of the use. Hazardous substances are transported to the site in an unpackaged form and are then transferred to the use's storage tank by hose, pipeline, conveyor belt, etc. On site use of a portable tank such as a rail car, tanker truck, or similar vehicle is considered to be at this quantity level. Use of containers over 60 gallons in size is classified at this level.~~
- ~~3. Package use. Hazardous substances at the package use level are stored in discrete containers of 60 gallons or less which are handled individually or on pallets for purposes of transportation. Package materials are used or sold on site. Packages may include cylinders, drums, boxes, glass jars, etc.~~
- ~~4. Consumer commodities. Consumer commodities are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care or household use.~~

~~E. Fire Bureau standards.~~ In addition to these regulations, all storage or use of hazardous substances must be approved by the Fire Bureau and must conform with all appropriate fire and building codes.

Commentary

Table 140-3. As part of the recently adopted Transportation Systems Plan amendments to Title 33, the reference to "street lot line" for the minimum building setback standard was inadvertently deleted. The amendment is limited to replacing this reference.

Table 140-3 Development Standards [1]						
Standard	EG1	EG2	EX	IG1	IG2	IH
[No change]						
Min. Building Setbacks <u>Street Lot Line</u> (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
[No change]						

Notes:

[1]-[4] [No change]

33.140.215 Setbacks

B. The setback standards.

2. Building setbacks on a transit street or in a Pedestrian District.
 - a. Measurement. Subparagraph 1 of this paragraph is intended to apply to alterations to a single building on a site, whether or not the building currently conforms with the maximum building setback standard. This is evidenced by references to Figure 140-1, which illustrates changes to an existing building in **conformance** with the standard, and Figure 140-2, which illustrates changes to an existing building that is **not in conformance** with the standard. The amendment deletes unintended language in Subparagraph 1 that refers solely to existing buildings that are in **conformance** with the standard.

C. Alternative maximum setback option for large retailers.

2. Regulation. Existing regulations provide an alternative maximum building setback option for retail buildings having floor area in excess of 100,000 square feet. To qualify for this option, the ground level wall of other buildings on the site must be within the maximum setback for at least 25 percent of the site's frontage along transit streets and streets in pedestrian districts. The remaining parking area must be broken in "parking blocks" through the use of internal accessways that serve as "streets." Over time, the parking blocks are intended to provide room for the infill development of additional commercial space.

What is not clear from the existing regulations is whether retailers using this option must also conform to the vehicle area limitations of Chapter 33.266.130.C, which allow no more than 50 percent of a site's frontage along a transit street or street in a pedestrian district to be used for vehicle area. The commentary that accompanied the large retailer exemption, (included in the *Interim Implementation of the Transportation Planning Rule*, adopted in 1996) indicates the intent was to exempt such sites from the vehicle area limitation. Both the commentary and regulations recognize that by requiring only 25 percent of the building wall to be within the maximum building setback, the remaining 75 percent of the frontage could be in vehicle area. The impacts of this vehicle area are intended to be mitigated by the internal accessway requirements, which break up the parking area into smaller "blocks," and provide clearly identifiable pedestrian links between "blocks" to and from the large retail building. Additionally, unless development using this option is exempt from the vehicle area limitation, an adjustment would always be required, which was not the intent. Conformance with one standard should not require an adjustment from another standard.

In Paragraph C, the amendment clarifies what maximum setback standard applies when a site has multiple street frontages.

33.140.215 Setbacks

B. The setback standards. The required building setbacks are stated in Table 140-3. The setback standards apply to all buildings and structures on the site except as specified in this section. The building setback standards of plan districts supersede the setback standards of this chapter. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.

1. Setbacks from the lot line. [No change]
2. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. These setback standards apply to the EG1 and EX zones. Except as provided in Subsection C. below, the building setbacks on a transit street or in a Pedestrian District are as follows:
 - a. Measurement.
 - (1) Where an existing building ~~that meets the standard of this paragraph~~ is being altered, the standards of this paragraph apply to the ground level, street-facing façade of the entire building. See Figures 140-1 and 140-2.
 - (2)-(3). [No change]
 - b-e. [No change]

C. Alternative maximum setback option for large retailers.

1. Purpose. [No change]
2. Regulation. Sites with a B buildings with having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-3 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the following requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
 - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. ~~For sites with frontage on more than one transit street or in a Pedestrian District, the regulations of Subparagraphs B.2.c. and B.2.d., above, apply.~~ These buildings must be constructed before or at the same time as the large retail store;
 - b. Internal circulation system. An internal circulation system that meets the following standards must be provided.
 - (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;

C. Alternative maximum setback option for large retailers.

2. Regulation.

b. Internal circulation system. (continued)

C. Alternative maximum setback option for large retailers.

2. Regulation.

b. Internal circulation system. (continued)

- (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. The tree wells must be adjacent to the curb, and must be located so that there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.
- (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
- (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 140-5, at the intersections of internal accessways that have parking; and
- (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

c. Connections between sites. [No change]

33.140.235 Screening

- B. Garbage collection areas.** This amendment clarifies that exterior recycling collection areas, in addition to garbage collection areas, must be adequately screened from the street and adjacent properties.

33.140.235 Screening

- B. Garbage and recycling collection areas.** In all zones except the IH zone, exterior garbage cans, ~~and~~ garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.140.260 Wastewater and Stormwater Disposal

A. Industrial wastewater disposal.

B. Stormwater disposal.

The language in these two paragraphs, which has been in the Code prior to the 1991 Code Rewrite, is deleted. The language is not in the form of an objective standard that can be implemented by BDS Planning and Zoning Staff, nor as a required land use review or approval criteria. The disposal of industrial wastewater and stormwater are not zoning-related issues, but instead are reviews conducted by other bureaus as part of other City titles. Regulations related to the disposal of industrial wastewater are implemented by the Bureau of Environmental Services through regulations contained in Chapters 17.34 (Industrial Wastewater Discharges); 17.38 (Drainage and Water Quality), including the Stormwater Manual; and 17.39 (Stormwater Discharges); and others. The Bureau of Environmental Services supports this amendment.

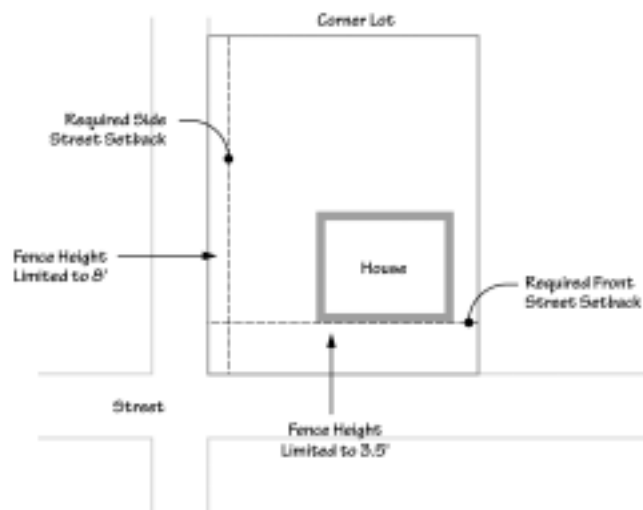
33.140.260 ~~Wastewater and Stormwater Disposal~~

- A. ~~Industrial wastewater disposal.~~** Industrial wastewater includes wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. ~~Stormwater runoff and runoff from the watering of landscaping is not included. All industrial wastewater disposal must be approved by the City Engineer. Industrial wastewater must be disposed into a sanitary sewer unless an alternative disposal is approved by the Department of Environmental Quality (DEQ). The City Engineer may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required. Sanitary and industrial wastewater quality must meet City code requirements.~~
- B. ~~Stormwater disposal.~~** All stormwater, groundwater, and runoff from the watering of landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. ~~Stormwater and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the Plumbing Division of OPDR and/or the Bureau of Environmental Services. A permit from DEQ may also be required.~~

33.140.275 Fences

- C. **Location and heights.** Prior to 2001, the height of fences was limited to 3-1/2 feet in front building setbacks, and 8 feet in required side setbacks (see illustration, below). In 2001, changes to the standard were adopted to clarify the allowed height of fences in zones where a "street building setback" is identified. The unintended consequence of the revised language limited the height of fences in side street setbacks to 3-1/2 feet.

The amendment seeks to further clarify the height of fences in side street setbacks, and reestablish the policy that existed prior to 2001 that allowed 8 foot high fences in side street setbacks.



33.140.285 Excavations and Fills. As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.140 are also deleted. (Refer to amendments to Chapter 33.830 for more information on the Excavations and Fills Review.)

33.140.315 Recycling Areas. Chapter 17.102 (Solid Waste and Recycling Collection) includes specific rules and regulations regarding recycling areas, which are implemented by the Office of Sustainable Development. Because the Title 17 requirements for recycling areas may impact site and floor plan layouts, a section is added (Section 33.140.315, Recycling Areas) that references the recycling requirements of Title 17. This amendment is supported by the Office of Sustainable Development.

33.140.275 Fences

C. Location and heights.

1. Street building setbacks.
 - a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.
 - b. Measured from a side lot line. Fences up to ~~3-1/2~~ 8 feet high are allowed in a required street building setback that is measured from a side lot line.
2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.
3. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

~~33.140.285 Excavations and Fills~~

~~Excavations and fills may require a review. See Chapter 33.830, Excavations and Fills.~~

33.140.315 Recycling Areas

Requirements for recycling areas are regulated by the Office of Sustainable Development. See Section 17.102.180, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

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

O. Additional standards for historic resources.

8. Red brick in Russell Street and Mississippi Avenue.

33.218.150 Standards for I Zones

K. Additional standards for historic resources.

7. Red brick in Russell Street and Mississippi Avenue.

The Community Design Standards contain a requirement that street-facing facades in the Mississippi Avenue and Russell Street conservation districts must be red brick (with up to 20 percent of the façade allowed to be stone or precast concrete). If an applicant elects not to meet this standard and proposes a material other than red brick, a Type II Historic Design Review is required. The current fee for such reviews ranges from \$571 to \$2,723, depending on the size of the proposed development or alteration.

Representatives of the Mississippi Historic District Target Area (which was designated by the Bureau of Housing and Community Development to promote neighborhood revitalization in low/moderate income neighborhoods) have indicated the red brick requirement is not consistent with the historic character of the area, as evidenced by the variety of building materials used along the Avenue. This position is also supported by the Boise Neighborhood Association. (A recent windshield survey conducted by the Bureau of Development Services found that only 12 percent of lots in the area are developed with brick buildings, with the predominant material being horizontal wood siding.) The appropriateness of the red brick is questioned in the Target Area's *Mississippi Historic District Target Area Main Street Design Project*, prepared by Otak in 2001. In addressing the desired urban design for the Avenue, the report concludes, "An evaluation of the use of brick in recent development demonstrates that, in its modern use, brick almost always takes the form of a veneer applied to the outside of the building, and doesn't necessarily contribute a sense of permanence and quality sought in the Community Design Standards" (page 32).

In responding to these findings, the amendment deletes the requirement for red brick facades in the Mississippi Avenue Conservation District. This amendment addresses the expressed concern that the red brick requirement is not *preserving or protecting* a predominant historic quality of the Avenue, but instead is *creating* a character that is not consistent with the Avenue's historic development. Remaining Community Design Standards related to the types of exterior material that may or may not be used are unchanged.

**CHAPTER 33.218
COMMUNITY DESIGN STANDARDS**

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

- O. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.

1-7. [No change]

8. Red brick in Russell Street and Mississippi Avenue. In the Mississippi Avenue and Russell Street Conservation Districts, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.

9-12. [No change]

33.218.150 Standards for I Zones

- K. Additional standards for historic resources.**

1-6. [No change]

7. Red brick in Russell Street and Mississippi Avenue. In the Mississippi Avenue and Russell Street Conservation Districts, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.

8. [No change]

**CHAPTER 33.219
CONVENIENCE STORES**

The amendments to this chapter are generally limited to changing the Convenience Store Review from a discretionary Type II land use review procedure to a nondiscretionary procedure implemented through a building permit/zoning permit application process. This is in recognition that the Convenience Store Review involves little discretion, and instead, consists of confirming that the applicant has met stated submittal requirements. The amendments to this chapter do not affect the fundamental purpose of the Convenience Store Review, which is to establish early and continued contact between the applicant and affected neighborhood, and to develop and maintain a Good Neighbor Plan.

33.219.025 Procedure. This new paragraph identifies how applications for convenience stores are processed - either as part of a building permit or zoning permit application. A building permit application would be required when proposed improvements trigger requirements other than those in Title 33. In some cases, when a new convenience store is proposed within an existing building and no tenant improvements are proposed, no building permit is required. In such situations, when only standards of Title 33 are triggered, only a zoning permit would be required.

33.219.030 Preliminary Steps Before Submitting an Application.

- A. Develop a Good Neighbor Plan and site plan.** As Section 33.219.050 is deleted, reference to that section is also deleted.
- B. Contact neighborhood association.** A requirement that the applicant also notify the affected district neighborhood coalition office is included.

**CHAPTER 33.219
CONVENIENCE STORES**

Sections:

- 33.219.010 Purpose
- 33.219.020 Where the Regulations Apply
- 33.219.025 Procedure
- 33.219.030 Preliminary Steps Before Submitting an Application
- ~~33.219.040 Procedure~~
- ~~33.219.050 Additional Site Plan Information~~
- 33.219.060 Other Requirements
- ~~33.219.070 Approval Criteria~~

33.219.010 Purpose

The convenience store requirements provide regulations and procedures to allow convenience stores while reducing the negative impacts on nearby residents and businesses. This is achieved by requiring convenience store owners or operators to meet with interested parties both before and after the development process and by requiring the formulation of a written implementation program, referred to as a "Good Neighbor Plan". This chapter provides a consistent method of addressing issues and areas of concern to the convenience store owner/operators and nearby residents and businesses.

33.219.020 Where the Regulations Apply

All convenience stores proposing to locate in a new building or in an existing building are subject to the regulations of this chapter ~~and a convenience store review~~.

33.219.025 Procedure

Compliance with standards of this chapter is determined as part of a building permit or zoning permit application.

33.219.030 Preliminary Steps Before Submitting an Application

Prior to submitting an building permit or zoning permit application for a convenience store ~~review~~, the applicant must complete all of the steps listed below.

- A. Develop a Good Neighbor Plan and site plan.** The applicant must develop a draft Good Neighbor Plan and site plan, which meet all of the requirements of ~~33.219.050~~ and 33.219.060, below.
- B. Contact neighborhood association.** Upon completing the draft Good Neighbor Plan and site plan, the owner or operator of the proposed convenience store must notify the local neighborhood association in writing of the desire to set up a formal meeting. A copy of the proposed Good Neighbor Plan and the site plan must accompany the letter. The letter must mention permits, land use reviews, and licenses that will be requested, and associated timelines. A copy of the letter, the proposed Good Neighbor Plan, and the site plan must be sent to the affected district neighborhood coalition. The neighborhood association must set a meeting date within 45 days of the initial contact, or the applicant will be allowed to proceed to the application stage discussed in Subsection E. below.

33.219.030 Preliminary Steps Before Submitting an Application (continued)

- C. Notice of meeting.** To be consistent with standard notice requirements used elsewhere in the Code, this amendment requires the applicant to notify property-owners within 150 feet of the convenience store site.

- D. Convenience store meeting.** Reference to City staff attending neighborhood meetings where convenience store proposals are discussed is deleted. Historically, City staff has not attended such meetings, and there are not staff resources available to attend these neighborhood meetings. City staff continues to be available to consult with the neighborhood associations during regular business hours should technical questions arise.

- E. Application for building permit/zoning permit.** New language is included to clarify that following the prescribed preliminary steps, the applicant may submit an application for a building permit or zoning permit.

33.219.040 Procedure. This section is deleted, and replaced by Section 33.219.025.

33.219.050 Additional Site Plan Information. Reference to the required site plan elements are deleted as these apply only to land use review applications. Applicants will be subject to the site plan requirements for building permits/zoning permits.

- A.** This section, which makes reference to the Convenience Store land use review approval criteria, is deleted.

- B.** This section is deleted as the cited elements, with the exception of signs and billboards, are already required as part of a building permit/zoning permit application submittal. Signs and billboards are regulated by Title 32.

33.219.030 Preliminary Steps Before Submitting an Application (continued)

- C. Notice of meeting.** Upon receiving notice of the time and place of the meeting, the applicant must notify in writing all property owners ~~abutting~~ within 150 feet of the proposed site, BDS, and any other recognized organizations within 400 feet of the proposed site. The notice form and the location of neighborhood association boundaries are available from the Office of Neighborhood Involvement.
- D. Convenience store meeting.** The purpose of the meeting is to provide the opportunity for all interested parties to voice their concerns regarding the proposed convenience store. The anticipated outcome of the meeting is an agreement ~~between~~ among the local residents, businesses, and the applicant as to the content of the Good Neighbor Plan and the site plan. However, a consensus is not required. ~~Staff from BDS and other Bureaus may attend these meetings to offer suggestions or identify potential problems with the proposed Good Neighborhood Plan or site plan. Participation by the City in this meeting does not indicate formal City approval of the Good Neighbor Plan or the site plan.~~ The meeting may be continued at a later date if all parties agree.
- E. Application for a ~~convenience store review~~ building permit/zoning permit.** The next step is the application for a ~~convenience store review, and any other land use reviews~~ building permit or zoning permit. The application must be accompanied by the site plan, the Good Neighbor Plan, the record of good faith, and the lighting report, as discussed in ~~33.219.050 and~~ 33.219.060, below.

~~**33.219.040 Procedure**~~

~~An application for a convenience store review will be processed through the Type II procedure.~~

~~**33.219.050 Additional Site Plan Information**~~

~~In addition to the site plan requirements of 33.730.060, the site plan must contain the following information:~~

- ~~**A.** The location of all items required in Subsection 070.A. below; and~~
- ~~**B.** Building elevations showing building entrances, signs, billboards, windows, height, and roof lines.~~

33.219.060 Other Requirements. New language is included to clarify that the cited submittal requirements apply when locating a convenience store in a new **or** existing building.

- A. **Good Neighbor Plan.** Currently, as part of a Convenience Store Review, the applicant is required solely to document that the Good Neighbor Plan contains the cited elements. Staff currently conducts no discretionary analysis regarding the content of the Plan; the submitted Plan is reviewed solely to determine that the required elements are included. The changes to this section, which are limited to clarification of existing language, are consistent with that practice.

33.219.060 Other Requirements

An application for a ~~convenience store review~~ proposals to locate a convenience store in a new or existing building must ~~include all of the following~~ be accompanied by the following information:

- A. Good Neighbor Plan.** A written implementation program, referred to as a "Good Neighbor Plan," ~~must be submitted, which contains~~ all of the items listed below:
1. Crime prevention and awareness training program. ~~Written verification from the Police Bureau that A~~ a crime prevention and crime awareness training program ~~which is developed in conjunction with and has been approved in writing by the Police Bureau. The Police Bureau, as part of this approval, will review the site plan and the location of all lighting.~~
 2. Alcohol awareness and employee training program. ~~Written verification from the Oregon Liquor Control Commission that A~~an alcohol awareness and employee training program ~~which is developed in conjunction with, and has been approved in writing by, the Oregon Liquor Control Commission.~~ At a minimum, the program must be directed at identifying and handling situations involving minors or intoxicated customers, and identify which displays and marketing techniques will be used to discourage drunk driving.
 3. Litter control program. ~~A litter control program must include at~~ At least two trash receptacles ~~must be provided on-site for customer use, located next to walkways the on-site pedestrian circulation system. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will conduct A~~at a minimum, the program must also address a daily on-site litter pickup, customer awareness activities, and an off-site litter pick-ups ~~along sidewalks adjacent to the site.~~
 4. Loitering control program. ~~Written verification must be provided from the owner, operator, manager, or a local representative of the parent company that A~~ a loitering control program ~~will be enforced, is required, and must, The loitering control program must, as~~ at a minimum, address ~~such things as~~ limiting the hours of operation of electronic video games, and locating telephone booths, benches, tables, and other ~~customer~~ activity areas where they can be viewed ~~and controlled by the store employees.~~
 5. Landscape maintenance awareness. ~~The applicant~~ ~~Written verification must be provided from the owner, operator, manager, or a local representative of the parent company must~~ acknowledge in writing that they understand the provisions of Chapter 33.248, Landscaping and Screening, and in particular, 33.248.030, Plant Materials, and 33.248.040, Installation and Maintenance.

33.219.060 Other Requirements

A. Good Neighbor Plan. (continued)

B. Record of good faith. The changes to this section are limited to clarification of existing language.

C. Lighting Certification. This amendment clarifies that not only does the applicant have to document in advance that the glare standards of Chapter 33.262 are met, but also must identify the location of all exterior lighting on the submitted site plan.

33.219.060 Other Requirements

A. Good Neighbor Plan. (continued)

6. Communication agreement. ~~The applicant must agree in writing to~~ Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will correspond on a long-term informal basis with the local recognized organizations and other concerned individuals regarding any problems they may have with current business practices or impacts on the neighborhood. All responses should be written within 30 days of receiving the initial letter, and be from the owner, operator, manager, or a local representative of the parent company. A file of all letters received and written is to be maintained by the ~~correspondent~~ owner, operator, manager, or a local representative of the parent company ~~for the convenience store~~ and be available to the public upon request.
7. Participation in Neighborhood Mediation Program. Written verification must be provided that the owner, operator, manager, or a local representative of the parent company will ~~The applicant must agree in writing to~~ participate in the City's Neighborhood Mediation Program should that process be initiated.

B. Record of good faith. ~~The application must be accompanied by w~~ A written verification must be provided that the owner, operator, manager, or a local representative of the parent company met with or attempted in good faith to meet with the local recognized organization(s), and adjacent property owners, and BDS in advance of submitting the building permit or development permit application. The written verification must include all of the following:

1. A copy of the notice and the names and addresses of those notified of the applicant's desire to meet;
2. A copy of the time, date, and location of the meeting(s), and the names, addresses, and phone numbers of those who participated in the meeting(s);
3. A copy of the draft Good Neighbor Plan and site plan sent to the neighborhood association and as presented at the meeting(s), if different; and
4. Identification of those components of the Good Neighbor Plan which were agreed upon and those which were unresolved, plus any additional items discussed during the meeting(s).

C. Lighting Certification. The applicant must document in advance that the proposed lighting meets the glare standards of Chapter 33.262, Off-Site Impacts. In addition to meeting the requirements of 33.262.100, Documentation in Advance, the applicant must identify on a site plan the location of exterior lighting.

33.219.070 Approval Criteria Because the review of convenience stores will now be processed through the building permit/development permit process, the land use review approval criteria are deleted. This is in recognition that the current Convenience Store Review involves little discretion, and instead consists of confirming that the applicant has met stated submittal requirements.

The requirements of Approval Criterion A are met through either existing development standards that apply to any commercial development abutting a residential zone, or through the Convenience Store submittal requirements identified in Section 33.219.060 (Other Requirements). For example, Approval Criterion A states, "Parking areas, loading areas, mechanical equipment, dumpsters, and any telephones, benches, or other customer amenities should be sited or designed to reduce their impact on adjacent residential uses, where practical. Important considerations are screening to reduce noise, and the ability of store employees to monitor these areas from inside the store." The base zone standards already require a minimum setback ranging from 5 to 14 feet from abutting residential zones, with the setback area required to be landscaped to the L3 standard (i.e., one tree every 30 feet and shrubs forming a six foot high, 95% opaque screen). Additional interior and perimeter landscape and screening requirements apply to parking and loading areas, and to garbage collection areas. The base zones require mechanical equipment to be screened by walls, fences or landscaping tall enough to screen the equipment, and such equipment is required to conform to the City noise standards of Title 18 (Nuisance Abatement and Noise Control). Furthermore, the required Good Neighbor Plan is required to include a loitering control program, which in part, ensures that customer activity areas can be viewed by store employees.

The existing Approval Criterion B is limited to a check list item, which can be objectively verified when the building or development permit application is submitted.

33.219.070 Approval Criteria

An application for a convenience store review will be approved if the review body finds that the applicant has shown that all of the following have been met:

- ~~A. Convenience stores which abut a residential use or R-zoned land must meet the objectives stated below. The purpose of these objectives is to reduce the noise impacts on adjacent residential areas, minimize loitering, and improve safety.~~
 - ~~1. Parking areas, loading areas, mechanical equipment, dumpsters, and any telephones, benches, or other customer amenities should be sited or designed to reduce their impact on adjacent residential uses, where practical. Important considerations are screening to reduce noise, and the ability of store employees to monitor these areas from inside the store.~~
 - ~~2. Lighting must be oriented away from residential uses or R-zoned land.~~
- ~~B. The Good Neighbor Plan, site plan, the record of good faith, and the lighting report meet all of the requirements of this chapter and other applicable requirements of the zoning code.~~

CHAPTER 33.229
ELDERLY AND DISABLED HIGH DENSITY HOUSING

33.229.040 Design Standards

C. Parking.

1. Motor vehicle parking. This amendment clarifies the reduced motor vehicle parking requirement for units restricted by covenant. The current standard indicates only one parking space for every eight units is required when at least 75 percent of the units are limited to occupancy by elderly residents. It is unclear whether the cited 75 percent figure applies only to those units restricted by covenant through 33.229.030.C and D, or to all units in the development. The legislative intent of the regulation was to allow the reduced parking requirement based on **all** units in the project, not just those restricted under covenant through 33.229.030. The adopted language reflects that intent. The amendment also corrects a reference to the requirements for parking for disabled persons. (Parking standards for disabled persons are not identified in Chapter 33.266, but in the Oregon Structural Specialty Code.)
2. Bicycle parking. It is not clear how to apply the reduced one bicycle parking space per eight unit ratio contained in this paragraph. While the bicycle parking regulations of Chapter 33.266 (Parking and Loading) contain ratios for both long and short-term parking, the reduced parking ratio in this paragraph does not differentiate between the two ratios. The one space per eight units for elderly and disabled housing represents a reduction over the one space per four unit long-term bicycle parking ratio contained in Chapter 33.266, but an increase over the one space per 20 unit ratio for short-term parking. Additionally, given the characteristics of those residing in elderly and disabled housing, it is more likely there would be a decreased demand for long-term bicycle parking spaces, than for short-term spaces. Based on these considerations, the amendment clarifies that the reduced bicycle parking ratio of this paragraph applies solely to long-term parking. The parking ratios for short-term bicycle parking, contained in Chapter 33.266, still must be met.

**CHAPTER 33.229
ELDERLY AND DISABLED HIGH DENSITY HOUSING**

33.229.040 Design Standards

C. Parking.

1. Motor vehicle parking.
 - a. Generally. The minimum parking standard for units restricted by covenant is one space for every four units.
 - b. ~~However, Exception.~~ Only one space for every eight units in the project is required when occupancy of the units will be restricted to at least 75 percent of the total units are restricted by covenant to occupancy by elderly individuals. The restrictions may be in the form of funding restrictions that apply for the life of the project, or through the covenant with the City.
 - c. Parking for disabled persons. If parking is provided at a ratio of less than 1 space per unit, the number of parking spaces that must meet the ~~disabled~~ parking standards for disabled persons (in Chapter 33.266, Parking and Loading the Oregon Structural Specialty Code) is calculated based on a ratio of 1 space per unit.
2. Bicycle parking.
 - a. Generally. The project must meet the bicycle parking requirements of Chapter 33.266, Parking and Loading.
 - b. Exception. The minimum required long-term bicycle parking for units restricted by covenant is one space for every eight units.

**CHAPTER 33.251
MANUFACTURED HOMES AND MOBILE HOME PARKS**

Amendments to this chapter, and to Chapters 33.642 and 33.670, are being added to comply with State law. ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park) requires local jurisdictions to allow land divisions of mobile home parks and manufactured dwelling parks without requiring that they meet most of the conventional requirements for land divisions, such as lot size and density. (ORS 92.835 applies to mobile home parks and manufactured dwelling parks. Under Portland's definitions, a manufactured home is one type of mobile home. Because of this, manufactured dwelling parks are also one type of mobile home park.) Refer to the commentary for Chapter 33.642 for additional information on the ORS requirements.

33.251.020 Manufactured Homes on Individual Lots

B. Zones and types of manufactured homes allowed.

Existing regulations state that manufactured homes are allowed on individual lots only in those zones where houses are an allowed use. The amendment is necessary to cover situations where existing nonconforming mobile homes parks divided under the provisions of Chapter 33.642 are in zones that do not allow houses. (Note that ORS 92.835 allows the creation of individual lots in existing nonconforming mobile home parks.)

- C. Development standards.** The amendment clarifies that manufactured homes on lots created under the provisions ORS 92.835 are not required to meet the development standards of the base zone. However, a criterion that must be met for Preliminary Plan approval will require the applicant to demonstrate the proposal does not bring the park out of compliance, or further out of compliance, with the standards of Chapter 33.251 (Manufactured Homes and Mobile Home Parks) (see Section 33.670.130.C).

33.251.030 Mobile Home Park Regulations

- B. Zones allowed.** The amendment is limited to clarifying the term "historic design districts."
- C. Uses allowed.** Because some existing mobile home parks divided under the provisions of Chapter 33.642 may be in nonresidential zones, the amendment is necessary to clarify that uses on lots within these parks are limited to Household Living.
- E. Types of structures allowed.** Lots created under the provisions of 33.642 are intended for mobile homes only. The amendment is necessary to prevent these lots from being developed for other residential structure types, such as stick-built housing.

**CHAPTER 33.251
MANUFACTURED HOMES AND MOBILE HOME PARKS**

33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** [No change]
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
1. In all zones where houses are an allowed use, except in designated historical design districts where they are prohibited. Residential trailers are prohibited on individual lots. ; and
 2. On individual lots in mobile home parks that were created under the provisions of Chapter 33.642.
- C. Development standards.** Manufactured homes must meet the development standards of the base zone, except on individual lots in mobile home parks that were created under the provisions of Chapter 33.642.
- D. Other regulations.** [No change]

33.251.030 Mobile Home Park Regulations

- A. Purpose.** [No change]
- B. Zones allowed.** Mobile home parks are allowed only in the R3 and R2 zones. An exception is ~~designated in~~ Historic design districts and Conservation Districts in the R3 and R2 zones, where they are prohibited.
- C. Uses allowed.** In mobile home parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- ~~D~~. Density.** [No change]
- ~~D~~E. Types of structures allowed.**
1. All types of mobile homes are allowed in mobile home parks. Recreational vehicles, if owned by a mobile home park resident, may be parked on the required parking space but may not be used for residential purposes.
 2. In mobile home parks that have been divided under the provisions of Chapter 33.642, Land Divisions of Mobile Home Parks, residential structure types other than mobile homes are prohibited.

Reletter existing Paragraphs E through H to F through I.

CHAPTER 33.258
NONCONFORMING SITUATIONS

33.258.060 Nonconforming Residential Densities

B. Discontinuance and damage.

2. Damage or destruction. Because of an oversight during the Land Division Code Rewrite Project, these provisions were not amended to reflect the new approach to calculating density and determining whether a lot is "buildable" or not. Rather than determining if a lot is buildable based on its size, we now look at whether the lot was created legally, or would have met standards when it was created (See Section 33.110.212, Validation of Lots and Lots of Record).

These amendments reflect the new approach, while retaining the current policy.

**CHAPTER 33.258
NONCONFORMING SITUATIONS**

33.258.060 Nonconforming Residential Densities

B. Discontinuance and damage.

1. Building unoccupied but standing. Nonconforming residential density rights continue even when a building has been unoccupied for any length of time.
2. Damage or destruction.
 - a. More than one dwelling unit. When there is more than one dwelling unit on a site, and when the site is a residential structure that contains nonconforming for residential density, the following applies if a structure containing dwelling units is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) the nonconforming residential density rights are maintained if the structure is rebuilt within 5 years, nonconforming residential density rights are maintained;
 - (2) If the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant;
 - (3) The structure may be rebuilt with the old number of units, but if the repair cost is more than 75 percent of its the assessed value of the structure, the new structure must comply with one of the following, whichever is less restrictive:
 - the development standards (except for density) that would apply to new development on the site; or
 - The development standards (except for density) that would apply to new development in the R2 zone or of the base zone, whichever is less restrictive. If not rebuilt within 5 years, the lot is considered vacant and is subject to the base zone density standards.
 - b. One dwelling unit. When there is only one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if the structure containing the dwelling unit if a house on a substandard lot is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) If, and the repair cost is 75 percent or less of its the assessed value of the structure, nonconforming residential density rights are maintained and the structure may be rebuilt;

33.258.060 Nonconforming Residential Densities

B. Discontinuance and damage.

2. Damage or destruction.

b. One dwelling unit. (continued)

33.258.060 Nonconforming Residential Densities

B. Discontinuance and damage.

2. Damage or destruction.

b. One dwelling unit. (continued)

(2) If the repair cost is more than 75 percent of ~~its~~ the assessed value of the structure, the structure may be rebuilt by right if it is rebuilt within 5 years if it complies with the development standards (except for density) that would apply to new development on the site; ~~In these cases, the base zone standards apply and a substandard lot review is not required.~~

(3) If the repair cost is more than 75 percent of the assessed value of the structure, and ~~If~~ the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the ~~lot~~ site is considered vacant and is subject to the substandard lot regulations of Chapter 33.291.

33.258.070 Nonconforming Development

D. Development that must be brought into conformance.

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use.
 - a. Thresholds triggering compliance. Nonconforming upgrades are required on a site when proposed improvements exceed \$100,000. "Mandatory" improvements for fire/life safety and accessibility are exempt from the \$100,000 threshold. It is not clear when improvements related to fire/life safety, and accessibility are "mandatory." The amendment clarifies what improvements related to fire/life safety, and accessibility are exempt from the \$100,000 threshold.

The amended language is consistent with the intent of the exemption for mandatory improvements, which was included in the Zoning Code in 1995. The commentary that accompanied the adopted text in 1995 makes clear that certain "nonzoning code mandates" should be exempt from the threshold as the "public interest is served when buildings are built more safe for all and made more accessible to physically challenged persons."

The amendment also removes disincentives for stormwater retrofits of existing development by exempting the cost of improvements to stormwater management facilities from the threshold. On-site stormwater management that is implemented either voluntarily or as a requirement of Chapter 17.38 (Drainage and Water Quality) is included in this exemption. This amendment supports the June 2002 Stormwater Advisory Committee recommendations to provide incentives and remove disincentives for stormwater retrofits of existing development.

[Note: These amendments reflect changes to the nonconforming upgrade threshold adopted by City Council on April 2, 2003 (Ordinance # 177368). The changes to the threshold are effective May 17, 2003.]

33.258.070 Nonconforming Development

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. Nonconforming development with a new nonconforming use or new nonconforming residential density. [No change]
2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.
 - a. Threshold triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$100,000. ~~Mandatory improvements for fire, life safety and accessibility do not count toward the thresholds.~~ The following alterations and improvements do not count toward the threshold:
 - (1) Alterations required by approved fire/life safety agreements;
 - (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings; and
 - (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual.
 - b. Standards which must be met. [No change]
 - c. Area of required improvements. [No change]
 - d. Timing and cost of required improvements. [No change]

33.258.070 Nonconforming Development

E. Loss of nonconforming development status.

2. Destruction. This amendment is limited to clarifying that when nonconforming development, whether structures or other development, is intentionally removed, replacement development must conform with standards of the base zone and standards of the overlay and plan district.

33.258.070 Nonconforming Development

E. Loss of nonconforming development status.

1. Discontinuance. [No change]
2. Destruction. When a structure or other development ~~which that~~ has nonconforming elements is removed or intentionally destroyed, replacement structures and other ~~nonconforming~~ development must comply with the development standards of the base zone, overlay zone and plan district. When a structure which has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).

CHAPTER 33.266
PARKING AND LOADING

33.266.110 Minimum Required Parking Spaces

Table 266-2, Parking Spaces by Use. The minimum and maximum parking ratios for religious institutions is based on the size of the main assembly area. This is comparable to the way in which (minimum) parking ratios for religious institutions were calculated in the 1959 Zoning Code. In today's religious institutions, the main assembly space represents only one of many spaces and activities occurring on-site, and these spaces are used for activities throughout the week. As is done with several other uses that require a conditional use, such as medical centers, colleges, and parks and open areas, the amendment includes language in Table 266-2 that the minimum and maximum parking ratios may be established as part of the conditional use review. This better ensures that the minimum and maximum parking ratios are suitable for the variety of uses that currently occur at the site of religious institutions.

**CHAPTER 33.266
PARKING AND LOADING**

33.266.110 Minimum Required Parking Spaces

Table 266-2 Parking Spaces by Use (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories		[No change]	
Commercial Categories		[No change]	
Industrial Categories		[No change]	
Institutional Categories		[No change]	
Basic Utilities			
Community Service			
Parks And Open Areas			
Schools			
Medical Centers			
Colleges			
Religious Institutions		1 per 100 sq. ft. of main assembly area; or per CU review	1 per 67 sq. ft. of main assembly area; or per CU review
Daycare		[No change]	
Other Categories		[No change]	

33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

- E. **Paving.** Existing regulations applying to houses, attached houses and duplexes state that driveways and parking areas must be paved. The terms "driveway" and "parking area" are essentially defined as areas where **motorized** vehicles may stand, maneuver and circulate. As such, the paving requirement applies only to motorized vehicles.

The amendment addresses this distinction by clarifying that utility and boat trailers, and nonmotorized accessory recreational vehicles (i.e., nonmotorized vehicles) are not required to be stored on a paved surface. This reflects existing practice as enforced by BDS Code Compliance Section. (Note: The terms "utility trailer" and "accessory recreational vehicle" are both currently defined in Chapter 33.910. A utility trailer is defined as a nonmotorized vehicle, limited to a maximum length of 16 feet, that is intended to carry property, trash, or special equipment, such as boats. An accessory recreational vehicle is defined as a nonmotorized vehicle designed for human occupancy on an intermittent basis, such as campers, vacation trailers and recreational boats.)

33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

E. Paving.

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

33.266.130 Development Standards for All Other Uses

G. Parking area setbacks and landscaping.

2. Setbacks and perimeter landscaping.

- c. Perimeter landscaping. Existing regulations require that the setback around the perimeter of parking areas be landscaped. The minimum required setback ranges in depth from five to ten feet. Frequently, an applicant proposes a setback greater than the required minimum. The amendment clarifies that in such situations, only the **minimum** required setback area must be landscaped. This provides an incentive for applicants to provide deeper setbacks than required.

An additional amendment further clarifies where the required perimeter landscaping must be placed. The existing standard states that the required landscaping must be placed adjacent to the parking area. It is unclear how this standard is applied when an applicant provides a setback along the perimeter of the parking area that is deeper than the minimum required. This has been interpreted by some, and applied, as requiring the landscaping to be placed within the first five to ten feet around the perimeter of the parking area (i.e., the minimum required setback), even when the applicant has proposed a deeper setback. The result is an unnatural, linear landscape design along the edge of a parking area. To provide improved landscape design and flexibility, the amendment allows the required landscaping to be placed within 25 feet of the edge of the parking area. This promotes flexibility, while still ensuring that the intent of the perimeter landscape standard is met.

33.266.130 Development Standards for All Other Uses

G. Parking area setbacks and landscaping.

1. [No change].
2. Setbacks and perimeter landscaping.
 - a. Where these regulations apply. The regulations of this paragraph apply where a surface parking area abuts a lot line. The setback and perimeter landscaping requirements also apply to any portion of a structured parking area where the parking area is within 4 feet of adjacent grade and there is no roof over it. The perimeter landscaping requirements also apply to parking area driveways. For stacked parking areas, see Section 33.266.140, below.
 - b. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Lot lines lying within shared driveways are exempt from setback and perimeter landscaping requirements.
 - c. Perimeter landscaping.
 - (1) Surface parking abutting streets, and C, E, and I zones. Where a surface parking area abuts a street lot line, or a C, E, or I zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the low-screen landscaping standards of Subparagraph 33.266.130.H.3.c, below, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.
 - (2) Surface parking abutting OS and R zones. Where a surface parking area abuts an OS or R zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the high screen landscape standards of Subparagraph 33.266.130.H.3.d, below, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway.

Table 266-5 Minimum Parking Area Setbacks		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft	10 ft.
Lot line abutting a C, E, or I zone lot line	5 ft.	5 ft.
Lot line abutting a OS or R zone lot line	5 ft.	10 ft.

33.266.130 Development Standards for All Other Uses

G. Parking area setbacks and landscaping. (continued)

3. Interior landscaping.

f. Layout of interior landscaped areas. This amendment clarifies what qualifies as interior landscaping within parking areas. Existing regulations state that perimeter landscaping cannot substitute for interior landscaping unless it extends into the parking area at least four feet. This situation is illustrated in Figure 266-7 (Other Landscape Patterns). What is not clear is whether landscaping along the edge of the parking area, which is not merely an extension of the required perimeter landscaping, may be included as interior landscaping. An example frequently found on building plans is landscaping proposed between a building on the site and the parking area. While such landscaping does not extend into the parking area, it clearly is not required perimeter landscaping, and meets the stated intent of interior landscaping. Specifically, language in Section 33.266.130.A (Purpose) states that landscaping is intended to:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Consistent with the purpose of the parking area landscape requirement, the amendment clarifies that landscaping extending no more than 10 feet from the edge of the parking area, that is not abutting and parallel to required perimeter landscaping, may be counted as interior landscaping. The requirement that such landscaping not be abutting and parallel to required perimeter landscaping is necessary to ensure that the interior landscape requirement is not met solely by providing a deeper perimeter landscaped buffer than required. This would be contrary to the requirement that interior landscaping be dispersed throughout the parking area, and would potentially allow parking areas with no landscaping within the interior.

33.266.130 Development Standards for All Other Uses

G. Parking area setbacks and landscaping. (continued)

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

a-e. [No change]

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

(1) Option 1: Landscape strips.

- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls, as shown in Figure 266-6.
- Where the front portions of parking stalls are landscaped as allowed by Subparagraph F.4, the landscaped portion of the parking stall must be added to the landscape strip, widening the strip to at least six feet for one row of parking stalls and at least eight feet for two rows of stalls, as shown in Figure 266-6.

(2) Option 2: Other landscape patterns.

- Interior landscaping must be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking. See Figure 266-7.
- Interior landscaping may join perimeter landscaping as long as the interior landscape area extends at least 4 feet into the parking area from the perimeter landscape line. See Figure 266-7.
- Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
 - The abutting landscaped area must be in addition to required perimeter landscaping;
 - Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping. See Figure 266-7; and
 - The landscaped area is not abutting and parallel to required perimeter landscaping. See Figure 266-7.

- g. Individual tree-planting spaces. Where an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum interior dimension of five feet. See Figure 266-8.

33.266.130 Development Standards for All Other Uses

G. Parking area setbacks and landscaping.

3. Interior landscaping.

f. Layout of interior landscaped areas. (continued)

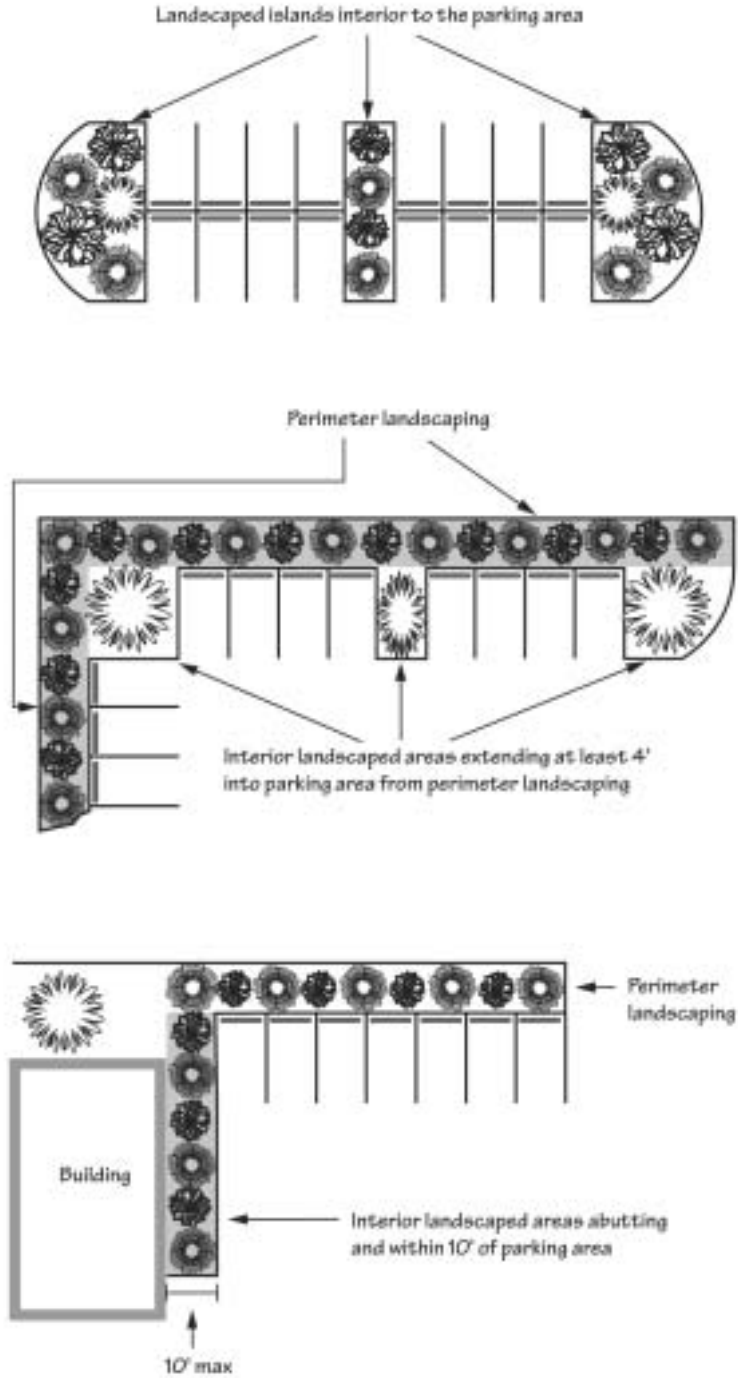
33.266.130 Development Standards for All Other Uses

G. Parking area setbacks and landscaping.

3. Interior landscaping.

f. Layout of interior landscaped areas. (continued)

**Figure 266-7
Other Landscape Patterns**



33.266.310 Loading Standards

- D. **Forward motion.** Current citywide standards require loading facilities to be designed so that vehicles enter and exit the site in a forward motion. The amendment is intended to provide greater flexibility in building and site design for development in the Central City plan district, while still recognizing the intent of the standard to facilitate the flow of on-street traffic (including vehicles, bikes and pedestrians).

33.266.310 Loading Standards

D. Forward motion.

1. Generally. Loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

2. Exception. In the Central City plan district, loading facilities that abut a traffic street, transit street, walkway and bikeway having a local designation are exempt from this standard.

**CHAPTER 33.430
ENVIRONMENTAL ZONES**

33.430.080 Items Exempt From These Regulations

- D. This amendment is limited to deleting an outdated reference to Title 34, Subdivision and Partitioning Regulations.

**CHAPTER 33.430
ENVIRONMENTAL ZONES**

33.430.080 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter:

A-C. [No change]

D. The following new development and improvements:

1. [No change]
2. Public street and sidewalk improvements meeting all of the following:
 - a. Improvements must be within an existing public right-of-way used by truck or automobile traffic; and
 - b. ~~Local service s~~Streets and sidewalks must not exceed the minimum ~~curb to curb~~ widths ~~described in Title 34, Subdivision and Partitioning Regulations standards of the Bureau of Transportation Engineering.~~ Other streets must not exceed curb to curb widths of 70 feet; and
 - e. ~~Sidewalks must not exceed the minimum standards of the Bureau of Transportation Engineering.~~
- 3-9. [No change]

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

33.508.050 On-Site Containment

33.508.110 Uses Involving Hazardous Substances

The Cascade Station/Portland International Center plan district contains regulations on the manufacture, use, loading, handling, storage and disposal of hazardous substances. These regulations are intended to protect the water quality of the aquifer system in the Columbia South Shore area. While the Code indicates that conformance with these requirements will be reviewed by OPDR (now known as BDS), BDS refers this review to the Bureau of Water Works.

The Bureau of Water Works has drafted an amendment to Title 21 (Water), which gives the Bureau of Water Works the authority to designate wellhead protection areas, including those in the Columbia South Shore area. This authority, included in Chapter 21.35 (Wellhead Protection), allows the Bureau of Water Works to set standards for the storage, handling, containment, use and transportation of hazardous materials. These standards are identified in the Columbia South Shore Wellfield Wellhead Protection Program Reference Manual. The Council ordinance adopting these new regulations becomes effective July 1, 2003.

With the new authority provided to the Water Bureau through Chapter 21.35 and the Columbia South Shore Wellfield Wellhead Protection Program Reference Manual, the existing regulations regarding hazardous materials in the Cascade Station/Portland International Center plan district are redundant, and in some cases, will conflict with more specific measures proposed through Chapter 21.35. The amendments to Title 21, and requirements/recommendations in the Reference Manual, will not limit the types of uses allowed in the Columbia South Shore Wellfield; allowed uses will continue to be regulated through Title 33. Instead, the Columbia South Shore Wellfield Wellhead Protection Program will regulate the storage, handling, containment, use and transportation of materials that may be harmful to the Columbia South Shore Wellfield Wellhead.

[Note: This amendment to Title 33 will not become effective until the wellhead protection amendments to Title 21 are effective.]

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

General

- 33.508.010 Purpose
- 33.508.020 Where These Regulations Apply
- 33.508.040 Special Definitions
- ~~33.508.050 On-Site Containment~~

Use Regulations

- ~~33.508.110 Uses Involving Hazardous Substances~~
- 33.508.120 Additional Allowed Uses
- 33.508.130 Additional Prohibited Uses
- 33.508.140 Use Regulations in the Park Blocks

Development and Design Standards

- 33.508.200 Purpose
- 33.508.210 Prohibited Development in Subdistrict A
- 33.508.215 Limitations on Development in Park Blocks
- 33.508.220 Maximum Square Footage/Transportation Capacity
- 33.508.230 Subdistrict A
- 33.508.240 Subdistrict B
- 33.508.260 Parking
- 33.508.267 Signs
- 33.508.270 Sumps, Septic Tanks and On-Site Disposal Systems
- 33.508.275 Basic Public Infrastructure
- 33.508.280 Street Requirements in Subdistrict A
- 33.508.290 Open Space Plan
- 33.508.295 Cultural Resource Protection

Environmental Overlay Zones

- 33.508.300 Purpose
- 33.508.305 Where These Regulations Apply
- 33.508.310 Overlay Zones
- 33.508.312 Items Subject to These Regulations
- 33.508.314 Items Exempt from These Regulations
- 33.508.320 Use Regulations
- 33.508.330 Development Standards
- 33.508.340 CS/PIC Environmental Review
- 33.508.500 CS/PIC Plant List

Map 508-1 CS/PIC Plan District and Subdistricts

Map 508-2 Areas Where Environmental Transition Area is 0 Feet

Commentary

33.508.050 On-Site Containment

33.508.110 Uses Involving Hazardous Substances

33.508.050 On-Site Containment

~~Any new use, new development, or change to existing development that involves the manufacture, use, loading, handling, storing, or disposing of hazardous substances must be reviewed and approved by the Office of Planning and Development Review to ensure adequate on-site containment of the hazardous substances. This includes changes in the type of hazardous substances used and changes in the location or method of loading, storing, or disposing of hazardous substances. The review is based on the standards of the Stormwater Management Manual. The application form and Stormwater Management Manual are available from the Development Services Center.~~

33.508.110 Uses Involving Hazardous Substances

~~**A. Purpose.** Certain uses in the plan district are prohibited or require a hazardous substances review because they pose a high risk to the surface and groundwater resources in the area, such as the nearby City well fields. The requirements of this section are a major component of the water quality protection plan for the district and are meant to supplement and be used in conjunction with the other plan elements. Preventative measures are the most effective and economical measures available to protect the water quality of the aquifer systems. Potential harm due to exposure to these substances is reduced by prohibiting large quantities of hazardous materials and hazardous wastes, and prohibiting specific uses that traditionally use these substances.~~

~~**B. Prohibited uses.** The following uses are prohibited:~~

- ~~1. Uses which use hazardous substances at the bulk plant quantity level.~~
- ~~2. Uses in the Waste-Related category and waste collection and transfer facilities, which involve hazardous substances.~~
- ~~3. Uses involving:
 - ~~a. Asphaltic and petroleum-based coating and preserving materials;~~
 - ~~b. Formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote, and related chemicals;~~
 - ~~c. Oils containing PCB's;~~
 - ~~d. Used batteries, for recycling or reprocessing; and~~
 - ~~e. Petroleum storage tanks, except retail gas stations and tanks for the exclusive use of on-site fleet vehicles or car rental fleets.~~~~
- ~~4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, unless specifically stated in Subsection C., below.~~

33.508.110 Uses Involving Hazardous Substances (continued)

33.508.312 Items Subject to These Regulations

- H. This amendment deletes an obsolete reference to Tile 34, Subdivision and Partitioning Regulations.

33.508.110 Uses Involving Hazardous Substances (continued)

- ~~5. Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.~~

~~**C. Uses requiring hazardous substances review.** The uses listed below traditionally use solvents and other hazardous substances which would normally be prohibited in the CS/PIC plan district. However, changes in operational and containment process technology may be proposed which minimize the impacts. The uses stated below are not allowed unless approval is granted through a hazardous substances review. See Chapter 33.840, Hazardous Substances Review.~~

- ~~1. Furniture stripping or refinishing;~~
- ~~2. Exterior vehicle salvage, drum container recycling and cleaning, or cleaning operations for commercial truck tankers or rail tankers;~~
- ~~3. Industrial and commercial dry cleaning plants;~~
- ~~4. Uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals; and~~
- ~~5. Other similar uses as may be determined by the Director of OPDR to pose a high potential risk to the ground and surface water resources.~~

33.508.312 Items Subject to These Regulations

Unless exempted in Section 33.508.314, the following are subject to the regulations of Sections 33.508.300 through 33.508.340:

A-G. [No change]

H. Land divisions as regulated by Title 34, Subdivision and Partitioning Regulations.

33.508.314 Items Exempt From These Regulations. The language included in the adopted exemption is taken directly from the list of exemptions currently included in Chapter 33.430 (Environmental Zones). In the Cascade Station/Portland International Center plan district, the removal of trees on the nuisance or prohibited plant lists, and removal of other trees or portions of trees that pose an immediate danger must be processed through a Type II Environmental land use review, with fees ranging from \$2,844 to \$5,577. These are exemptions that have been applied in environmental overlays outside the Cascade Station/Portland International Center plan district (and the Columbia South Shore plan district) since 1994. (Changes to the Columbia South Shore plan district will also allow this exemption.)

33.508.340 CS/PIC Environmental Review

- C. Procedures. Prior to April 1995, a pre-application conference was required for Type II environmental reviews anywhere in the City. In an effort to streamline the City's development service functions, this requirement was removed from Chapter 33.430 (Environmental Zones) as part of the Environmental Zone Streamline Project in April 1995. At the time, the only other requirement for a pre-application conference for a Type II environmental review was in the Columbia South Shore plan district. Due to the scope of the Environmental Zone Streamline Project, which focused solely on Chapter 33.430, the pre-application requirement in the Columbia South Shore plan district was not addressed. In 2001, the requirement was deleted from the Columbia South Shore plan district.

A similar requirement in the Cascade Station/Portland International Center (CS/PIC) plan district was overlooked as part of the 2001 amendments package. The amendment seeks to delete the Type II pre-application requirement in the CS/PIC plan district.

33.508.314 Items Exempt From These Regulations

The following are exempt from the development standards and required reviews stated in this section:

- A-I.** [No change]
- J.** Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations; ~~and~~
- K.** Planting of native vegetation listed on the Portland Plant List when planted with hand-held equipment; ~~and~~
- L.** Removing a tree listed on the Nuisance or Prohibited Plant Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or a certified arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

33.508.340 CS/PIC Environmental Review

- C. Procedures.** All required reviews are processed through a Type II procedure. ~~A pre-application conference is required for all reviews.~~

33.508.500 CS/PIC Plant List

A. Parking Lot and Deciduous Shade Trees

D. Shrubs

Consistent with the classification elsewhere in the *Zoning Code* and in the *Portland Plant List*, *Acer circinaum* (Vine Maple) is deleted from the listing of trees and included in the listing of shrubs.

33.508.500 CS/PIC Plant List

Landscaping within the plan district must use only plants listed in this section. In addition, landscaping must not contain plants on the City of Portland’s Prohibited or Nuisance Plant Lists.

A. Parking Lot and Deciduous Shade Trees

Acer circinaum	Vine Maple
Acer rubrum ‘Variety’ through Tillia sp. ‘Variety’	[No change]

B. Evergreen Trees [No change]

C. Ornamental Trees [No change]

D. Shrubs

Abelia x grandiflora ‘Prostrata’	Prostrate Glossy Abelia
<u>Acer circinaum</u>	<u>Vine Maple</u>
Aucuba japonica ‘Nana’ through Viburnum davidii	[No change]

E-I. [No change]

**CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT**

33.510.225 Ground Floor Active Uses

- C. Ground floor active use standard.**
- D. Parking Restriction in the South Waterfront Subdistrict.**

For clarity, the undefined term "street-frontage" is replaced with the defined term "street-facing façade."

**CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT**

33.510.225 Ground Floor Active Uses

- C. Ground floor active use standard.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the ~~street frontage wall~~ street-facing facade;
3. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
4. The ~~street frontage wall~~ street-facing facade must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.

D. Parking restriction in the South Waterfront Subdistrict.

1. Purpose. The South Waterfront Subdistrict is intended to be a multi-modal, mixed-use, pedestrian-oriented neighborhood. Developments are anticipated to include larger site areas than in other parts of the Central City where ground floor active uses are applied. These larger sites afford greater flexibility in the planning and design of ground-level uses. Also, due to the larger block size, the potential impact of less-active uses, such as structured parking, along expanses of ~~street frontage~~ street-facing facades is greater. Disallowing parking in ground floor active use areas lessens this impact. It also encourages either the provision of active building uses at the time of initial construction or a quicker transition from less-active to more active uses. This provision will encourage and maintain a pedestrian-oriented street environment of exceptional quality that is safe, active with uses, and comfortable for residents, visitors, and others moving through the subdistrict.
2. Regulation. [No change]

33.510.263 Parking in the Core Area

G. All parking.

4. Surface parking lots. Central City plan district parking regulations currently require a renewal of Central City Parking Review (CCPR) permits every five years for some surface parking lots. In the Core area, this includes surface parking lots that were approved through a CCPR after January 8, 1996. The amendment proposes deleting the five-year CCPR renewal for these surface lots.

The five-year CCPR renewals are processed through a Type III land use review (at a fee of \$6,814, with an additional requirement for a \$1,332 pre-application conference), and applicants are required to address two approval criteria contained in 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The approval criteria are limited to the applicant demonstrating the surface lot is in compliance with all previous conditions of approval and all applicable provisions of the Zoning Code, and that "reasonable progress" has been made towards meeting an approved phasing plan, if such a plan exists.

It is important that approved development (whether located in the Central City plan district or elsewhere in the City) remains in conformance with standards of the Zoning Code and previous conditions of approval. However, a Type III discretionary land use review is not the appropriate mechanism to determine conformance with such requirements. Conformance with such requirements is an enforcement issue that is handled by the Code Compliance Division of BDS. Furthermore, if a site is not operating in conformance with an approved land use review, Section 33.700.040 (Reconsideration of Land Use Approvals) allows the Director of BDS to initiate a reconsideration of the land use approval.

In reviewing the commentary associated with this requirement (from the 1995 *Central City Transportation Management Plan*), it is clear that the CCPR five-year renewal process was viewed as addressing an enforcement issue. The commentary indicates that CCPR renewal was added so that if Code violations related to a surface lot were identified, the owner would have the opportunity to correct the violations in a timely manner, and not be shut down. Specifically, the commentary states that with the CCPR renewal, "the applicant will have sufficient opportunity to correct any deficiencies before an extreme enforcement measure - such as closure of the parking lot - would be implemented" (page 40). However, a land use review process is not needed to allow an owner sufficient time to address cited violations, as the enforcement process implemented by BDS/Code Compliance already provides such an opportunity. Upon receipt of a Code Violation letter, an applicant has at least 30 days to address the violation. If the applicant has demonstrated a good faith effort towards correcting the violation, but additional time is needed, such an extension is customarily granted by Code Compliance.

33.510.263 Parking in the Core Area

G. All parking. The regulations of this Subsection apply to all parking.

1-3. [No change]

4. Surface parking lots.

a. Surface parking lots are prohibited as follows:

(1) Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is prohibited, except for some residential developments, as specified in Subsection E, above.

(2) Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.

~~b. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots approved after January 8, 1996, must be renewed every 5 years. This includes surface parking lots approved under 33.510.263.H, Special Regulations for Existing Surface Parking Lots. CCPR permits for surface parking lots approved under 33.510.263.E.8.c, which allows permanent surface parking lots for Residential/Hotel Parking, are exempt from this renewal requirement.~~

~~—The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4 1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Director of OPDR may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.~~

~~e_b. Redevelopment of surface parking lots. When development occurs that removes parking spaces in surface lots, the parking spaces will automatically be added to the Parking Reserve except as provided in Subparagraphs G.4.e_c through g_f, below.~~

~~e_c. Phased development plan. [No change]~~

~~e_d. Superblocks. [No change]~~

~~e_e. West End subarea. [No change]~~

~~e_f. Residential redevelopment. [No change]~~

33.510.263 Parking in the Core Area

G. All parking.

5. Parking structures. This amendment is limited to replacing the undefined term "street-frontage" with the defined term "street-facing façade."

33.510.263 Parking in the Core Area

G. All parking. (continued)

5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:
 - a-d. [No change]
 - e. ~~Street frontage~~ Street-facing facades in the Downtown and University District subdistricts. Within the Downtown and University District subdistricts, 50 percent of the ~~street frontage wall~~ street-facing façade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.
 - f. ~~Street frontage~~ Street-facing facades in other subdistricts. In Parking Sectors RD 3, 4, and 5, structures must comply with either the standard of Subparagraph G.5.e, above or the structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the Required Building Lines or Ground Floor Active Use standard of Sections 33.510.215 and 33.510.225, the standard of Subparagraph G.5.e, above, must be met; the landscaped setback standard may not be used.

- 6-9. [No change]

33.510.263 Parking in the Core Area (continued)

K.

6. Regulations in all zones. This amendment deletes the five-year Central City Parking Review (CCPR) renewal requirements for surface parking lots. In the Core area, the five-year Central City Parking Review (CCPR) renewal requirement applies to surface parking lots that were approved through a CCPR after January 8, 1996. (Refer to the commentary for amendments to Chapter 33.510.263.G for more information.)

33.510.263 Parking in the Core Area (continued)

- K.** The regulations of this subsection apply to parking in a surface lot that received a revocable permit or a conditional use that required periodic reapplication, and was operating on January 8, 1996.

- 1-5. [No change]

- 6. Regulations in all zones.

- a. [No change]

- ~~b. After Central City Parking Review approval is received, the parking is subject to the 5-year renewal requirements of Subparagraph 33.263.G.4.b, above.~~

- ~~e~~b. Wheel stops. [No change]

- ~~e~~c. Landscaping. [No change]

- 7-8. [No change]

- L.** [No change]

33.510.264 Parking in Lloyd District

F. All parking.

4. Surface parking lots. This amendment deletes the five-year Central City Parking Review (CCPR) renewal requirement for surface parking lots. In the Lloyd District parking subdistricts, the five-year renewal requirement applies to surface parking lots larger than 40,000 square feet that were approved through a CCPR after January 8, 1996. (Refer to the commentary for amendments to Chapter 33.510.263.G for more information.)

33.510.264 Parking in Lloyd District

F. All parking. The regulations of this subsection apply to all parking.

1-3. [No change]

4. Surface parking lots.

a-b. [No change]

~~e. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots where the total surface parking area on the site is larger than 40,000 square feet in area, approved after January 8, 1996, must be renewed every 5 years.~~

~~— The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4 1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Director of OPDR may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.~~

~~e~~c. Redevelopment of surface parking lots. When development occurs that removes parking spaces in surface lots, the parking spaces will automatically be added to the Parking Reserve except as provided in Subparagraph F.4.~~e~~d, below.

~~e~~d. [No change]

~~f~~e. Parking spaces removed from a surface lot that meet all elements of Subparagraph F.4.~~e~~d, above may be replaced in a structure within the area covered by the phased development plan; they will still be considered Growth Parking, and so will not be subject to the reduced ratio for Preservation Parking.

33.510.264 Parking in Lloyd District

F. All parking. (continued)

5. Parking structures. For clarity, the undefined term "street-frontage" is replaced with the defined term "street-facing façade."

33.510.264 Parking in Lloyd District

F. All parking. (continued)

5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:
 - a. If the site is within a historic design district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
 - b. ~~Street frontage~~ Street-facing facades. ~~Street frontage walls~~ Street-facing facades must meet one of these standards:
 - (1) Active uses standard. Fifty percent of the ~~street frontage wall~~ street-facing façade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses; or
 - (2) Landscape setback standard. [No change]
- 6-8. [No change]

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2.

F. All parking.

4. Surface parking lots. This amendment deletes the five-year *Central City Parking Review (CCPR)* renewal requirements for surface parking lots. In the *Goose Hollow*, *Lower Albina*, and *Central East and River District Sectors 1 and 2* parking subdistricts, the five-year renewal requirement applies to surface parking lots larger than 40,000 square feet that were approved through a *CCPR* after January 8, 1996. (Refer to the commentary for amendments to Chapter 33.510.263.G for more information.)

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2.

F. All parking. The regulations of this subsection apply to all parking.

1-3. [No change]

4. Surface parking lots.

a-b. [No change]

~~e. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots where the total surface parking area on the site is larger than 40,000 square feet in area, approved after January 8, 1996, must be renewed every 5 years. Undedicated General Parking as specified in Subsection D, above, is exempt from this requirement. In Lower Albina, Central Eastside Sectors 1, 4, 5, and 6 and River District Sectors 1 and 2, surface parking lots created in conjunction with a regional attractor are exempt from this requirement.~~

~~—The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4 1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Director of OPDR may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.~~

~~ec.~~ [No change]

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict , and River District Sectors 1 and 2.

F. All parking. (continued)

5. Parking structures. For clarity, the undefined term "street-frontage" is replaced with the defined term "street-facing façade."

33.510.265 Parking in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2.

F. All parking. (continued)

5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:
 - a-b. [No change]
 - c. ~~Street frontage~~ Street-facing facades. ~~Street frontage walls~~ Street-facing facades must meet one of these standards:
 - (1) Active uses standard. Fifty percent of the ~~street frontage wall~~ street-facing façade must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses; or
 - (2) Landscape setback standard. [No change]
- 6-8. [No change]

33.510.267 Parking in the South Waterfront Subdistrict

F. All parking.

4. Surface parking lots. This amendment deletes the five-year *Central City Parking Review (CCPR)* renewal requirement for surface parking lots. In the South Waterfront parking subdistrict, the five-year renewal requirement applies to surface parking lots larger than 40,000 square feet that were approved through a *CCPR* after January 8, 1996. (Refer to the commentary for amendments to Chapter 33.510.263.G for more information.)

33.510.267 Parking in the South Waterfront Subdistrict.

F. All parking. The regulations of this subsection apply to all parking.

1-3. [No change]

4. Surface parking lots.

a-d. [No change]

~~e. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots in OS, C, E, and R zones where the total surface parking area on the site is larger than 40,000 square feet in area, approved after January 8, 1996, must be renewed every 5 years. Surface parking lots created in conjunction with a regional attractor are exempt from this requirement.~~

~~— The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4 1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Director of OPDR may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.~~

5-8. [No change]

**CHAPTER 33.515
COLUMBIA SOUTH SHORE PLAN DISTRICT**

33.515.030 On-Site Containment

33.515.100 Uses Involving Hazardous Substances

The Columbia South Shore plan district contains regulations on the manufacture, use, loading, handling, storage and disposal of hazardous substances. These regulations are intended to protect the water quality of the aquifer system in the Columbia South Shore area. While the Code indicates that conformance with these requirements will be reviewed by OPDR (now known as BDS), BDS refers this review to the Bureau of Water Works.

The Bureau of Water Works has drafted an amendment to Title 21 (Water), which gives the Bureau of Water Works the authority to designate wellhead protection areas, including those in the Columbia South Shore area. This authority, included in Chapter 21.35 (Wellhead Protection), allows the Bureau of Water Works to set standards for the storage, handling, containment, use and transportation of hazardous materials. These standards are identified in the Columbia South Shore Wellfield Wellhead Protection Program Reference Manual. The Council ordinance adopting these new regulations becomes effective July 1, 2003.

With the new authority provided to the Water Bureau through Chapter 21.35 and the Columbia South Shore Wellfield Wellhead Protection Program Reference Manual, the existing regulations regarding hazardous materials in the Columbia South Shore plan district are redundant, and in some cases, will conflict with more specific measures proposed through Chapter 21.35. The amendments to Title 21, and requirements/recommendations in the Reference Manual, will not limit the types of uses allowed in the Columbia South Shore Wellfield; allowed uses will continue to be regulated through Title 33. Instead, the Columbia South Shore Wellfield Wellhead Protection Program will regulate the storage, handling, containment, use and transportation of materials that may be harmful to the Columbia South Shore Wellfield Wellhead.

[Note: This amendment to Title 33 will not become effective until the wellhead protection amendments to Title 21 are effective.]

33.515.250 Excavations and Fills. As the Excavations and Fills Review is deleted from Title 33), references to that review in Chapter 33.515 are also deleted. (Refer to amendments to Chapter 33.830 for more information on the Excavations and Fills Review.)

**CHAPTER 33.515
COLUMBIA SOUTH SHORE PLAN DISTRICT**

Sections:

General

- 33.515.010 Purpose
- 33.515.020 Where the Regulations Apply
- 33.515.025 Relationship Among Subdistrict Regulations
- ~~33.515.030 On-Site Containment~~

Use Regulations

- ~~33.515.100 Uses Involving Hazardous Substances~~
- 33.515.110 Uses in the Industrial Business Opportunity Subdistrict
- 33.515.120 Commercial Uses
- 33.515.130 Additional Conditional Uses

Development Standards

- 33.515.200 Streetscape Standards
- 33.515.205 Airport Way Streetscape
- 33.515.210 Airport Way Landscaping
- 33.515.215 Marine Drive Streetscape
- 33.515.220 Office Use Floor Area Limitation
- 33.515.225 Transfer of Floor Area
- 33.515.230 View Corridors
- 33.515.235 Rooftops
- 33.515.240 Exterior Display
- 33.515.245 Signs
- ~~33.515.250 Excavations and Fills~~
- 33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems
- 33.515.257 Pedestrian Standards
- 33.515.260 Public Recreational Trails
- 33.515.262 Cultural Resource Protection

Environmental Zones

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

Map 515-1 Columbia South Shore Plan District and Subdistricts

Map 515-2 Columbia South Shore Streetscape Standards

Map 515-3 Maximum Building Heights

Map 515-4 Columbia South Shore Slough Trail

Map 515-5 Environmental Transition Areas

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

Map 515-7 Areas Where Confirmation Testing is Required

Commentary

33.515.030 On-Site Containment

33.515.100 Uses Involving Hazardous Substances (continued)

33.515.030 On-Site Containment

~~Any new use, new development, or change to existing development that involves the manufacture, use, loading, handling, storing, or disposing of hazardous substances must be reviewed and approved by the Bureau of Water Works to ensure adequate on-site containment of the hazardous substances. This includes changes in the type of hazardous substances used and changes in the location or method of loading, storing, or disposing of hazardous substances. The review is based on the standards of the Stormwater Management Manual. The application form and Stormwater Management Manual are available from the Development Services Center.~~

Use Regulations

33.515.100 Uses Involving Hazardous Substances

- ~~**A. Purpose.** Certain uses in the plan district are prohibited or require a hazardous substances review because they pose a high risk to the surface and groundwater resources. The requirements of this section are a major component of the water quality protection plan for the district and are meant to supplement and be used in conjunction with the other plan elements. Preventative measures are the most effective and economical measures available to protect the water quality of the aquifer systems. Potential harm due to exposure to these substances is reduced by prohibiting large quantities of hazardous materials and hazardous wastes, and prohibiting specific uses that traditionally use these substances.~~
- ~~**B. Prohibited uses.** The following uses are prohibited in the Columbia South Shore plan district:~~
- ~~1. Uses which use hazardous substances at the bulk plant quantity level;~~
 - ~~2. Uses in the Waste-Related category and waste collection and transfer facilities, which involve hazardous substances;~~
 - ~~3. Uses involving:
 - ~~a. Asphaltic and petroleum-based coating and preserving materials;~~
 - ~~b. Formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote, and related chemicals;~~
 - ~~c. Oils containing PCB's;~~
 - ~~d. Used batteries, for recycling or reprocessing; and~~
 - ~~e. Petroleum storage tanks, including retail gas stations and truck stops. This does not include petroleum storage tanks for the exclusive use of on-site fleet vehicles;~~~~
 - ~~4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, unless specifically stated in C. below; and~~

33.515.100 Uses Involving Hazardous Substances (continued)

33.515.100 Uses Involving Hazardous Substances (continued)

5. ~~Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.~~

C. ~~Uses requiring hazardous substances review.~~ ~~The uses listed below traditionally use solvents and other hazardous substances which would normally be prohibited in the Columbia South Shore plan district. However, changes in operational and containment process technology may be proposed which minimize the impacts. The uses stated below are not allowed unless approval is granted through a hazardous substances review. See Chapter 33.840, Hazardous Substances Review.~~

1. ~~Furniture stripping or refinishing.~~
2. ~~Exterior vehicle salvage, drum container recycling and cleaning, or cleaning operations for commercial truck tankers or rail tankers.~~
3. ~~Industrial and commercial dry cleaning plants.~~
4. ~~Uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals.~~
5. ~~Other similar uses as may be determined by the Director of OPDR to pose a high potential risk to the ground and surface water resources.~~

D. ~~Nonconforming uses that involve hazardous substances.~~ ~~Nonconforming uses are prohibited from increasing the quantities of hazardous substances produced for off-site use. Nonconforming uses that involve hazardous substances are subject to the on-site containment requirements of 33.515.030 when proposing expansion.~~

33.515.250 Excavations and Fills. As the Excavations and Fills Review is deleted from Title 33, references to that review in Chapter 33.515 are also deleted. (Refer to amendments to Chapter 33.830 for more information on the Excavations and Fills Review.)

33.515.274 Items Exempt From These Regulations. The language included in the adopted exemption is taken directly from the list of exemptions currently included in Chapter 33.430 (Environmental Zones). In the Columbia South Shore plan district, the removal of trees on the nuisance or prohibited plant lists, and removal of other trees or portions of trees that pose an immediate danger must be processed through a Type II Environmental land use review, with fees ranging from \$2,844 to \$5,577. These are exemptions that have been applied in environmental overlays outside the Columbia South Shore and Cascade Station/Portland International Center plan districts since 1994. (A similar exemption will apply in the Cascade Station/Portland International Center plan district.)

33.515.250 ~~Excavations and Fills~~

- A. ~~Purpose.~~** Outside environmental zones, excavations and fills are regulated to:
- ~~• Promote compliance with applicable state and federal wetland regulations;~~
 - ~~• Protect nearby residential areas from nuisance and safety problems; and~~
 - ~~• Prevent significant negative impacts on natural resource values in the area.~~
- B. ~~Where the regulations apply.~~** Sites within 400 feet of a residential zone are subject to Subsection C below. ~~More restrictive excavation and fill standards apply in the environmental overlay zone.~~
- C. ~~Excavation and fill review.~~** An excavation and fill review is required as stated in Chapter 33.830, except for the following:
- ~~1. The threshold for excavation and fill is reduced to over 50 cubic yards; and~~
 - ~~2. The applicant must provide evidence that the development proposal meets all state and federal requirements of the Division of State Lands and the U.S. Army Corps of Engineers.~~

33.515.274 Items Exempt From These Regulations

The following are exempt from the development standards and required reviews stated in this section:

- A-I.** [No change]
- J.** Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations; ~~and~~
- K.** Planting of native vegetation listed on the Portland Plant List when planted with hand-held equipment; ~~;~~ and
- L.** Removing a tree listed on the Nuisance or Prohibited Plant Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or a certified arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut.

CHAPTER 33.536
HOLLYWOOD PLAN DISTRICT

33.536.210 Prohibited Development

- D. **Drive-through facilities.** The Hollywood plan district includes a limited-term provision that allows existing drive-through facilities to be replaced on-site as part of mixed-use, multi-story redevelopment. The sunset provision (Section 33.536.210.D) requires a full building permit application to be filed no later than May 5, 2003. The amendment extends the sunset provision by two years.

Specifically, the sunset provision is intended to encourage mixed-use redevelopment of up to five catalyst sites within Hollywood. In the review and consideration of the proposed Hollywood and Sandy Plan, consensus was reached that the prohibition on drive-through facilities in the CS zone may effectively freeze sub-optimal development in place. It was concluded that the redevelopment of the five sites would be less likely to occur if operation of the existing drive-through facilities was required to cease. With the *Hollywood and Sandy Plan* requirements, a redeveloped drive-through would be a very small part of an overall redevelopment that includes at least 1.5 FAR and 25 % residential floor area. On balance, the community, the Planning Commission and City Council found that the positives of urban-scale development including a drive-through would outweigh the negative impacts to the pedestrian environment that a drive through facility might create.

Shortly after the *Hollywood and Sandy Plan* was adopted in April 2000, the development market entered the current recession. Washington Mutual Bank and its representatives have indicated that a redevelopment proposal, which is directly supportive of the goals of the Hollywood and Sandy Plan, is being considered for their site at NE 44th Avenue and Sandy Boulevard. The interest now being expressed in the redevelopment of this site may indicate a market resurgence. Should the project now in the concept phase be built, Hollywood's mixed-use town center character would be strengthened. Extending the sunset provision for the continued operation of the drive-through facility on the site will facilitate the desired redevelopment of this key site, and potentially others. This amendment is supported by the Hollywood Boosters, the Hollywood Development Corporation, and the Bureau of Planning.

**CHAPTER 33.536
HOLLYWOOD PLAN DISTRICT**

33.536.210 Prohibited Development

A. Purpose. These regulations limit auto-oriented development and ensure transit-supportive levels of residential development in the commercial core of the plan district and in the areas closest to the Hollywood Transit Center. The regulations also support existing businesses with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban mix and intensity of uses.

B-C. [No change]

D. Drive-through facilities. Drive-through facilities are prohibited, except that in Subdistrict B, drive-through facilities may be allowed if they meet all of the regulations of this subsection:

1. There was a legal drive-through facility on the site on May 5, 2000;
2. The new drive-through is on the same site and the existing drive-through will be removed;
3. The replaced drive-through facility will be part of a new development on the site that meets the following:
 - a. After the new development is built, the FAR on the site must be at least 1.5:1; and
 - b. At least 25 percent of the new floor area must be in residential uses;
4. The drive-through facility must either:
 - a. Meet the standards of Chapter 33.224, Drive-Through Facilities; or
 - b. Meet the following:
 - (1) The service area must be within the primary structure on the site;
 - (2) The service area must have useable floor area above it on the second story; and
 - (3) The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site; and
5. A complete application for a building permit must be submitted before May 5, ~~2003~~ 2005.

33.536.280 Enhanced Pedestrian Street Standards

C. Enhanced Pedestrian Street standards.

1. Active building uses.

33.536.290 Maximum Parking Allowed in the RX, CS, and CX zones

C. Maximum allowed parking.

2. Exception for general office.

For clarity, the undefined term "street frontage wall" is replaced with the defined term "street-facing façade."

33.536.280 Enhanced Pedestrian Street Standards

C. Enhanced Pedestrian Street standards. New development must meet the following standards:

1. Active building uses. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that front onto the Enhanced Pedestrian Streets.

Areas designed to accommodate active building uses must meet all of the following standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- b. The area must be at least 25 feet deep, measured from the ~~street frontage wall~~ street-facing facade;
- c. The area must be designed to accommodate a single tenant or multiple tenants;
- d. The ~~street frontage wall~~ street-facing facade facing the enhanced pedestrian street must include windows and doors; and
- e. Parking is not allowed in the active building use areas.

2-4. [No change]

33.536.290 Maximum Parking Allowed in the RX, CS, and CX zones

C. Maximum allowed parking.

1. Generally. [No change]
2. Exception for general office. For general office uses, the maximum ratio is 1 space per 294 square feet of floor area if the following are met:
 - a. At least half of the parking accessory to uses on the site is in structured parking;
 - b. Parking structures on the site must be designed so that at least 50 percent of the ~~street frontage wall~~ street-facing facade meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

**CHAPTER 33.538
KENTON PLAN DISTRICT**

33.538.240 Active Building Use Areas

- C. Active building use area required.** For clarity, the undefined term "street frontage wall" is replaced with the defined term "street-facing façade."

**CHAPTER 33.538
KENTON PLAN DISTRICT**

33.538.240 Active Building Use Areas

- C. Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls along the frontages shown on Map 538-5.

Areas designed to accommodate active building uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the ~~street frontage wall~~ street-facing facade;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The ~~street frontage wall~~ street-facing facade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

**CHAPTER 33.555
MARQUAM HILL PLAN DISTRICT**

33.555.210 Relationship to Base Zone Regulations.

- E. Section 33.140.295, Parking and Loading. This amendment addresses an oversight in developing the recently adopted Code for the Marquam Hill plan district. Language in Section 33.555.210.E exempts development within the Marquam Hill plan district from all standards of Section 33.140.295, Parking and Loading (which in turn, refers to Section 33.266, Parking and Loading), which was not the intent. The intent in Section 33.555.210.E was to exempt development solely from those provisions of Section 33.266 where more specific regulations were being applied through the Plan District, and from the regulations in 33.266 that do not make sense given the terrain, street system or campus setting of Marquam Hill. For example, the regulations in Section 33.555.280, Parking, are more specific on the maximum parking allowed within the Plan District than those in 33.266.115, Maximum Allowed Parking Spaces, and the regulations in Sections 33.266.300-310, Loading, are not consistent with the campus setting. The amendment will also ensure that parking areas within the Plan District will be held to the parking lot landscaping, parking stall and lane dimensions, and bicycle parking requirements of Chapter 33.266, which was intended.

33.555.240 Maximum Floor Area Ratio in Subdistricts A through D.

- C. **Standards.** The existing regulation states the maximum floor area ratio (FAR) is 3:1 in subdistricts A, C and D, and 2:1 in subdistrict B. However, an examination of the various iterations of the proposed Marquam Hill Plan District (MHPD) reveals that both the Planning Bureau's proposal and the Planning Commission's Recommendation stated the maximum FAR as **3:1** in subdistricts A, B and D and **2:1** in subdistrict C. No amendments to the Planning Commission's recommendation on the FAR maximums were requested or approved during the City Council's deliberation on the MHPD. The error first appears in the City Council Revised MHPD, and as a result the Code is not consistent with the legislative intent of the Planning Commission and City Council. The amendment identifies the correct FARs for the four subdistricts.

**CHAPTER 33.555
MARQUAM HILL PLAN DISTRICT**

33.555.210 Relationship to Base Zone Regulations.

If not addressed by the development standards of this plan district, the development standards of the base zone apply; however, development in the plan district is exempt from the following standards:

- A-C.** [No change]
- D.** Section 33.140.242, Transit Street Main Entrance; ~~and~~
- E.** ~~Section 33.140.295, Parking and Loading.~~ Section 33.266.100.C, Calculations of Amounts of Required and Allowed Parking;
- F.** 33.266.115, Maximum Allowed Parking Spaces;
- G.** 33.266.130.C, On-site Locations of Vehicle Areas; and
- H.** 33.266.300 through 33.266.310, Loading.

33.555.240 Maximum Floor Area Ratio in Subdistricts A through D. The regulations of this section apply to sites in Subdistricts A, B, C, and D.

- A. Purpose.** [no change]
- B. Calculations.** [no change]
- C. Standards.** The maximum FAR allowed in Subdistricts A, ~~C~~B, and D is 3:1. The maximum FAR allowed in Subdistrict ~~B~~C is 2:1. Adjustments to these maximums are prohibited.

33.555.280 Parking

- C. **Existing parking.** Current standards exempt "existing parking that is reconfigured or demolished and replaced" from the requirements of Section 33.555.280.B, Creation of Parking, and Section 33.555.280.D, Maximum Parking Allowed in Subdistricts A through D, if no additional parking spaces are created. In the *Proposed Marquam Hill Plan*, the language exempted existing parking that is reconfigured or demolished and replaced from the maximum ratio of spaces to floor area (now stated in 33.555.280.B.2) and from Marquam Hill Parking Review (now stated in 33.555.280.E), but not from the parking maximums. (See page 133 of the *Proposed Marquam Hill Plan* for the original language.) No amendments to the proposed code section on existing parking were presented for the Planning Commission's consideration and the Commission approved that section of the proposal without changes.

Based on the number and nature of the changes that the Planning Commission made to the Plan District's parking regulations as a whole, the parking section was reformatted to improve its readability and clarity. In the reformatting process, the exemption from Marquam Hill Parking Review was transposed into the exemption from the maximum parking. The City Council made further changes to the section by merging the maximum allowed parking standards for Subdistricts A and B into a single standard.

This inadvertent omission is corrected by adding and deleting language in 33.555.280.C. These changes are consistent with the intent in the initial proposal, the Planning Commission's recommendation, and City Council's decision.

33.555.280 Parking

C. Existing parking.

1. Existing parking in Subdistricts A and B. Existing parking in Subdistricts A and B that is reconfigured or demolished and replaced within either of these subdistricts is exempt from the requirements of Subsections 33.555.280.B and D E if no additional parking spaces are created.

2. Existing parking in Subdistricts C and D. Existing parking in Subdistricts C and D that is reconfigured or demolished within the same subdistrict is exempt from the requirements of Subsections 33.555.280.B and E if no additional parking spaces are created.

**CHAPTER 33.563
NORTHWEST HILLS PLAN DISTRICT**

**Balch Creek Subdistrict
33.563.100 Prohibitions**

**Forest Park Subdistrict
33.563.200 Prohibition**

This amendment addresses a conflict with Title 10, Erosion and Sediment Control Regulations. Specifically, in the Balch Creek and Forest Park subdistricts of the Northwest Hills plan district (Chapter 33.563), activities that expose the soil to direct contact with stormwater are prohibited between October 1 and April 30, only when such activities occur in environmental zones. However, applicants are already prohibited by Section 10.30.020.B.4.e from exposing soil to direct contact with stormwater between these dates on any site, even those not located in an environmental zone. The amendment brings Title 33 into conformance with Title 10.

**CHAPTER 33.563
NORTHWEST HILLS PLAN DISTRICT**

Balch Creek Subdistrict

33.563.100 Prohibitions

The following items are prohibited in ~~environmental zones within~~ the Balch Creek Subdistrict:

- A.** Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment and emergency repair of existing structures; and
- B.** In commercial zones with an environmental overlay zone, residential uses are prohibited.

Forest Park Subdistrict

33.563.200 Prohibition

~~Within environmental zones i~~n the Forest Park subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment, and emergency repair of existing structures.

600s - LAND DIVISIONS AND PLANNED DEVELOPMENTS

Chapter 33.642, Land Divisions of Mobile Home Parks, and Chapter 33.670, Review of Land Divisions of Mobile Home Parks, are being added to comply with ORS 92.835, Subdivision of Manufactured Dwelling Park or Mobile Home Park. Refer to amendments to Chapter 33.642 for more information.

600s – LAND DIVISIONS AND PLANNED DEVELOPMENTS

LOTS

[No change]

ADDITIONAL REGULATIONS

- 33.630 Tree Preservation
- 33.631 Sites in Flood Hazard Areas
- 33.632 Sites in Potential Landslide Hazard Areas
- 33.633 Phased Plans and Staged Final Plats
- 33.634 Required Recreation Area
- 33.635 Clearing and Grading and Land Suitability
- 33.636 Tracts and Easements
- 33.638 Planned Development
- 33.639 Solar Access
- 33.640 Streams, Springs, and Seeps
- 33.641 Transportation Impact
- 33.642 Land Divisions of Mobile Home Parks

SERVICES AND UTILITIES

[No change]

REVIEWS

- 33.660 Review in OS & R Zones
- 33.662 Review in C, E, & I Zones
- 33.664 Review on Large Sites in I Zones
- 33.665 Planned Development Review
- 33.667 Property Line Adjustments
- 33.668 Review of Changes to an Approved Planned Unit
Development
- 33.669 Review of Changes to an Approved Industrial Park
- 33.670 Review Of Land Divisions Of Mobile Home Parks

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

33.610.100 Density Standards

The maximum density regulation is currently identified in Chapter 33.110, Single-Dwelling Zones, as a development standard. A development standard is intended to be applied when an applicant proposes development on a site. However, the maximum density standards identified in Chapter 33.110, Table 110-3, are not used as development standards that are applied to development when reviewing building permit applications. (The number of units allowed on a lot in the Single-Dwelling zones is regulated by the allowed housing types, identified in Chapter 33.110, Table 110-2.) Instead, the maximum density regulations are used when processing a land division application.

The amendment proposes relocating the density regulations for the RF through R5 zones from Chapter 33.110 to the Chapter 33.610, Lots in the RF through R5 Zones. (Density regulations for the R2.5 zone are deleted in the base zone, as Chapter 33.611, Lots in the R2.5 Zone, already contains such regulations.)

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

33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.** The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
- C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:
1. **Maximum density.** Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

Square footage of site;
 ÷ Maximum density from Table ~~110-3~~ 610-1;
 = Maximum number of lots allowed.
 2. **Minimum density.** Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

Square footage of site;
 - Square footage of site within an environmental overlay zone, potential landslide hazard area, or flood hazard area;
 x 0.80;
 ÷ Maximum density from Table ~~110-3~~ 610-1;
 = Minimum number of lots required.

33.610.100 Density Standards (continued)

33.610.100 Density Standards (continued)

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density from Table } \del{110-3} \text{ } \underline{610-1}; \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental overlay zone, potential} \\ & \quad \quad \text{landslide hazard area, or flood hazard area;} \\ & \quad \quad \times 0.68 \\ & \quad \quad \div \text{Maximum density from Table } \del{110-3} \text{ } \underline{610-1} \\ & \quad \quad = \text{Minimum number of lots required.} \end{aligned}$$

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one; or
2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum.

Table 610-1					
Maximum Density Standards					
	RF	R20	R10	R7	R5
<u>Maximum Density</u>	<u>1 unit per</u> <u>87,120 sq. ft.</u>	<u>1 unit per</u> <u>20,000 sq. ft.]</u>	<u>1 unit per</u> <u>10,000 sq. ft.</u>	<u>1 unit per</u> <u>7,000 sq. ft.</u>	<u>1 unit per</u> <u>5,000 sq. ft.</u>

Renumber existing Table 610-1, and all references, to Table 610-2.

**CHAPTER 33.638
PLANNED DEVELOPMENT**

33.638.020 Relationship to Other Regulations

- B. Density.** This amendment clarifies that the maximum density requirements for Planned Developments are specified in Section 33.610.100 (Density Standards) and 33.611.100 (Density Standards).

**CHAPTER 33.638
PLANNED DEVELOPMENT**

33.638.020 Relationship to Other Regulations

- A. Flexibility.** Approval of a Planned Development allows certain kinds of flexibility for residential development. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.
- B. Density.** Minimum density requirements must be met in a Planned Development. Adjustments to minimum density are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units. Maximum density requirements in Single-Dwelling zones are specified in 33.610.100 and 33.611.100.
- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

**CHAPTER 33.642
LAND DIVISIONS OF MOBILE HOME PARKS**

This chapter, and Chapter 33.670, are being added to comply with State law. ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park) requires local jurisdictions to allow land divisions of mobile home parks and manufactured dwelling parks without requiring that they meet most of the conventional requirements for land divisions, such as lot size and density.

ORS 92.835 applies to mobile home parks and manufactured dwelling parks. Under Portland's definitions, a manufactured home is one type of mobile home. Because of this, manufactured dwelling parks are also one type of mobile home park.

These definitions are currently in Chapter 33.910, Definitions. They may help in understanding these chapters:

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

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

- **Mobile Home.** A dwelling unit constructed off of the site and which is not constructed to the standards of the uniform building code. Mobile homes include residential trailers and manufactured homes.
 - **Manufactured Home.** A manufactured home is a mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.
 - **Residential Trailer.** A mobile home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.

33.642.020 Where These Standards Apply. The date of July 1, 2001, is established by State law.

CHAPTER 33.642
LAND DIVISIONS OF MOBILE HOME PARKS

Sections:

- 33.642.010 Purpose
- 33.642.020 Where These Standards Apply
- 33.642.030 Relationship to Other Land Division Regulations
- 33.642.100 Use Allowed
- 33.642.110 Residential Structure Types Allowed

33.642.010 Purpose

The regulations of this chapter allow owners of mobile home parks to divide their land without being subject to all of the other land division regulations of this Title. By allowing this division, owners of the individual mobile homes may have the opportunity to acquire individual ownership of the lot where their dwelling is located. Allowing these land divisions is required by State law.

33.642.020 Where These Standards Apply

The standards of this chapter apply to proposals for land divisions of mobile home parks that existed on July 1, 2001.

33.642.030 Relationship to Other Land Division Regulations

Land divisions proposed under the provisions of this chapter are exempt from the regulations of Chapters 33.605 through 33.635, and Chapters 33.638 through 33.639.

33.642.100 Use Allowed

In mobile home parks that have been divided under the provisions of this chapter, Household Living is an allowed use. All other uses are prohibited.

33.642.110 Residential Structure Types Allowed

In mobile home parks that have been divided under the provisions of this chapter, residential structure types other than mobile homes are prohibited.

**CHAPTER 33.670
REVIEW OF LAND DIVISIONS OF MOBILE HOME PARKS**

See Commentary for Chapter 33.642

33.670.020 Where These Regulations Apply. The date of July 1, 2001, is established by ORS 92.835.

CHAPTER 33.670
REVIEW OF LAND DIVISIONS OF MOBILE HOME PARKS

Sections:

General

33.670.010 Purpose

33.670.020 Where These Regulations Apply

Review of Preliminary Plan

33.670.110 Review Procedures

33.670.120 Application Requirements

33.670.130 Approval Criteria

Review of Final Plat

33.670.210 Review Procedure

33.670.215 Voiding of Final Plat Application

33.670.220 Approval Standards

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedures

33.670.310 Approval Criteria

Changes to Final Plat

33.670.400 Changes to Final Plat Before Recording

33.670.410 Changes to Final Plat After Recording

General

33.670.010 Purpose

These regulations assign each phase of a land division request to an appropriate procedure type for review, and establish standards for each phase and each review.

33.670.020 Where These Regulations Apply

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

Review of Preliminary Plan

33.670.110 Review Procedures

Review of Preliminary Plans is processed through a Type I procedure.

33.670.120 Application Requirements

33.670.120 Application Requirements

A complete application for a land division of a mobile home park under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

A. Preliminary Plan. An application for Preliminary Plan must include all of the following:

1. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
2. Written statement. Two copies of a written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all approval standards are met;
 - Additional information needed to understand the proposal;
 - Names and addresses of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets;
3. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 200 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
 - Streets;
 - Pedestrian and bicycle facilities and connections; and
 - Location of utilities and services;
4. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
 - a. Surveyed information:
 - Boundary lines of the site with dimensions and total site area;
 - Proposed lot layout with sizes, dimensions, and lot and block numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;

33.670.120 Application Requirements

A. Preliminary Plan. (continued)

B. Final Plat.

33.670.120 Application Requirements

A. Preliminary Plan. (continued)

- Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
 - Proposed location, dimensions, and purpose of all easements;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map
 - Stamp of surveyor; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
 - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- b. Additional information:
- Zoning and Comprehensive Plan designations;
 - Location, dimensions, and purpose of existing easements on and abutting the site;
 - Existing and proposed services and utilities; and
 - Any information necessary to show that the approval criteria are met.

5. Fees. The applicable filing fees.

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

1. Final Plat survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
 - a. The statements:
 - “This plat is subject to the conditions of City of Portland Case File No. LUR...”; and
 - “Additional City review is required for any changes made to this plat after the signature date of the BDS representative. Such changes may require an additional review procedure”; and
 - b. Easements and tracts, including their purpose;
2. Supplemental plan. A supplemental plan, the number determined by the Director of BDS, that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. This includes the information from the Preliminary Plan that shows the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Mobile Home Parks;

33.670.120 Application Requirements

B. Final Plat. (continued)

33.670.130.A. through E. These criteria are taken from ORS 92.835

33.670.130.A. ORS 92.835(1) states the City must approve the Preliminary Plan if:

"(a) The park is in compliance with the governing body's standards for a manufactured dwelling park or a mobile home park or is an approved nonconforming use. For the purposes of this paragraph, a park is in compliance if the governing body of the city or county has not issued a written notice of noncompliance on July 2, 2001.

"(b) The tentative plan does not increase the number of lots, as defined in ORS 446.003, approved for the park, change the boundary lines or setback requirements or make other development changes."

33.670.130.C. Development Standards. Consistent with the approval criteria identified in ORS 92.835(1)(b), the amendment clarifies that the applicant must demonstrate that the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Mobile Home Parks.

33.670.130.E. These definitions are currently in Chapter 33.910, Definitions:

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

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

33.670.120 Application Requirements

B. Final Plat. (continued)

3. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval;
4. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
5. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions; and
6. Fees. The applicable filing fees.

33.670.130 Approval Criteria

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

A. Legal status of mobile home park. One of the following must be met:

1. The mobile home park is a legal nonconforming use; or
2. The BDS Code Compliance Division has not issued a written code violation notice as of July 2, 2001.

B. Number of lots. The number of lots proposed is the same or less than the number of mobile home spaces previously approved or legally existing in the mobile home park.

C. Development Standards. The Preliminary Plan does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Mobile Home Parks.

D. Boundary. The proposal does not change the boundary of the mobile home park.

E. Services and utilities.

1. Areas that are used for vehicle access, such as driveways, and that serve more than two lots, must be in a tract. The tract must be shown on the Preliminary Plan;
2. All other services and utilities that serve more than one lot must be in a tract or easement. Where a service or utility serves only one lot, but crosses another, it also must be in a tract or easement. The tracts and easements must be shown on the Preliminary Plan;

F. Tracts and Easements. The standards of Chapter 33.636, Tracts and Easements must be met.

Review of Final Plat

33.670.210 Review Procedure

33.670.215 Voiding of Final Plat Application

33.670.220 Approval Criteria

Review of Final Plat

33.670.210 Review Procedure

Final Plats are reviewed through a Type I procedure. The decision of the Director of BDS is final.

33.670.215 Voiding of Final Plat Application

A complete application for Final Plat review will be voided where:

- A. The Director of BDS has sent written comments to the applicant, requesting additional information; and
- B. The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.

33.670.220 Approval Criteria

The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the approval criteria have been met. The approval criteria are:

- A. **Conformance with Preliminary Plan.** The Final Plat must conform to the approved Preliminary Plan;
- B. **Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to Final Plat approval. All other conditions of approval remain in effect;
- C. **Dedications, tracts, and easements.**
 - 1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
 - 2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;
- D. **Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and
- E. **Maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs).** All maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs) must be reviewed and approved by the BDS and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedure

33.670.310 Approval Criteria

Changes to Final Plat

33.670.400 Changes to Final Plat Before Recording

33.670.410 Changes to Final Plat After Recording

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through a Type I procedure. The decision of the Director of BDS is final.

33.670.310 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval criteria of Section 33.670.130 have been met.

Changes to Final Plat

33.670.400 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. The revised Final Plat must undergo Final Plat review again.

33.670.410 Changes to Final Plat After Recording

After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

**CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT**

33.700.090 Regulations That Apply After Approval. The amendment to Paragraph A is limited to clarifying the regulations that apply to development approved through a land use decision. Consistent with longstanding policy, the amendment to Paragraph B clarifies that an application for final plat will be reviewed against the regulations in effect on the date the application for a preliminary plan was filed with the City.

**CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT**

33.700.090 Regulations That Apply After Approval

The regulations of this section apply to land use approvals that are subject to expiration as provided in 33.730.130, Expiration of an Approval.

- A. Building permits.** Applications for building permits for ~~projects where the land use approval~~ development approved by a land use decision that has not expired are subject only to the regulations in effect ~~at the time of the~~ on the date a land use application was filed with the City, as specified in 33.700.080.A.1.
- B. Land divisions.** Applications for Final Plat approval where the Preliminary Plan approval has not expired are subject only to the regulations in effect on the date an ~~complete~~ application for Preliminary Plan was filed with the City, as specified in ~~Paragraph~~ 33.700.080.A.1.

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

33.730.020 Type II Procedure

- C. Preliminary notice. This amendment clarifies that a notice of a land use proposal will be mailed following receipt of a *complete* application. This is consistent with longstanding practice.
- D. Processing time. This amendment is intended to bring the Zoning Code requirement for public notice and comment period into conformance with Oregon Revised Statutes (ORS). Specifically, ORS 197.195(3)(c)(A) states local government notice and procedures must provide at least a 14-day period for the submission of written comments prior to making a decision on limited land use decisions. The comment period for Type II land use reviews (i.e., a limited land use decision) is not clear in the Zoning Code. Section 33.730.020.D (Processing time) requires the Director of OPDR (now BDS) to render a decision on such reviews within 14 days from receipt of a complete application. As written, the Director must solicit public comments *and* render the decision within the same 14-day period.

The amendment specifies that the Director of BDS will not make a decision on a Type II land use review until 21 days after the public notice is mailed. The 21-day public comment period will allow neighborhood associations and the affected public the needed time to review the proposal, convene a meeting, and provide written comments to the City. The 21-day comment period compares to a 30-day comment period allowed for Type I and Type IIx reviews, which like the Type II review, are considered limited land use procedures. However, the majority of Type I reviews, and all Type IIx reviews, are for land divisions, which typically require greater coordination, review and input by service bureaus than is the case with Type II reviews.

A related amendment to Section 33.730.020.F, below, and 33.730.060.A.2 (Incomplete Applications) ensures that providing a 21-day comment period will not substantially increase the overall review time for Type II land use reviews. Currently, Type II reviews are processed within 40 days. The additional time the 21-day comment period will add to the Type II review procedure will be balanced by reducing the period in which the Director must determine the completeness of an application from 21 days to 14 days. Additionally, the time in which the decision must be mailed is reduced from five days to three days. With these amendments, the processing time for Type II land use reviews, from date of submittal to mailing of the decision, will increase from 40 days to 44 days.

- F. Notice of decision (pending appeal). As indicated above, the time in which a decision on a Type II land use review must be mailed is reduced from five days to three days. This time period recognizes that decisions filed on a Friday will be in the mail by the following Monday.

**CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES**

33.730.020 Type II Procedure

A-B. [No change]

C. Preliminary notice. Upon receipt of an complete application, the Director of BDS will mail a notice of the request to all property owners within 150 feet of the lot when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 400 feet of the lot. See 33.730.070.C, Type II and Type IIx notice of request.

D. Processing time. Upon determining that the application is complete, the Director of BDS will make a decision on the case ~~within 14 days,~~ as follows:

1. The Director of BDS will not make the decision until 21 days after the notice required by Subsection C, above, is mailed;
2. The Director of BDS will make a final decision on the case and mail a notice of decision within 28 days after the application is determined complete. The applicant may extend this time limit.

E. Administrative decision.

1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
3. ~~A copy of the decision report will be mailed to the owner, applicant if different, the recognized organization(s) in which the site is located, and will be made available to the public.~~

F. Notice of decision (pending appeal). The Director of BDS ~~will file the notice of decision (pending appeal) by the next working day after the decision is made. Within 5 days of filing the notice of decision, the Director of OPDR will mail a~~ the notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the lot when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, to all recognized organizations within 400 feet of the lot, to any person who submitted written comments, and to the City Auditor. See 33.730.070.G, Notice of Type II or Type IIx decision (pending appeal).

33.730.025 Type IIx Procedure

- C. Preliminary notice.** This amendment clarifies that a notice of a land use proposal will be mailed following receipt of a *complete* application. This is consistent with longstanding practice.

33.730.045 Neighborhood Contact Requirement

- B. Requirements.** Existing neighborhood contact requirements require the applicant to request a meeting with the affected neighborhood association. This provides both parties an opportunity to discuss the land use proposal in an informal setting. The amendment requires the applicant to notify the affected district neighborhood coalition that such a request has been made. As the district neighborhood coalition provides direct support and technical services to the neighborhood associations, it is necessary that the coalition be informed of significant land use proposals occurring within its boundaries. Including the district coalition in this notification list will improve communication among all parties.

33.730.025 Type IIx Procedure

- C. Preliminary notice.** Upon receipt of an complete application, the Director of BDS will mail a notice of the request to all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIx notice of request.

33.730.045 Neighborhood Contact Requirement

- B. Requirements.** The requirements for the Neighborhood Contact Requirement are:
1. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. A copy of this request must also be sent by registered or certified mail to the district neighborhood coalition. The neighborhood association should reply to the contact within 14 days and hold a meeting within 45 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant may submit an application without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.
 2. After the meeting and before applying for the land use review, the applicant must send a letter to the neighborhood association and district neighborhood coalition. The letter will explain changes, if any, the applicant is making to the proposal.
 3. Copies of ~~both~~ letters required by this subsection must be submitted with the application for land use review.

33.730.060 Application Requirements

A. Check for complete application.

2. Incomplete applications. This is a companion amendment to one in Section 33.730.020.D (Processing Time), which provides a 21-day public comment period for Type II land use reviews. To accommodate the 21-day comment period while not substantially increasing the total review period for Type II procedure, the time in which City staff must notify an applicant that an application is incomplete is reduced from 21 days to 14 days.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. [No change]
2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
 - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;
 - b-d. [No change]
3. [No change]

33.730.080 Posting Requirements

A. Number and location on the site. Applicants for Type III land use reviews are required to place posting notices describing the proposal on each frontage of the site. For frontages over 600 feet in length, one posting notice is required for each 600 feet, or fraction thereof. The amendment addresses two issues:

- 1) **Frontage.** The term "frontage" is not defined. The amendment clarifies this term by including reference to **street** frontage. The term "street" is currently defined in Chapter 33.910 as: "A right-of-way that is primarily intended for motor vehicle travel or for motor vehicle access to abutting property. Streets are also intended for pedestrian or bicycle travel, or access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highways including their ramps."
- 2) **Unimproved, Paper Streets:** The amendment clarifies that posting notices are not required along frontages that are unimproved paper streets.

33.730.080 Posting Requirements

- A. Number and location on the site.** A posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.

800s - LAND USE REVIEWS

As both the Excavations and Fills Review, and the Hazardous Substances Review are deleted, references to these reviews in the 800s content sheet are also deleted.

800s - LAND USE REVIEWS

- 33.800 General Information on Land Use Reviews
- 33.805 Adjustments
- 33.808 Central City Parking Review
- 33.810 Comprehensive Plan Map Amendments
- 33.815 Conditional Uses
- 33.820 Conditional Use Master Plans
- 33.825 Design Review
- ~~33.830 Excavations and Fills~~
- 33.835 Goal, Policy, and Regulation Amendments
- ~~33.840 Hazardous Substances Reviews~~
- 33.846 Historic Reviews
- 33.848 Impact Mitigation Plans
- 33.849 Marquam Hill Parking Review
- 33.850 Statewide Planning Goal Exceptions
- 33.851 South Waterfront Greenway Review
- 33.853 Tree Review
- 33.854 Validation Review
- 33.855 Zoning Map Amendments

**CHAPTER 33.808
CENTRAL CITY PARKING REVIEW**

33.808.020 Organization of This Chapter

33.808.200 Renewal of Surface Parking Lots in the Central City Plan District

Central City plan district parking regulations currently require a renewal of Central City Parking Review (CCPR) permits every five years for some surface parking lots. The five-year CCPR renewals are processed through a Type III land use review (at a fee of \$6,814), and applicants are required to address two approval criteria contained in 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The approval criteria are limited to the applicant demonstrating that the surface lot is in compliance with all previous conditions of approval and all applicable provisions of the Zoning Code, and that "reasonable progress" has been made towards meeting an approved phased development plan, if such a plan exists.

It is important that approved development (whether located in the Central City plan district or elsewhere in the City) remains in conformance with standards of the Zoning Code and previous conditions of approval. However, a Type III discretionary land use review is not the appropriate mechanism to determine conformance with such requirements. Conformance with such requirements is an enforcement issue that is handled by the Code Compliance Division of BDS. Furthermore, if a site is not operating in conformance with an approved land use review, Section 33.700.040 (Reconsideration of Land Use Approvals) allows the Director of BDS to initiate a reconsideration of the land use approval.

In reviewing the commentary associated with this requirement (from the 1995 *Central City Transportation Management Plan*), it is clear that the CCPR five-year renewal process was viewed as addressing an enforcement issue. The commentary indicates that CCPR renewal was added so that if Code violations related to a surface lot were identified, the owner would have the opportunity to correct the violations in a timely manner, and not be shut down. Specifically, the commentary states that with the CCPR renewal, "the applicant will have sufficient opportunity to correct any deficiencies before an extreme enforcement measure - such as closure of the parking lot - would be implemented" (page 40). However, a land use review process is not needed to allow an owner sufficient time to address cited violations, as the enforcement process implemented by BDS/Code Compliance already provides such an opportunity. Upon receipt of a Code Violation letter, an applicant has at least 30 days to address the violation. If the applicant has demonstrated a good faith effort towards correcting the violation, but additional time is needed, such an extension is customarily granted by Code Compliance.

**CHAPTER 33.808
CENTRAL CITY PARKING REVIEW**

Sections:

- 33.808.010 Purpose
- 33.808.020 Organization Of This Chapter
- 33.808.030 Automatic Central City Parking Review Status
- 33.808.040 Review Procedures
- 33.808.050 Loss of Central City Parking Review Status
- 33.808.100 General Approval Criteria for Central City Parking Review
- ~~33.808.200 Renewal of Surface Parking Lots in the Central City Plan District~~
- 33.808.300 Conversion of Surface Parking Lots

33.808.020 Organization Of This Chapter

This chapter contains approval criteria for all Central City Parking Reviews (CCPR). The criteria in Section 33.808.100 apply to all CCPRs except ~~Renewal of Surface Parking Lots, which is addressed in Section 33.808.200,~~ and Conversion of Surface Parking Lots, which is addressed in Section 33.808.300.

~~33.808.200 Renewal of Surface Parking Lots in the Central City Plan District~~

~~These approval criteria ensure that conditions of approval continue to be met and that, for those with a phased development plan, that reasonable progress towards development continues. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:~~

- ~~A. The surface parking lot is in compliance with all conditions of approval and applicable provisions of the Zoning Code; and~~
- ~~B. If there is an approved phased development plan for the parking lot, reasonable progress is being made towards meeting the plan.~~

CHAPTER 33.815
CONDITIONAL USES

33.815.040 Review Procedures

B. Proposals that alter the development of an existing conditional use.

1. Conditional use review not required. Existing language in this section identifies situations where minor alterations to development on a site with an existing conditional use review may occur without a subsequent conditional use review. Such alterations may only occur if criteria contained in Subparagraphs B1.a-e are met. One of these criteria, in Subparagraph B.1.b.(2), requires that the proposal meet all development standards of Title 33, unless an adjustment or modification through design review has been approved. However, development standards may also be modified through a variety of other types of land use reviews, such as an Environmental Review, or modifications through a Planned Development. The amendment corrects the existing language by replacing specific reference to adjustment and design reviews with the more encompassing term "land use review."

2. Additional structures allowed without conditional use review. An amendment is included to clarify that on-site pedestrian circulation systems, which are required by the base zone development standards, do not trigger a conditional use review

3. Conditional use required.
 - a. Minor alterations. This technical amendment is limited to reorganizing the structure of the paragraph for clarity, and specifically clarifying that changes increasing existing floor area or exterior improvements by 10 percent or less, *either individually or in combination*, are subject to a Type II Conditional Use review. As currently written, the standard may be interpreted that a Type II Conditional Use review is required only when *both* the floor area *and* exterior improvements increase by 10 percent or less, otherwise a Type III Conditional Use review is required.

**CHAPTER 33.815
CONDITIONAL USES**

33.815.040 Review Procedures

- B. Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, modification, or require a conditional use review, as follows:
1. Conditional use review not required. A conditional use review is not required for alterations to the site that comply with Subparagraphs a through e. All other alterations are subject to Paragraphs 2 and 3, below. Alterations to development are allowed by right provided the proposal:
 - a. Complies with all conditions of approval;
 - b. Meets one of the following:
 - (1) Complies with the development standards of this Title, or
 - (2) Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through design a land use review ~~to the development standards has been approved~~;
 - c. Does not increase the floor area by more than 1,500 square feet;
 - d. Does not increase the exterior improvement area, except as allowed in subparagraph B.2, below; and
 - e. Will not result in a net gain or loss in parking or site area.
 2. Additional structures and improvements allowed without conditional use review. Fences, handicapped ramps, ~~and~~ decks, and on-site pedestrian circulation systems do not require a conditional use review if they do not violate or change any conditions of approval, or change the number of parking spaces. Adjustments to the development standards for fences, handicapped ramps, ~~and~~ decks, and on-site pedestrian circulation systems may be requested without a conditional use review.
 3. Conditional use required. Conditional use review is required for the following:
 - a. Minor alterations. Except as provided in Paragraphs B.1 and B.2, above, conditional use review through a Type II procedure is required ~~for alterations to the site that do not violate any conditions of approval, and when the individual or cumulative alterations will not increase the floor area and exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. The increase is measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.~~ the following:

33.815.040 Review Procedures

B. Proposals that alter the development of an existing conditional use.

3. Conditional use required.

a. Minor alterations. (continued)

33.815.040 Review Procedures

B. Proposals that alter the development of an existing conditional use.

3. Conditional use required.
 - a. Minor alterations. (continued)
 - (1) When proposed alterations to the site will not violate any conditions of approval;
 - (2) When the individual or cumulative alterations will not increase the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
 - (3) When the individual or cumulative alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet; or
 - (4) When the individual or cumulative alterations will not increase the floor area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet.
 - (5) The increases in subparagraphs 2 through 4, above, are measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.
 - b. Major alterations. All other alterations to the site will be reviewed through a Type III procedure.

CHAPTER 33.820
CONDITIONAL USE MASTER PLANS

33.820.090 Amendments to Master Plans

- A. **Type III procedure.** A modification to approved boundaries of a Conditional Use Master Plan requires a Type III Conditional Use Master Plan Review, regardless of whether the change is an increase or decrease in the boundary. The amendment makes a distinction between a modification that increases the master plan boundary and one that decreases the boundary. Modifications that increase the master plan boundary would continue to be processed as a Type III amendment. Modifications that are limited to a decrease in the boundary, where the decrease does not affect any previous conditions of approval, or bring the site out of conformance with a required development standard, would be processed as a Type II amendment to the master plan.

**CHAPTER 33.820
CONDITIONAL USE MASTER PLANS**

33.820.090 Amendments to Master Plans

Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

- A. Type III procedure.** Unless the master plan specifically provides differently, amendments to a master plan that require a Type III procedure are:
1. Any proposed development on the site that is within 400 feet of the master plan boundaries ~~or any changes to the boundaries~~, unless a greater distance is stated in the master plan;
 2. A proposed expansion of the approved boundary;
 3. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard.
 - ~~24.~~ Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (Examples include the number of students, patients, or members; the number of helicopter flights; number or size of special events.);
 - ~~35.~~ New uses not covered in the plan which will draw more people to the site, except for those which are replacing another use so that there is no net increase;
 - ~~46.~~ Increases in the overall floor area of development on the site over 10 percent;
 - ~~57.~~ Increases or decreases greater than 10 percent in the amount of approved or required parking; and
 - ~~68.~~ Proposed uses or development which were reviewed, but were denied because they were found to not be in conformance with the plan.
- B. Type II procedure.** Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A, above, are processed through a Type II procedure.

**CHAPTER 33.830
EXCAVATIONS AND FILLS**

The Excavations and Fills Review is deleted from Title 33, as it is duplicative of other City titles (in particular, Title 10, Erosion and Sediment Control Regulations, and Title 24, Building Regulations) that are implemented by staff with more expertise than land use planners in assessing the impacts of excavation and fill proposals. Deletion of this review from Title 33 is supported by BDS Site Development Division, which is responsible for reviewing building permit submittals for excavation and fill (i.e., grading) activities.

**CHAPTER 33.830
EXCAVATIONS AND FILLS**

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

Sections:

- ~~33.830.010 Purpose~~
- ~~33.830.020 When Review Is Required~~
- ~~33.830.030 Exemption from Review~~
- ~~33.830.040 Procedure~~
- ~~33.830.050 Approval Criteria~~
- ~~33.830.060 Additional Reference Information~~

33.830.010 Purpose

The regulations of this chapter are designed to ensure that excavations and fills:

- Will not cause any nuisance or safety problems or loss of development potential in residential and open space areas; and
 - Will not have a significant negative impact on any natural resource values in these areas.
- The technical and engineering concerns for excavations and fills are addressed by other Bureaus as part of the building permit process.

33.830.020 When Review Is Required

In the situations stated below, excavations and fills are subject to review.

- A. Residential and open space zones.** In R and OS zones, excavations and fills over 1,000 cubic yards require an excavation and fill review, except as exempted in 33.830.030 below. R and OS zones with Environmental or Greenway overlay zoning are subject to more restrictive excavation and fill requirements and review. See Chapters 33.430 and 33.440, respectively.
- B. Commercial, employment, and industrial zones.** In the C, E, and I zones, excavations and fills over 1,000 cubic yards which are within 400 feet of a residential zone require an excavation and fill review, except as exempted in 33.830.030 below. C, E, and I zones with Environmental or Greenway overlay zoning are subject to more restrictive excavation and fill requirements and review. See Chapters 33.430 and 33.440, respectively.

33.830.030 Exemption from Review

Except as modified elsewhere in this Title, the following excavations and fills are exempt from the excavation and fill review:

- A.** Those necessary for the preparation of a foundation of a structure or for exterior improvements;
- B.** Those associated with public improvements regulated under Title 17, Public Improvements, and

33.830.030 Exemption from Review (continued)

33.830.050 Approval Criteria

- A. **Potential on-site or off-site safety hazards will be mitigated, through the use of fencing or other measures.** This approval criteria is largely covered through regulations in Chapter 24.70 (Clearing, Grading and Erosion Control), including Sections 24.70.030 (Hazards), 24.70.050 (Information on Plans and Specifications), 24.70.060 (Bonds), 24.70.070.B (Slope), and 24.70.090 (Setbacks). Additionally, Section 24.70.070 (Cuts) is proposed to be amended, through a separate ordinance, to require as part of excavation projects the installation of guardrails or rails where the resulting grade of the property will be 30 inches or more below the grade of the adjacent street or sidewalk. Section 8.20.210 (Maintenance of Health Hazard Not Permitted) also regulates hazardous situations related to excavation activities.
- B. **The hours and total duration of operation will be limited to reduce the impacts on the neighborhood.** This approval criterion is intended to limit the impacts of excavation and fill operations on adjacent residential neighborhoods, and in particular, noise impacts. Allowable levels of noise related to construction activities is already regulated by Title 18 (Noise Control). Specifically, Chapter 18.10.060 specifies maximum sound levels for nights, weekends and holidays.
- C. **Off-site dust and dirt will be kept to a reasonable minimum.** These impacts are regulated through Section 24.40.020 (Dirt on the Streets from Construction Projects), and Title 10 (Erosion and Sediment Control Regulations). Specifically, the stated purpose of regulations in Title 10 is to control the creation of sediment and prevent erosion, reduce the amount of erosion placing dirt and mud on public rights-of-way and surrounding properties, and reducing the amount of soil and dust placed into the air.
- D. **The final contours and surface condition of the site will not preclude future development for uses allowed in the base zone.** As part of excavation and fill activities, Section 24.70.050 (Information on Plans and in Specifications) requires applicants to demonstrate the strength and stability of soils in supporting proposed development, and an engineering geology report regarding the effect of such activities on proposed development. Section 24.70.080 (Fills) requires that soil or fill is capable of supporting proposed structures, and that finished slopes are no steeper than is safe for intended uses.

33.830.030 Approval Criteria (continued)

- ~~C. Those in conjunction with a clearing and grading plan approved as part of a preliminary plan for a land division or Planned Development.~~
- ~~D. The disposal of material that is not clean fill, as defined in OAR 340-093-0030, is not subject to the provisions of this chapter, but is regulated as a Waste-Related use. See Section 33.920.340.~~

~~33.830.040 Procedure~~

~~Reviews for excavations and fills are processed through a Type II procedure.~~

~~33.830.050 Approval Criteria~~

~~Requests for excavations and fills review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:~~

- ~~A. Potential on-site or off-site safety hazards will be mitigated, through the use of fencing or other measures;~~
- ~~B. The hours and total duration of operation will be limited to reduce the impacts on the neighborhood;~~
- ~~C. Off-site dust and dirt will be kept to a reasonable minimum;~~
- ~~D. The final contours and surface condition of the site will not preclude future development for uses allowed in the base zone; and~~

33.830.050 Approval Criteria (continued)

- E. Disruptions to the natural drainage pattern will be mitigated, and will not result in mud or sediment entering the City's stormwater disposal system, rivers, creeks, sloughs, or other identified waterbodies.** The issues identified in this criterion are also regulated through Title 24, including Section 24.50.060 (Provisions for Flood Hazard Reduction), 24.70.030 (Hazards), 24.70.050 (Information on Plans and in Specifications), and 24.70.100 (Drainage and Terracing). Regulations of Title 10 are specifically intended to reduce the sediment and pollutants contained in erosion, and reduce the amount of sediment and pollutants entering storm drainage systems and surface waters. Chapter 17.38 (Drainage and Water Quality) is specifically intended to manage stormwater and drainage, and to maintain and improve water quality in watercourses and water bodies. Chapter 17.38 regulates both the quality and quantity of stormwater leaving the site following development activities, which are defined to include excavation and fill activities.
- F. A plan for routing trucks to and from the site must be submitted that minimizes the use of local residential streets in the vicinity of the site.** By deleting this approval criterion from Title 33, this requirement will more appropriately be addressed by the Office of Transportation at the time of the building permit application. Building applications for excavation and fill activities (processed as grading permits) are already routed to the Office of Transportation for review, and Transportation has the existing authority, outside of Title 33, to request a truck access plan from the applicant so as to minimize impacts on area streets. Reviewing such a plan at time of building permit application is more effective in that applicants have the necessary information on the trucking companies to be used, and when and how truck trips to the site will occur. This detail of information is typically absent at the time of the land use review. Additionally, to make such a requirement a part of the land use review process results in BDS Code Compliance Division enforcing the truck access plan, when such enforcement should be conducted by the Office of Transportation.

33.830.050 Approval Criteria (continued)

- ~~E.~~ Disruptions to the natural drainage pattern will be mitigated, and will not result in mud or sediment entering the City's stormwater disposal system, rivers, creeks, sloughs, or other identified waterbodies.
- ~~F.~~ A plan for routing trucks to and from the site must be submitted that minimizes the use of local residential streets in the vicinity of the site.

~~33.830.060 Additional Reference Information~~

~~For further information about excavations and fills, contact the Engineering Services Division of the Bureau of Environmental Services and the Geotechnical Plan Review Section of OPDR. The filling of wetlands is reviewed separately and may be restricted. Additional review and permits may be necessary from the following agencies: U.S. Army Corp of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, and local drainage districts.~~

**CHAPTER 33.840
HAZARDOUS SUBSTANCES REVIEW**

The amendment seeks to delete from Title 33 the requirement for a Type II Hazardous Substances Review. Hazardous substances are heavily regulated by a number of other city and state regulations outside Title 33, with these regulations being far more comprehensive than what is evaluated in a Hazardous Substances Review. Importantly, the rules, regulations and statutes outside of Title 33 are implemented by professionals qualified to evaluate the storage, handling and emergency response requirements related to hazardous substances, such as the Fire Bureau. The Fire Bureau currently regulates, monitors and inspects hazardous substances, largely through the Uniform Fire Code (in particular Article 79, Flammable and Combustible Liquids; Article 80, Hazardous Materials; and Article 82, Liquefied Petroleum Gases); and through Title 31, Fire Regulations. Additionally, State regulations regarding the safety, handling, transport, containment, and emergency response requirements are included in the Oregon Revised Statutes (such as ORS Chapter 453, Hazardous Substances: Radiation Sources; and ORS Chapter 466, Hazardous Waste and Hazardous Materials II), and Oregon Administrative Rules (including OAR 340, Division 108, Oil and Hazardous Material Spills and Releases).

Some of the relevant existing hazardous substance regulations that accomplish the objectives of the Hazardous Substances land use review include the following:

Uniform Fire Code

- The Uniform Fire Code (UFC) regulates in detail such materials as hazardous materials, liquefied petroleum gases, compressed gases, and flammable and combustible liquids. The UFC contains specific standards and requirements for the quantity, identification, storage, security, minimum distances from property lines and inhabited buildings, use and handling, maintenance, fire protection, construction and site requirements, spill control and secondary containment, vapor recovery, monitoring and detection systems.

Oregon Revised Statutes

- ORS 453.307 to 453.414. As part of the 1985 "Community Right to Know Protection Act," facilities that have reportable quantities of hazardous substances are required to notify the State Fire Marshall. The reporting requirement involves amounts of hazardous substances that are far smaller than those that trigger a Hazardous Substances land use review. Under this Act, it is unlawful to generate, use or store hazardous substances in excess of reportable quantities without first submitting a Hazardous Substance survey form satisfactory to the Fire Marshall. This data is provided to the Portland Fire Bureau, which conducts inspections of facilities to confirm the location, type and quantities of hazardous materials. Failure to report hazardous substances results in substantial monetary penalties.
- Other relevant ORS statutes include requirements for emergency response planning to ensure that the response to a hazardous substance accident is "swift and appropriate to minimize damage to person, property and wildlife;" minimum standards for the design, construction,

CHAPTER 33.840
HAZARDOUS SUBSTANCES REVIEW
(Amended by: Ord. No. 173131, effective 2/27/99.)

Sections:

- ~~33.840.010 Purpose~~
- ~~33.840.020 Procedure~~
- ~~33.840.030 Evaluation Factors~~
- ~~33.840.040 Approval Criteria~~

~~33.840.010 Purpose~~

~~The intent of the hazardous substances review is to promote the public safety and welfare by ensuring that uses which use hazardous substances locate in appropriate locations and develop in such a manner as to not be a serious threat to the environment.~~

~~33.840.020 Procedure~~

~~Hazardous substance reviews are processed through a Type II procedure.~~

~~33.840.030 Evaluation Factors~~

~~Factors to be evaluated in reviewing requests include, but are not limited to:~~

- ~~A. The quantities and potential danger of the substances and their location on the site;~~
- ~~B. Proposed safety and containment measures, including any proposed on-site monitoring activities and operational and containment technology;~~
- ~~C. The potential number of people, structures, and land which could be at risk if there was a major accident;~~
- ~~D. The potential for odors and toxic fumes;~~
- ~~E. The location of the site in relation to identified areas of special environmental concern such as water courses, water wells, underground aquifers, or fish and wildlife habitats;~~
- ~~F. The location of the site in relation to designated routes for the transport of hazardous substances; and~~
- ~~G. In the Columbia South Shore plan district and the Cascade Station/Portland International Center plan district, the predesign information referenced in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook.~~

~~33.840.040 Approval Criteria~~

~~The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:~~

- ~~A. The request will not create more than a trivial safety or health risk to the public or to surrounding properties and uses;~~

Chapter 33.840

Hazardous Substances Review (continued)

location, installation and operation of equipment for storing, handling and transporting liquid petroleum gases; the development of a plan and procedure for the transportation of hazardous materials; reporting the spill or release of reportable quantities of hazardous materials; and clean-up standards related to spills or releases of hazardous materials.

Title 31 Fire Regulations

- Chapter 31.40.030 (Permits and Fees Required) authorizes the Fire Bureau to permit and inspect buildings used for, and activities involving a variety of identified substances including compressed gases; flammable or combustible liquids or hazardous materials; and liquefied natural or petroleum gases.

The standards and regulations included in these referenced codes, rules and statutes go substantially beyond what is considered by Bureau of Development Services land use review staff when conducting a Hazardous Substances Review. Again, these codes, rules and statutes outside of Title 33 are being implemented, inspected and enforced by staff, at both the local and state level, with the technical background needed to ensure that hazardous substances do not pose safety risks to the public safety and welfare, and do not pose a serious threat to the environment.

Additionally, as noted by the Fire Bureau, the need for a Hazardous Substances land use review is typically identified by BDS staff in advance of, or at the time an applicant proposes to construct a new building, or make interior tenant improvements to an existing building. However, the more common situation involving the use, storage or handling of hazardous substances is when an applicant locates in an existing building and no tenant improvements are proposed. In such situations, BDS/Land Use Review Division is not involved in the building permit process, and will likely be unaware that hazardous substances are an issue. By contrast, the Fire Bureau has the authority through Title 31, the Uniform Fire Code and the National Fire Protection Association Code, to review, inspect and monitor any situation involving reportable amounts of hazardous substances, whether or not new construction or tenant improvements are proposed.

33.840.040 Approval Criteria (continued)

- ~~**B.** The request will not create more than a trivial risk to identified areas of special environmental concern;~~
- ~~**C.** The request will not be detrimental to the character and economic functioning of the area; and~~
- ~~**D.** The request has been approved by the Fire Bureau and reviewed by the Office of Emergency Management. In the Columbia South Shore plan district and the Cascade Station/Portland International Center plan district, the request must also be approved by the Bureaus of Water Works and Environmental Services.~~

**CHAPTER 33.855
ZONING MAP AMENDMENTS**

33.855.070 Corrections to the Official Zoning Maps. This amendment to 33.855.070, with a companion amendment to Chapter 1.01 (Code Adoption), clarifies when the Planning Director may make technical, objective corrections to maps in Title 33, including the Official Zoning Map, subject to approval by the City Attorney. Such map corrections would be limited to those where a map line does not match the legal description or map referenced in the ordinance that applied the designation; and where there is a discrepancy between maps and there is clear legislative intent for where the line should be located. Discretionary map corrections would continue to be processed as a land use review under procedures identified in 33.855.070.

This amendment would facilitate the development review process, for both building permits and land use reviews. Typically, these technical map errors are not discovered until an applicant has submitted a building permit or land use review application. Under existing regulations, mapping corrections that are the equivalent of a typographical error must be processed through a Type I land use review, which takes up to 45 days to process. The 45-day delay in processing an application solely to address a map correction that unequivocally reflects a map previously adopted by City Council is excessive, and the value of public review for such clerical changes is questionable. With the amendments, map corrections that involve minimal discretion would be processed through a Type II review.

In Paragraph C, reference to the obsolete Natural Resource overlay zone is replaced with the Future Urban overlay zone. (The Natural Resource overlay zone was replaced by the Future Urban overlay zone in 1991.)

**CHAPTER 33.855
ZONING MAP AMENDMENTS**

33.855.070 Corrections to the Official Zoning Maps

The Director of BDS may initiate and approve a review following the Type I ~~I~~ II procedure for the types of discretionary corrections to the Official Zoning Maps listed below. ~~If the Director of OPDR determines that the map error is discretionary in nature, then the Director of OPDR can initiate a Type II process.~~ Nondiscretionary corrections to the Official Zoning Maps may be initiated by the Director of Planning as described in Section 1.01.037 of the Portland City Code.

- A. Mapping errors.** The correction may be made for mapping errors such as:
- ~~1. The application of an Open Space zone to lands in private ownership which are not in an open space use or not receiving special tax considerations because of their status as open space;~~
 - ~~2~~1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches; or
 - ~~3. The line on the map does not match the legal description or map shown or referenced in the ordinance which applied the designation; or~~
 - ~~4~~2. ~~When t~~There is a discrepancy between maps and on balance there is ~~clear~~ sufficient evidence of legislative intent for where the line should be located.
- B. Movement of the reference item for the map line.** The correction may be made when it can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.
- C. Land within the Urban Growth Boundary.** The correction may be made when it involves the removal of the ~~Natural Resource~~ Future Urban overlay zone from properties that are now within the Urban Growth Boundary.

**CHAPTER 33.900
LIST OF TERMS**

33.910.010 List of Terms. The term "peace officer" is added to the list of terms.

**CHAPTER 33.900
LIST OF TERMS**

33.910.010 List of Terms.

[Add the following term in the appropriate alphabetical order.]

Peace Officer

CHAPTER 33.910
DEFINITIONS

33.910.030 Definitions

Driveway. The amount of landscaping within parking areas, as required by Section 33.266.130.G.3, is based on the size of the parking and loading areas on a site. The term "parking area" is defined in Section 33.910.030 generally as the area devoted to the standing, maneuvering and circulation of motor vehicles. Driveways are specifically excluded from the definition of parking areas. The amendment clarifies what types of circulation areas are included in the definition of driveway. As presently defined, the term "driveway" is limited to the circulation area extending from the curb cut to the parking area. It does not include the typically linear circulation area (commonly referred to as a driveway) that connects individual parking areas on site, such as those frequently found on large campuses. Because these linear circulation areas are not included in the definition of driveway, by default they are included as part of "parking area." Including these "driveways" can significantly increase the size of the parking area on the site, thereby requiring substantially more parking lot interior landscaping than was intended.

The current parking lot landscape standards were adopted in 2001 as part of *Stormwater-Related Amendments to the Zoning Code*. It is clear from language included in the introduction of this report what areas are to be included when calculating the interior parking lot landscape requirements. Specifically, the report states, "that 10 percent of all parking and loading areas be landscaped in addition the perimeter landscaping already required for screening. 'Parking and loading areas' include parking spaces, aisles, and loading areas, but excludes driveways..." (*Stormwater-Related Amendments to the Zoning Code: Final Report*, page 12). It is clear from the following language included on page 9 of the same report that the referenced term "aisles" does not include the linear circulation areas that connect separate parking areas: "The 'aisle' is the driving and maneuvering area between or next to stalls."

Amending the existing definition of "driveway" to include circulation areas that connect distinct parking areas ensures that the interior parking lot landscape standards of Section 33.266.130.G.3 are applied as intended.

Exterior Display. This amendment clarifies existing, unintended language regarding what constitutes exterior display. The existing definition contains the sentence, "Exterior display does not include goods that are being stored or parked outside." The purpose of this sentence was intended to differentiate between exterior display and exterior storage. While exterior display by definition includes goods (i.e., materials for sale or lease) that are stored or parked outside, only those situations where there is variety and distinction among goods, and where customers inspect and compare goods, are considered exterior display. Exterior storage, on the other hand, includes situations where there is no differentiation among goods and where customers do not inspect and compare goods.

**CHAPTER 33.910
DEFINITIONS**

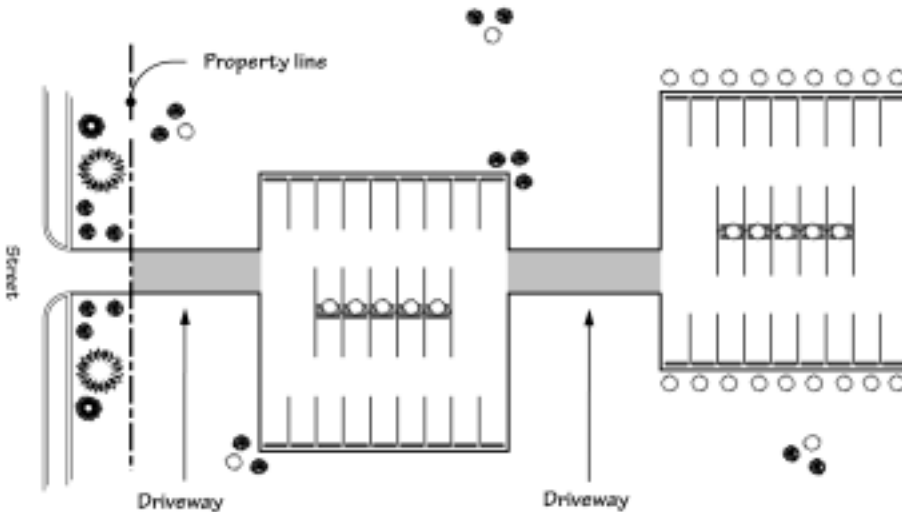
33.910.030 Definitions

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. A driveway begins at the property line and extends into the site. A Driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

Figure 910-13 Driveway



Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

33.910.030 Definitions (continued)

Lot.

- **Flag Lot.** The amendment clarifies what constitutes a flag lot. Because the current language defines a flag lot as one that is located behind another lot *that meets the street frontage requirement*, the definition inadvertently excludes the situation of a double flag lot, where a flag lot is located behind another flag lot, which *does not* meet the minimum street frontage requirement. The amendment further clarifies what constitutes a flag lot by specifying that the flag portion of the lot (the buildable area of the lot) is located behind another lot, and that the pole at any point is less than the minimum lot width for the zone.

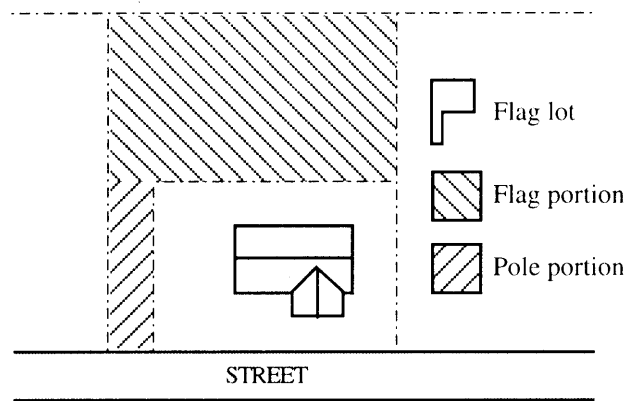
Peace Officer. One of the defining characteristics of a Detention Facility (identified in Section 33.920.520) is that the inmates and detainees are under the supervision of a "sworn officer." The term "sworn officer" is not defined in City Code, the Oregon Revised Statutes, or the Oregon Administrative Rules. The term "peace officer" is used in the ORS (see ORS 133.005, Definitions for ORS 131.655 and certain provisions of ORS 133.005 to 133.381 and 133.410 to 133.450). The term "peace officer" was also defined up until July 2002 in Portland City Title 14 (Public Peace, Safety and Morals). The amendment proposes a definition for "peace officer" that is consistent with how the term was defined in Title 14 and in ORS.

33.910.030 Definitions (continued)

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

- **Corner Lot.** [No change]
- **Flag Lot.** ~~A lot located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the street and is generally used for an access drive. There are two distinct parts to a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot results from the division of a large lot with the required area and depth for two lots, but which has insufficient width to locate both lots on the street frontage. See Figure 910-5. A lot with two distinct parts (see Figure 910-5):~~
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Through Lot.** [No change]

**Figure 910-5
Flag Lot**



Peace Officer. Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

CHAPTER 33.920
DESCRIPTIONS OF THE USE CATEGORIES

33.920.350 Wholesale Sales

- D. **Exceptions.** Wholesale Sales uses are defined in part as firms that may or may not be open to the general public, but sales to the general public are "limited." Firms engaged in sales on a membership basis are currently identified as a Retail Sales And Service use. This exception was intended to address uses that "limit" sales to the general public by requiring customers to be due-paying members. While the membership requirement may limit public access, the overall characteristics of many membership warehouses, when evaluated against the considerations identified in 33.920.030 (Classification of Uses), are those of a Retail Sales And Service use. Considerations identified in 33.920.030 include, among others, customer type, number of employees, hours of operation, amount of sales from each activity, and the relative number of vehicles trips generated by the activity. However, there are firms that sell only on a membership basis, but reflect the characteristics of a Wholesale Sales use in that sales are generally limited to a small segment of the population (i.e., contractors, designers, businesses), fewer customers come to the site compared to a Retail Sales And Service use, and sales may be handled on an account basis.

The amendment clarifies that sales made to a membership does not by itself classify a use as Retail Sales And Service. The use would only be considered Retail Sales And Service if its overall characteristics, when reviewed against the considerations identified in 33.920.030, are similar to those of a Retail Sales And Service use. The amendment also includes as an example of Wholesale Sales *wholesalers* of office supplies.

**CHAPTER 33.920
DESCRIPTIONS OF THE USE CATEGORIES**

33.920.350 Wholesale Sales

- A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on-site or delivered to the customer.
- B. Accessory uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. Exceptions.**
1. Firms that engage primarily in sales to the general public ~~or on a membership basis~~ are classified as Retail Sales And Service.
 2. Firms that engage in sales on a membership basis are classified as either Retail Sales And Service or Wholesale Sales, based on a consideration of the characteristics of the use.
 23. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.

33.920.520 Detention Facilities

- A. Characteristics.** One of the defining characteristics of a detention facility is that inmates or detainees are under the supervision of a "sworn officer." However, the term "sworn officer" is not defined in Title 33, in any other City Code, or in the Oregon Revised Statutes or Oregon Administrative Rules. The amendment proposes replacing the term "sworn officer" with the term "peace officer," which will be defined in Chapter 33.910, Definitions.

33.920.520 Detention Facilities

- A. Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by ~~sworn~~ peace officers, except when on an approved leave.
- B. Accessory Uses.** [No change]
- C. Examples.** [No change]
- D. Exceptions.** [No change]

Title 1 General Provisions

**TITLE 1 GENERAL PROVISIONS
CHAPTER 1.01 CODE ADOPTION**

1.01.037 Planning Director to Make Corrections to Title 33 Maps. This amendment to Title 1, with a companion amendment to Section 33.855.070.A (Mapping Errors), clarifies when the Planning Director may make technical, objective corrections to maps in Title 33, including the Official Zoning Map, subject to approval by the City Attorney. Such map corrections would be limited to those where a map line does not match the legal description or map referenced in the ordinance that applied the designation; or where there is a discrepancy between maps and there is clear legislative intent for where the line should be located. Discretionary map corrections would continue to be processed as a land use review under procedures identified in 33.855.070.

The new section will follow Section 1.01.035, City Auditor to Specify the Form and Style of City Code Provisions, which provides the City Auditor with authority to make minor corrections to the City Code, subject to approval by the City Attorney.

**TITLE 1 GENERAL PROVISIONS
CHAPTER 1.01 CODE ADOPTION**

1.01.035 City Auditor to Specify the Form and Style of City Code Provisions.

- A.** The City Auditor shall provide for a uniform form and style for provisions of the City Code. The Auditor may make minor corrections to such ordinances submitted for filing to provide the required uniformity. The Auditor shall also have authority to change the form and style of current provisions of the City Code to conform to the requirements provided for by the Auditor.
- B.** Subject to approval of the City Attorney, the Auditor shall have authority to rearrange, renumber, reletter, capitalize, punctuate and divide provisions of the City Code, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of the Code, and may delete provisions which have become inoperative or ruled invalid by a court of competent jurisdiction.
- C.** The Auditor may substitute any current title of an officer, bureau, department, commission or committee in lieu of the title originally appearing in the Code provision, in accordance with changes of title or duties subsequently made by law.

1.01.037 Planning Director Authority to Correct Portland Zoning Code Maps.

Subject to the approval of the City Attorney, the Director of the Bureau of Planning shall have the authority to correct Portland Zoning Code maps, including the City's Official Zoning Map:

- A.** When a map line does not match the legal description or map referenced in the ordinance or approved land use decision that applied the designation; or
- B.** When there is a discrepancy between maps and there is clear legislative intent for where the line should be located; or
- C.** When the Open Space zone has been applied to property in private ownership that is not in an open space use, or is not receiving special tax considerations because of its status as open space.

Zoning map corrections initiated under this section must be clear and objective. Discretionary map corrections must be processed under the procedures set forth in PZC 33.855.070.

Section VI

Appendix

Summary Table of Amendment Issues

Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
1	1	C	Maximum density 33.110.205 33.610.100 33.638.020.B	Development that meets the regulations of Title 33 is allowed on substandard lots of records and lots created prior to 1979. Clarify whether the maximum density requirement must also be met for these lots. If so, the Validation Review serves little purpose as development on lots smaller than those identified in Table 110-4 would always exceed the maximum density requirement, and adjustments to maximum density are prohibited. Consider clarifying that the maximum density requirements in Single-Dwelling zones apply only when reviewing a land division application, and are not to be used as a development standard when reviewing building permit applications. This may require relocating the density requirements from the Single-Dwelling zones to the 600 chapters.
2	2	MP	Side Setbacks 33.110.220	Reduce minimum side building setbacks to 3 feet in the R7 through R2.5 zones for development that is retained on the site of a land division. Adjustments to side setbacks are often required and approved as part of land divisions in order to meet minimum density and minimum lot dimension requirements.
3	3	C	Residential Main Entrance 33.110.230.B 33.120.231.B 33.130.250.C 33.140.265.D	On corner lots, allow the applicant to choose on which street-facing wall the main entrance requirement will be met. For land divisions, a conforming situation often becomes nonconforming (and requires an Adjustment) when a new street is created and the longest-street-facing wall becomes the one facing the new street, but the existing main entrance is located on the shorter street-facing wall.

*ReCIL = Regulatory Code Improvement List

** Status

C = Clarification
MP = Minor Policy
T = Technical

Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
4		T	Flag Lot Development Standards 33.110.240.F 33.120.270	In the Single-Dwelling zones, the flag development standards should apply in the RF-R5 zones, and the R2.5 zone. Reference to the R2.5 zone was inadvertently omitted as part of the Land Division Code Rewrite. Also, the flag development standards for Multi-Dwelling zones (for existing flag lots, and flag lots allowed in the R2 zone through the Alternative Design Density (“a”) overlay) were inadvertently omitted from the Multi-Dwelling zones. These standards should be replaced. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
5	4	C	Institutional Development Standards: Landscaped setbacks for accessory structures 33.110.245.C	In Single-Dwelling Zones, a 15 foot landscaped buffer is required between institutional uses and abutting R zones. However, accessory structures are required to be set back only 10 feet from lot lines. Does this mean that the landscaped buffer between accessory structures and abutting R zones needs to be only 10 feet, or that where accessory structures abut an R zone, a 15 foot setback is required?
6	5	C	Institutional Development Standards: Buffering across the street from an R zone 33.110.245.C	Institutions are required to provide a 25’ maximum transit street setback, and a 10’ deep landscaped buffer along street lot lines that are across from an R zone. In some situations, this creates a conflict as conformance with the maximum building setback will reduce the depth of the required landscaped buffer beneath the minimum standard. A footnote should be included that indicates along transit streets and in pedestrian districts, the landscaped buffer shall be provided at a depth of 10’, or the depth of the maximum building setback, whichever is less.
7	6	MP	Electrical Substations: Required landscaping 33.110.245.C.6 33.120.275.C.5	The perimeter of electrical substations must be landscaped to the L3 standard. Consider exempting electrical substations (such as those completed by Tri-Met along the I-MAX) from the landscape requirement if they are located within an entirely enclosed building.

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Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
8	7	MP	Accessory Structures 33.110.250.B.2 33.120.280.B.2	Accessory structures cannot exist on a site prior to the construction of a primary structure. Consider, in the case of land divisions, allowing accessory structures to remain on the site for a limited time so that viable accessory structures would not need to be demolished. Adjustments to this standard are customarily reviewed and approved by staff.
9	9	T	Minimum Density: Conversion of existing residential structures 33.120.205.C	Footnote 7 in Table 120-3 indicates the minimum density does not apply to conversions of existing structures. The intent of this footnote was to allow conversions of existing residential structures to come closer into conformance with the minimum residential density requirement. However, as written, the footnote exempts existing residential structures from the minimum density requirement, and conversions that reduce the residential density below the minimum are also allowed.
10		C	Building Setback Standard: Setbacks on a transit street or in a Pedestrian District 33.120.220.B.2.a 33.130.215.B.1.a 33.140.215.B.2.a	Clarify that the standard of these sections applies to a single building on a site, whether or not the building currently conforms with the maximum building setback standard. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
11	10	MP	Minimum Landscaping 33.120.235 33.130.225	To be consistent with the landscape standard that applies to development in Single-Dwelling zones, consider eliminating minimum landscape requirements for single-dwelling and duplex development in Multi-Dwelling and Commercial zones. The landscape standards in the Multi-Dwelling and Commercial zones were crafted for multi-dwelling and commercial development, and are impractical when applied to single-dwelling and duplex development.
12	11	MP	Recycling Areas 33.120.260 33.130.310 33.140.315	Existing standards for central recycling areas in Title 33 are duplicative of, and in some cases, conflict with Chapter 17.102 (Solid Waste and Recycling Collection), which includes specific rules and regulations regarding recycling areas. The requirements for recycling areas should be deleted from Title 33.

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Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
13	12	T	Fences 33.120.285 33.130.270 33.140.275	Clarify the allowed height of fences in side street setbacks. Recent changes to this standard were intended to continue allowing fences up to 8 feet in required side setbacks, even when abutting a street. Instead, the standard limits the height of fences in side street setbacks to 3.5 feet.
14	12.1	T	Multi-Dwelling Zones: Maps 33.120	Maps 120-2 through 120-30, which identify sites in the RH zone where the allowed floor area ratio is 4:1, are outdated and need amending. Some sites are no longer zoned RH. Some sites are now in the Central City plan district and the allowed floor area ratios should be shown on maps in Chapter 33.510, not in 33.120. On some maps, plan district boundaries are incorrect; and on all of the maps, the zoning is shown for quarter-section maps, which have not been updated in 10 or more years. Additionally, given the number of maps, an index map would be helpful.
15	13	T	Commercial Parking in CS Zones 33.130.100.B.11	Table 130-1 indicates Commercial Parking in the CS zone is "limited," and refers to footnote 11. However, footnote 11 indicates Commercial Parking is an allowed use in this zone. The limitation ("L") in the table should be replaced with allowed ("Y").
16	14	C	Maximum Building Setback: Porches 33.130.215.B	Open porches on residential development count toward the portion of the building wall meeting the maximum building setback along transit streets and in pedestrian districts. Clarify whether such allowance applies to residential development in the CS and CM zones.
17	14.1	C	Alternative Maximum Setback Option for Large Retailers 33.130.215.C 33.266.130.C.3	Existing language exempts retail building of at least 100,000 square feet from the maximum setback standard, as long as other buildings on the site are within the maximum setback for at least 25% of the frontage along a transit street or a street in a pedestrian district. Clarify whether the development is also exempt from the standard of 33.266.130.C.3 that limits the vehicle area along the frontage of a transit street or a street in a pedestrian district to no more than 50%.

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18	16	T	Wastewater and Stormwater Disposal 33.140.260	Delete this section. These requirements are technical in nature and duplicative of existing requirements in other City Codes.
19	18	MP	Community Design Standards. Exterior building materials in Mississippi Avenue Conservation District 33.218.140.O.8 33.218.150.K.7	Eliminate the requirement that all street-facing facades in the Mississippi Avenue Conservation District be in red brick or a combination of red brick and block.
20	19	MP	Convenience Store Review 33.219	The amount of discretion in Convenience Store reviews is minimal, as the approval criteria are largely limited to requiring that all of the listed information be submitted, or verifying that particular development standards are met. Consider replacing the Convenience Store review with objective development standards.
21	20	C	Elderly and Disabled High Density Housing: Parking 33.229.040.C	Clarify the confusing language that allows a reduction in motor vehicle parking for units occupied by the elderly. Also, clarify how the minimum required bicycle parking standard is implemented.
22	21	C	Nonconforming Upgrades 33.258.070.D.2.a	Nonconforming upgrades are required when alterations on the site exceed \$100,000, with mandatory fire and life safety improvements exempted from the project value. Clarify what the term "mandatory improvements" includes. For example, are required fire and life safety improvements considered mandatory even when they are triggered by a voluntary change of use on the part of the applicant?
23		MP	Nonconforming Upgrades 33.258.070.D.2.a	Exempt from the \$100,000 nonconforming upgrade threshold improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual. [This issue was proposed by City Council subsequent to adoption of the ReCIL.]

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24	22	T	Nonconforming Residential Density 33.258.060.B.2.b	Current regulations regarding damage to houses having a nonconforming residential density, and which are located on substandard lots, make reference to Chapter 33.291 (Substandard Residential Lots), which no longer exists. This reference should be replaced.
25	23	MP	Minimum/ Maximum Parking Standards for Religious Institutions 33.266.110 33.266.115	Given the wide array of activities and uses that occur at religious institutions, basing the minimum and maximum parking ratios on the floor area of the main assembly space is inadequate. As religious institutions are typically reviewed through a Conditional Use process, consider allowing the minimum and maximum parking ratio to be determined as part of the Conditional Use review, as is done with other conditional uses.
26	25	C	Vehicles in Residential Zones 33.266.120.E	Clarify that utility trailers and non-motorized accessory recreational vehicles on the site of a house, attached house or duplex may be stored on unpaved surfaces.
27	26	C	Parking Lot Landscape Standards 33.266.130.G.2 33.266.130.G.3	Clarify the amount of landscaping that is required for parking lot perimeter setbacks in situations where the applicant provides a deeper setback than is required. Also, clarify that driveway connections between parking areas are not included when determining the amount of required interior landscaping. Consider including in the calculation of interior landscaping those landscaped areas that are abutting parking areas but which do not extend into the parking area, as long as such landscaped areas do not also serve as required perimeter landscaping.
28	29	MP	Loading Standards 33.266.310.D	Requiring vehicles to enter and exit loading spaces in a forward motion is impracticable in the Central City Plan district, and requests to modify the standard are approved 100 percent of the time through design review. Development in the Central City plan district should be exempt from this standard.
29	31.1	T	Environmental Zones: Width of rights-of-way 33.430.080.D.2.b	This section contains an outdated reference to Title 34, Subdivision and Partitioning Regulations, which no longer exists.

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Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
30	31.2	MP	Cascade Station/PIC Plan District: On-site containment/ uses involving hazardous substances 33.508.050 33.508.110 Columbia South Shore Plan District: On-site containment/ Uses involving hazardous substances 33.515.030 33.515.100	Eliminate "On Site Containment" and "Uses Involving Hazardous Substances" language in the Cascade/Portland International Center plan district and the Columbia South Shore plan district. The Water Bureau is developing a comprehensive Wellhead Protection Program that will make these sections unnecessary. The Water Bureau program will be more comprehensive in its protections for groundwater, and will apply to existing development and new development.
31		MP	Cascade Station/PIC Plan District: Environmental Review Exemptions 33.508.314	Unlike 33.430.080, the Columbia South Shore plan district regulations do not exempt from environmental review trees that pose an immediate danger. Consider including this exemption in the Columbia South Shore plan district. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
32		MP	Cascade Station/PIC Plan District: Pre-application Requirements 33.508.340.C	Consistent with how Type II environmental reviews are processed elsewhere in the City, consider removing the pre-application conference requirement for Type II environmental reviews. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
33		T	Cascade Station/PIC Plan District: Plant list 33.508.500	Consistent with classifications found elsewhere in the Zoning Code and in the Portland Plant List, a Vine Maple (<i>Acer circinaum</i>) should be identified as a shrub and not a tree. [This issue was identified by Bureau of Planning staff subsequent to adoption of the ReCIL.]

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Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
34	32	MP	Central City Plan District Parking Review 33.510.263.G.4 33.510.264.F.4 33.510.265.F.4 33.510.265.F.4 33.808.200	Consider removing the requirement for a Type III Central City Parking Review renewal every five years for surface parking lots. The approval criteria for such reviews are limited to ensuring conformance with zoning requirements and previously approved plans. This is more of an enforcement issue than a land use review, and, if necessary, could better be handled through periodic reporting requirements.
35	33	MP	Columbia South Shore Plan District Environmental Review Exemptions 33.515.274	Unlike 33.430.080, the Columbia South Shore plan district regulations do not exempt from environmental review trees that pose an immediate danger. Consider including this exemption in the Columbia South Shore plan district.
36		T	Hollywood Plan District: Drive-Through Facilities 33.536.210.D	Extend the sunset date for provisions allowing the redevelopment of existing drive-through facilities from May 5, 2003, to May 5, 2005. Extending this sunset provision recognizes the effect the current economic recession has had on redevelopment opportunities in the Hollywood plan district. [This issue was raised by the public at the Planning Commission hearing on the Code Maintenance package.]
37	34.1	C	Marquam Hill Plan District: Relationship to Base Zone Regulations 33.555.210.E	Section 33.555.210.E exempts development in the Plan District from the parking and loading regulations of Chapter 33.266 (Parking and Loading), including required landscaping, parking stall dimensions, and bicycle parking, which was not intended. This language should be amended to reflect the intent that development in the Plan District is exempt from only <i>specified</i> parking regulations in Chapter 33.266, such as maximum parking ratios, how required and allowed parking is calculated, location of vehicle areas, and loading.
38		T	Marquam Hill Plan District: Maximum Floor Area Ratio in Subdistricts A through D 33.555.240.C	Consistent with legislative intent in adopting the Marquam Hill plan district, clarify that the allowed FAR in Subdistricts A, B and D is 3:1, and 2:1 in Subdistrict C. [This issue was identified by Bureau of Planning staff subsequent to adoption of the ReCIL.]

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39	34.2	C	Marquam Hill Plan District: Parking 33.555.280.C	Existing parking that is reconfigured or demolished and then replaced, with no increase in the number of parking spaces, is identified as being exempt from 33.555.280.B (Creation of Parking) and 33.555.280.D (Maximum Parking Allowed). In the <i>Proposed Marquam Hill Plan</i> , existing parking was identified as also being exempt from the Marquam Hill Parking Review. This last exemption was inadvertently omitted by Bureau of Planning staff when incorporating other changes to the parking regulations that were adopted by the Planning Commission. This exemption should be replaced.
40	35	T	Northwest Hills Plan District 33.563.100.A	As the regulation that limits activities exposing soil to direct contact with stormwater is redundant of regulations included in Title 10 (10.30.020.B.4.e), it should be deleted from Title 33 and possibly replaced with a reference to Title 10.
41		MP	Mobile Home Parks: Subdivision Chapter 600	ORS 92.835 requires local governments to have subdivision regulations specific to existing mobile home parks. Title 33 needs amending to be consistent with this ORS requirement. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
42	36.1	C	Regulations That Apply After Approval 33.700.090	Consistent with longstanding practice, clarify that regulations in effect at the time a land use review application was first filed with the City will be used to review development approved by the land use decision.
43	37	T	Comment Period for Type II Reviews 33.730.020.C	ORS 197.195(3)(c) requires a minimum 14-day comment period prior to the land use decision. The notice requirements for Type II reviews need to reflect at least a 14-day comment period.
44	38	T	Preliminary Notice of Land Use Review 33.730.020.C 33.730.025.C	Existing language states that upon receipt of a land use review application, a notice of the request will be mailed to affected property owners and, recognized organizations. Notice of a land use review request is not mailed to the identified parties until receipt of a <i>complete</i> application.

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45	39	C	Type III Procedures: Notice of a Request 33.730.030.D.1	For clarity and consistency with language found elsewhere in the Code, language in this section should state that Notice of Requests for Type III land use review proposals are mailed to "property owners."
46	39.1	C	Posting Requirements 33.730.080	A posting notice is required along all street frontages of a site where a Type III land use action is proposed. Consider eliminating this requirement along frontages that are paper streets.
47	39.2	C	Neighborhood Contact Requirement 33.730.045	The neighborhood contact requirement provides an opportunity for an applicant and the affected neighborhood to discuss a land use proposal in an informal setting. This contact requirement applies when using the Community Design Standards and when proposing a convenience store. Currently, the applicant must contact only the neighborhood association of the proposal. Consider requiring the applicant also to notify the affected neighborhood coalition office. This would help address situations where the contacted neighborhood association representative has moved, is out of town, or is no longer active in the neighborhood association, resulting in no one in the neighborhood association being aware of the proposal. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
48	40	MP	Conditional Use Review Procedures 33.815.040	Currently, the expansion of exterior improvements of any size triggers a Conditional Use review. Consider exempting from Conditional Use review exterior improvements under a certain size, or even categories of exterior improvements that have no adverse impact (such as sidewalks).

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49	40.1	T	Conditional Use Review 33.815.040.B.1	Alterations to development on a site with an existing conditional use may be allowed without a subsequent conditional use review if certain criteria are met. One of the criteria requires that the proposal meet all development standards, unless an adjustment or modification through design review to the development standards has been approved. Modifications to development standards may be approved through a variety of land use reviews, not just through an Adjustment Review or Design Review. This should be reflected in this section.
50	41	MP	Amendments to Conditional Use Master Plans 33.820.090	Any change to the boundary of a Conditional Use Master Plan is processed as a Type III amendment. Consider requiring a Type III amendment only if expanding the boundaries, and requiring a Type II amendment if decreasing the boundaries, as long as the area being removed from the boundary does not affect any previous conditions of approval or the ability of the campus to meet any required development standards.
51	42	MP	Excavation and Fill Review 33.830	The approval criteria for this review are technical in nature and duplicative of existing requirements in other City Codes. This review could be implemented more effectively as standards by a service bureau experienced in such issues as grading, erosion control, etc., such as Site Development or BES.
52	43	MP	Hazardous Substances Review 33.840	Bureau of Development Services does not have the expertise to address the handling and storage of hazardous substances, nor to address the approval criteria required for such reviews. Hazardous substances are already regulated by a myriad of other local, state and federal regulations. Consider removing this review from Title 33 and have the Fire Bureau regulate hazardous substances.

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Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
53	46	C	Definition of Exterior Display 33.910	This definition includes the phrase, "Exterior display does not include goods that are being stored or parked outside." The purpose of this phrase was to differentiate exterior storage from exterior display. However, as it uses the term "goods," which are materials for sale, it essentially states that exterior display does not include materials for sale that are placed outside a building. This is contrary to the entire definition of exterior display.
54	47	C	Definition of Flag Lots 33.910	The definition of flag lot does not address the situation of a flag lot behind a flag lot, with the unintended result being that a flag lot behind a flag lot does not have to meet development standards specific to flag lots.
55		C	Description of Use Categories: Wholesale Sales 33.920.350	Firms engaging in sales on a membership basis are currently classified as a Retail Sales And Service use. This doesn't recognize that some firms conducting sales on a membership basis resemble the characteristics of a wholesale use. Clarify that such firms are only Retail Sales And Service if based on the considerations identified in 33.920.030 (Classification of Uses) the characteristics of the use resemble a Retail Sales And Service use. [This issue was identified by Bureau of Development Services staff subsequent to adoption of the ReCIL.]
56	48	MP	Corrections to the Official Zoning Map 33.855.070	Consider clarifying language that establishes the digital Zoning Map as the Official Zoning Map. Also, clarify that corrections to the Official Zoning Map that require no discretion and reflect the adopting ordinance (i.e., those that are graphical errors) may be completed by the Planning Director without a quasi-judicial review. Corrections that are discretionary in nature would continue to be processed through a quasi-judicial review.
57	49	C	Detention Facilities 33.920.520	One of the defining characteristics of a detention facility is the presence of a "sworn officer," however, this term is not defined in Title 33 or in ORS. Consider establishing a definition of sworn officer, or refer to PCC 14.04.020, which defines a "peace officer."

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Item # CM2003	Item # ReCIL*	Status**	Regulation Code Section	Statement of Issue
58	49.1	T	Street-frontage Wall 33.510 33.536 33.538	In the Central City, Hollywood and Kenton plan districts, the undefined term “street-frontage wall” is used in regulating ground floor active uses. For clarity in implementing this standard, the defined term “street-facing façade” should be used. [This issue was identified by Bureau of Planning/Bureau of Development Services staff subsequent to the adoption of the ReCIL.]

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Adopted Ordinances

Ordinance No. 177422

Amend Title 33, Planning and Zoning, to clarify and improve readability without changing policy or intent of the original land use regulations; and

Amend Title 1, General Provisions, to allow the Planning Director to make clear and objective corrections to maps in Title 33.

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The City adopted a new Zoning Code in November 1990, to be implemented on January 1, 1991.
2. During the adoption of the new Zoning Code, the Council recognized that the new code would occasionally need “fine-tuning” to resolve unanticipated issues. The Council additionally recognized that minor amendments to the Code will periodically be required in order to maintain compliance with existing policy.
3. Code Maintenance 2003 is part of a continuing effort to improve the clarity and structure of the Portland Zoning Code. The amendments package consists primarily of technical amendments intended to correct and clarify the Zoning Code in order to improve its administration, without changing existing land use policy or intent. Code Maintenance 2003 is one of three amendment packages that make up the City’s annual Regulatory Code Improvement List (ReCIL), which was adopted by City Council in October 2002. The ReCIL is the core of the Regulatory Improvement Work Program, which seeks to build an effective process of continuous improvement to Portland’s land use and building regulations, regulatory-related procedures, costs, and customer services. In adopting ReCIL, City Council directed the Bureau of Development Services (BDS) to bring to the Planning Commission proposed Code improvements that address issues identified on the Code Maintenance ReCIL list. The Portland Planning Commission was directed to submit a recommendation report to City Council by April 2003.
4. The origin of the amendments included in the Code Maintenance 2003 package comes from suggestions submitted by a range of interested stakeholders, including neighborhood advocates, development services customers, business owners, environmental advocates, land use consultants, and City staff from BDS, Bureau of Planning, and other service agencies. In developing the annual ReCIL, a series of focus groups were assembled in the Fall of 2002 to request feedback on what amendments to consider for FY 2002-2003. Based on input from more than 120 stakeholders, a list of amendments was drafted. This draft was widely circulated, and available for review on BDS’ website. Following further modifications based on input received, the list of amendments to consider in the Code Maintenance 2003 package was adopted by City Council in October 2002.

5. On January 7, 2003, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020. Notice was also mailed to Metro on this date, in compliance with Urban Growth Management Functional Plan requirements.
6. On February 25, 2003, the Planning Commission held a hearing on the Code Maintenance 2003 project. Staff from BDS presented the proposal, and public testimony was received.
7. On March 11, 2002, the Planning Commission held a work session to further discuss the proposed amendments and consider public testimony. The Commission voted to forward to City Council the recommendations contained in *Code Maintenance 2003: Portland Planning Commission Report and Recommendation*, dated March 26, 2003 (Exhibit A).

Statewide Planning Goals Findings

9. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals.
10. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. Portland Comprehensive Plan findings on Goal 9, Citizen Involvement, and its related policies and objectives also support this goal. The amendments are supportive of this goal in the following ways:
 - On January 21, 2003, BDS sent notice to all neighborhood associations and coalitions in the City of Portland, as well as other interested persons, to inform them of an open house on February 11, 2003. The purpose of the open house was to allow the public the opportunity to review the proposed recommendations, and ask questions of staff.
 - Also on January 21, 2003, BDS sent notice to all neighborhood association and coalitions, and business associations in the City of Portland, as well as other interested persons, to inform them of a Planning Commission public hearing on the Code Maintenance 2003 project. This event was also advertised in the Oregonian.
 - On January 28, 2003, BDS published a document entitled, *Code Maintenance 2003: Proposed Report and Recommendation*. The report was made available to the public and mailed to all those requesting a copy. A copy of the draft was also delivered to all neighborhood association and coalition offices.
 - On February 25, 2003, the Planning Commission held a public hearing during which citizens discussed and commented on the *Proposed Report and*

Recommendation. On March 11, 2003, the Planning Commission held a public work session to further discuss the amendments.

- On March 21, 2003, BDS sent notice to all persons who testified, orally or in writing, at the Planning Commission hearing on February 25, 2003, informing them of a City Council public hearing to consider the Code Maintenance 2003 project. This notice was also sent to those persons requesting such notification.
 - On April 9, 2003, the City Council held a public hearing on *Code Maintenance 2003: Portland Planning Commission Report and Recommendation*, dated March 26, 2003. Citizens were provided to the opportunity to attend this hearing and present testimony.
 - Additionally, two amendments are included in the Code Maintenance package that will further public involvement in the City's land use review process. An amendment to PZC 33.730.020.C increases the public comment period for Type II land use reviews to 21 days. This exceeds the minimum 14-day comment period required by ORS 197.195(3)(c). An amendment to PZC 33.70.045 requires applicants to notify the affected neighborhood coalition of office of a land use proposal, in addition to the affected neighborhood association. This better ensures improved communication among all interested parties.
11. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions, and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because they clarify existing language in Title 33, Planning and Zoning, which implements the policies of Portland's *Comprehensive Plan*. Portland *Comprehensive Plan* findings on Goal 1, Metropolitan Coordination, and its related policies and objectives, also support this goal.
 12. **Goal 3, Agricultural Lands**, requires the preservation and maintenance of the State's agricultural land, generally located outside of urban areas. The amendments do not affect the use of agricultural land so they are not applicable to this goal.
 13. **Goal 4, Forest Lands**, requires the preservation and maintenance of the State's forest lands, generally located outside of urban areas. The amendments do not affect the use of forest lands, so they are not applicable to this goal.
 14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because the amendments do not change policy or intent of any of the existing regulations pertaining to open space, scenic and historic areas, and natural resources.

Code Maintenance 2003 contains an amendment that deletes the requirement for a Type II Excavations and Fills Review in the Open Space zone. The

Excavations and Fills Review is intended to ensure that such activity will not adversely impact natural resources, cause any nuisance or safety problems, nor loss of development potential. However, these protections already are provided to a greater degree under other City titles, such as Title 10 (Erosion and Sediment Control Regulations) and Title 24 (Building Regulations), with these titles being implemented by City staff with more technical expertise than land use planners in assessing the impact of excavation and fill activities. An additional amendment to regulations of the Columbia South Shore plan district and the Cascade Station/Portland International Center plan district will exempt from environmental review the removal of trees listed on the Nuisance or Prohibited Plant Lists, and other trees that are determined by the City Forester or certified arborist to pose an immediate danger. This exemption is consistent with policy that is allowed in other environmental zones citywide.

15. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources, including the handling of solid wastes. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to air, water and land resource quality. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives also support this goal. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
16. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of life and property from natural disasters and hazards. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to areas subject to natural disasters and hazards. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
17. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to recreational needs. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
18. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because they do not substantially change policy or intent of any of the existing regulations pertaining to economic development. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.

There are several amendments in Code Maintenance that change the way in which existing land use policies are applied. These amendments, identified below, are directly supportive of Goal 9:

- Deleting the requirement for a Type II land use review for excavation and fill activities (PZC 33.830). The Type II land use review process adds a minimum of six to eight weeks to the development review process, with an application fee of \$1,883. The fees and time this review adds to the development review process are unnecessary as the intent of the Excavations and Fills Review is already regulated through other City titles.
- Deleting the requirement for a Type II land use review process prior to establishing a convenience store (PZC 33.219). The Type II land use review process adds a minimum of six to eight weeks to the development review process, with an application fee of \$1,162. The fees and time that this review adds to the development review process are unnecessary as the approval criteria for the Convenience Store Review are objective standards that can be reviewed by City staff at time of building permit application.
- Deleting the requirement for a Type III land use review process that requires the renewal of Central City Parking Reviews every five years for surface parking lots (PZC 33.808.200). This Type III land use review takes up to 120 days, with an application fee of \$6,814. The fees and time that this review adds to the development review process are unnecessary as the review is intended only to ensure conformance with Title 33 requirements. Conformance with these requirements is equally, and better, accomplished through Code Compliance (and the issuance of code violations).
- Clarifying parking location requirements for large retailers when using the alternative maximum building setback option (PZC 33.130.215.C). By clarifying the standard, it facilitates the use of the Code when developing plans for a site, and avoids the need for a potential Adjustment Review.
- Deleting the requirement in the Mississippi Avenue Conservation District that street-facing facades of buildings be of red brick (PZC 33.218140). Red brick is not a predominant building material that historically was used in this district,. However, the use of any other building material, including wood siding which is the more predominant building material found along the Avenue, subjects applicants to a Design Review.
- On sites with an existing Conditional Use, expanding the type of exterior development that is exempt from subsequent Conditional Use Review (PZC 33.815.040). This will avoid the need for a Type II land use review that adds a minimum of six to eight weeks to the development review process, with an application fee of \$2,008.
- Allowing nondiscretionary corrections to maps in Title 33, including the Official Zoning Maps, to be completed by the Planning Director without the need for a Type I land use review (PCC 1.01.037). This will reduce the length of the development review process in situations when map corrections are needed.

19. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal because they do not

change policy or intent of any of the existing regulations pertaining to housing. By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments foster the provision and retention of housing:

- Allowing a reduction in the side setback for existing buildings that are part of a proposed land division (PZC 33.110.220). New land division requirements often make it difficult for existing structures to meet the existing minimum setbacks. Allowing a reduction in the setback in such situations avoids the alternative of demolishing viable structures, or the need applying for an Adjustment Review.
 - Deleting the requirement that houses, attached houses and duplexes in Multi-Dwelling, Commercial and Employment zones meet the landscape requirements intended for multi-dwelling and commercial development (PZC 33.120.235 and 33.130.225). This will facilitate the development of houses, attached houses and duplexes by exempting them from a landscape standard that is excessive when applied to these housing types.
 - Establishing a land division procedure for existing mobile home parks (PZC 33.642 and 33.670). This amendment brings Title 33 into conformance with ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park), which is intended to create a mechanism for owners of mobile homes to acquire individual ownership interest in the lots on which the homes are located.
20. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to public facilities and services. Portland Comprehensive Plan findings on Goals 11 A through I, Public Facilities, and related policies and objectives also support this goal.
21. **Goal 12, Transportation**, requires provision of a safe, convenient and economic transportation system. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to transportation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Portland Comprehensive Plan findings on Goal 6, Transportation, and its related policies and objectives also support this goal.
22. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to energy conservation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.

23. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. The amendments are consistent with this goal in that they do not affect the placement of the urban growth boundary, and as they do not change policy or intent of any of the existing regulations pertaining to urbanization. Portland Comprehensive Plan findings on Goal 2, Urban Development, and its related policies and objectives also support this goal.
24. **Goal 15, Willamette River Greenway**, requires the protection, conservation, enhancement, and maintenance of the natural, scenic, historic, agricultural, economic, and recreational qualities of land along the Willamette River. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to the Willamette River Greenway. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations.
25. **Goals 16, 17, 18, and 19** deal with **Estuarine Resources, Coastal Shorelines, Beaches and Dunes, and Ocean Resources**, respectively, and are not applicable to Portland as none of these resources is present within the City limits.

Metro Urban Growth Management Functional Plan Findings

26. **Title 1, Requirements for Housing and Employment Accommodation,** requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. The amendments do not change policy or intent of existing regulations relating to the regional requirements for housing and employment accommodation, and therefore, do not affect the City's ability to meet Title 1. As detailed above in addressing Code Maintenance 2003's compliance with Statewide Goal 9 (Economic Development) and Goal 10 (Housing), several of the amendments foster economic growth, and facilitate the development of housing within the City.
27. **Title 2, Regional Parking Policy,** regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are largely limited to word and structural changes that improve the clarity and implementation of existing regulations. While not changing existing policy, there are two amendments in Code Maintenance 2003 directly related to parking. Consistent with how minimum and maximum parking ratios are established for many other Conditional Uses, an amendment to PZC 33.266.110 (Minimum Required Parking Spaces) and 33.266.115 (Maximum Allowed Parking Spaces) allows the minimum and maximum parking ratios for religious institutions to be established as part of the Conditional Use Review. This allows parking ratios to be more closely tailored to the needs and conditions associated with such uses. An additional parking-related amendment, to PZC 33.808.200 (Renewal of Surface Parking Lots in Central City Plan Districts), deletes the requirement for a five-year renewal of previously approved Central City Parking Reviews for surface parking lots. The current five-year renewal requirement does nothing to regulate the amount of parking allowed on such lots, but instead is a code compliance check that more appropriately should be handled by Bureau of Development Services' Code Compliance Section.
28. **Title 3, Water Quality and Flood Management Conservation,** calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to water quality and flood management conservation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Code Maintenance 2003 does include an amendment that deletes regulations in PZC 33.508.050, 33.508.110, 33.515.030, and 33.515.100, which were originally intended to regulate the use of hazardous substances in order to protect the water quality of the aquifer system in the Columbia South Shore area. These regulations are being deleted from Title 33 as the Bureau of Water Works, in conjunction with the Fire Bureau, has drafted amendments to Title 21 (Water), which will provide the Bureau of Water Works the authority to designate wellhead protection areas, including those in the Columbia South Shore area (Exhibit B). This authority, included in Chapter 21.35 (Wellhead Protection),

will allow the Bureau of Water Works to set standards for the storage, handling, containment, use and transportation of hazardous materials. These new standards for protecting the water quality of the aquifer are more comprehensive and current than existing regulations identified in Title 33.

29. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development that supports Employment and Industrial areas, and that does not serve a larger market area. The amendments are consistent with this title because they do not change policy or intent of existing regulations relating to retail in employment and industrial areas.
30. **Title 5, Neighbor Cities and Rural Reserves**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to neighbor cities and rural reserves. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
31. **Title 6, Regional Accessibility**, recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to regional accessibility. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
32. **Title 7, Affordable Housing**, recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. As such, the amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to the development of affordable housing. Several Code Maintenance 2003 amendments are directly supportive of this Title:
 - Deleting the requirement that houses, attached houses and duplexes in Multi-Dwelling, Commercial and Employment zones meet the landscape requirements intended for multi-dwelling and commercial development (PZC 33.1210.235 and 33.130.225). This will contribute to reduced housing development costs by exempting particular housing types from the landscape standard.
 - Establishing a land division procedure for existing mobile home parks (PZC 33.642 and 33.670). This amendment brings Title 33 into conformance with ORS 92.835 (Subdivision of Manufactured Dwelling Park or Mobile Home Park), which is intended to create a mechanism for the owner of a mobile home in a park to have more control over the cost of maintaining the home by acquiring individual ownership interest in the lot on which the home is located.

33. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to compliance. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

Portland Comprehensive Plan Goals Findings

34. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
35. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. In some cases, the amendments ensure that City land use regulations are consistent with policies of other City bureaus and State law.
36. **Goal 2, Urban Development**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban development.

By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments further Goal 2 and its relevant policies by facilitating the development of housing and employment uses:

- Allowing a reduction in side setbacks for existing buildings in the R7, R5 and R2.5 Single-Dwelling zones on the site of a proposed land division (PZC 33.110.220). This provides greater flexibility in meeting land division requirements, while also helping to preserve existing housing stock.
- Exempting the development of houses, attached houses and duplexes from the landscape requirements of the Multi-Dwelling and Commercial zones (PZC 33.120.235 and 33.130.225). The landscape standard was not intended to be applied to this type of housing, and exempting such housing types from the standard facilitates the development of housing.
- Establishing, in conformance with Oregon Revised Statutes, a land use process that allows land divisions of existing mobile home parks (PZC

33.642 and 33.670). The intent of this new procedure is to allow residents in existing mobile home parks to own the lot on which their home exists.

- Eliminating from the Community Design Standard for the Mississippi Avenue Conservation District the requirement that street-facing facades be red brick, or a combination of red brick and stone (PZC 33.218.140.O.8 and 33.218.150.K.7). Removing this exterior material requirement allows the use of a greater variety of building materials, and building materials that are more consistent with the area's historic character, when developing or redeveloping commercial properties along this corridor. Remaining Community Design Standards for the exterior materials will continue to protect the desired character of the area.
- Replacing the discretionary Convenience Store Review with objective standard that are applied at time of building permit application (PZC 33.219). This saves applicants application fees and reduces the development review period, while still preserving the legislative intent of the Convenience Store Review.
- Clarifying what types of mandatory improvements for fire/life safety, and accessibility are exempt from the value of a development project value when calculating the threshold for nonconforming upgrades (PZC 258.070.E.2). This amendment facilitates the development review process by providing a clear, objective standard to applicants, and to City staff that implements the regulation.
- Exempting, in limited situations, development in the Central City plan district from the loading standard that requires forward ingress and egress of loading vehicles to and from the site (PZC 33.266310.D). Meeting this standard is often in conflict with required design guidelines in the Central City plan district, triggering frequent adjustments to the standard. Exempting development from the standard helps to streamline the development review process for both commercial and residential land use applicants.
- Exempting from Environmental Review in the Columbia South Shore and Cascade Station/Portland International Center plan districts the removal of trees in environmental zones when such trees pose an immediate danger (PZC 33.508.314 and 33.515.274). This eliminates a land use review for an action that is already allowed in environmental zones elsewhere in the City.
- Eliminating the five-year renewal of Central City Parking Reviews for previously approved surface parking lots (PZC 33.510 and 33.808.200). This eliminates an unnecessary land use review for residential and/or commercial applicants. The purpose for such reviews is already addressed through established Code Compliance procedures.
- Clarifying the use category assigned to businesses engaged in sales on a membership basis (PZC 33.920.350). Currently, businesses engaged in

sales on a membership basis are considered Retail Sales And Service, regardless of other operational characteristics, such as number of employees, customer types, and other factors considered when determining an appropriate use category for a particular business. The amendment clarifies that a host of factors will be used in determining whether a business that conducts sales on a membership basis is a Retail Sales And Service use or Wholesale Sales.

37. **Goal 3, Neighborhoods**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to the stability and diversity of neighborhoods.
38. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to housing.

By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments further Goal 4 and its relevant policies:

- Allowing a reduction in side setbacks for existing buildings in the R7, R5 and R2.5 zones on the site of a proposed land division (PZC 33.120.235 and 33.130.225). This provides greater flexibility in meeting land division requirements, while also helping to preserve existing housing stock.
 - Exempting the development of houses, attached houses and duplexes from the landscape requirements of the Multi-Dwelling and Commercial zones (PZC 33.120.235 and 33.130.225). The landscape standard was not intended to be applied to this type of housing, and exempting such housing types from the standard facilitates the development of housing.
 - Establishing, in conformance with Oregon Revised Statutes, a land use process that allows land divisions of existing mobile home parks (PZC 33.642 and 33.670). The intent of this new procedure is to allow residents of mobile homes to own the lot on which their home exists.
39. **Goal 5, Economic Development**, calls for promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the City. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to economic development. By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendments further Goal 5 and its relevant policies:

- Eliminating from the Community Design Standards for the Mississippi Avenue Conservation District the requirement that street-facing facades be red brick, or a combination of red brick and stone (PZC33.218.140.O.8 and 33.218.150.K.7). Removing this exterior material requirement allows the use of a greater variety of building materials, and building materials that are more consistent with the historic character of the area, when developing or redeveloping commercial properties along this corridor. Remaining Community Design Standards that regulate exterior building materials will continue to protect the desired character of the area.
- Replacing the discretionary Convenience Store Review with objective standard that are applied at time of building permit application (PZC 33.219). This saves applicants application fees and reduces the development review period, while still preserving the intent of the Convenience Store Review.
- Clarifying what types of mandatory improvements for fire/life safety, and accessibility are exempt from the value of a development project value when calculating the threshold for nonconforming upgrades (PZC 33.258.070.D.2.a). This amendment facilitates the development review process by providing a clear, objective standard to applicants, and to staff that implements the regulation.
- Exempting, in limited situations, development in the Central City plan district from the loading standard that requires forward ingress and egress of loading vehicles to and from the site (PZC 33.266.310.D). Meeting this standard is often in conflict with required design guidelines in the Central City plan district, triggering frequent adjustments to the standard. Exempting development from the standard helps to streamline the development review process for commercial applicants.
- Exempting from Environmental Review in the Columbia South Shore and Cascade Station/Portland International Center plan districts the removal of trees in environmental zones when such trees pose an immediate danger (PZC 33.508.314 and 33.515.274). This amendment, which given the existing zoning pattern in the two plan districts primarily benefits commercial and industrial businesses, eliminates a land use review for an action that is already allowed in environmental zones elsewhere in the City.
- Eliminating the five-year renewal of Central City Parking Reviews for previously approved surface parking lots (PZC 33.510). This eliminates an unnecessary land use review for commercial applicants. The purpose for such reviews is already addressed through established Code Compliance procedures.
- Clarifying the use category assigned to businesses selling on a membership basis (PZC 33.920.350). Currently, businesses engaged in sales on a membership basis are considered Retail Sales And Service, regardless of other operational characteristics, such as number of employees, customer types, and other factors considered when determining an appropriate use

category for a particular business. The amendment clarifies that a host of factors will be used in determining whether a business that conducts sales on a membership basis is a Retail Sales And Service use, or Wholesale Sales.

40. **Goal 6, Transportation**, calls for protection of the public interest and investment in the public right-of-way and transportation system by
- encouraging development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies; providing adequate accessibility to all planned land uses;
 - providing safe and efficient movement of people and goods while preserving, enhancing, or reclaiming neighborhood livability;
 - minimizing the impact of inter-regional trips on City neighborhoods, commercial areas, and the City street system;
 - reducing reliance on the automobile and per capita vehicle miles traveled;
 - building the use of the City street system to control air pollution, traffic, and livability problems; and maintaining the infrastructure in good condition.

The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to transportation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. While not changing policy, the Code Maintenance 2003 package does contain one amendment that is related to transportation. The amendment exempts in limited situations, development in the Central City plan district from the loading standard that requires forward ingress and egress of loading vehicles to and from the site (PZC 33.266310.D). The intent of the regulation is to protect the flow of pedestrian and vehicle traffic within the public right-of-way by requiring that the maneuvering of loading vehicles occurs on-site and not in the right-of-way. However, on streets, bikeways and walkways that have a local classification in the Transportation Element of the Comprehensive Plan, the impacts of a loading vehicle backing into or out of a site are minimal.

41. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the City by ten percent by the year 2000. The amendments are consistent with this goal because they do not change policy or intent of existing regulations. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations relating to energy.
42. **Goal 8, Environment**, calls for maintenance and improvement of the quality of Portland's air, water, and land resources, as well as protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they do not change policy or intent of

existing regulations relating to environment. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

43. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the process provided opportunities for public input and followed adopted procedures for notification and involvement of citizens in the planning process.
44. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to public facilities. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
45. **Goal 11 I, Schools**, calls for enhancing educational opportunities of Portland's citizens through assistance in planning educational facilities. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to schools. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
46. **Goal 11 C, Sanitary and Stormwater Facilities**, calls for an efficient, adequate, and self-supporting wastewater collection treatment and disposal system that will meet the needs of the public and comply with federal, state and local clean water requirements. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to sanitary and stormwater facilities. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations.
47. **Goal 11 D, Solid Waste**, calls for provision of adequate solid waste disposal. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to solid waste. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations with one exception. One of the amendments deletes standards in the Zoning Code requiring central recycling areas for development in Multi-Dwelling zones (PZC 33.120.260). These standards are duplicative, and in some cases, not consistent with the recycling rules and regulations implemented by the Office of Sustainable Development through Title 17. The requirements for a central recycling area are replaced by a reference to the recycling rules and regulations in Title 17. A similar reference to the recycling rules and regulations of Title 17 is also included in the Commercial, Employment and Industrial zones (PZC 33.130.310 and 33.140.315).

48. **Goal 11 F, Parks and Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to parks and recreation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
49. **Goal 12, Urban Design**, calls for the enhancement of 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. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban design. One amendment, to the loading standards of PZC 33.266, is directly supportive of this goal. Current standards require loading spaces to be designed so that vehicles may enter and exit the site in a forward motion (PZC 22.266.310.D). The space requirements necessary to accommodate this standard has significant impacts on the design of the ground-floor façade of buildings in the Central City plan district, and often creates conflicts with the Central City Fundamental Design Guidelines. Exempting development in the Central City plan district from the forward ingress/egress standard for sites that abut streets, walkways and bikeways with a local designation not only improves the design of the ground-floor facades, but also ensures that the intent of the standard continues to be met for loading areas that front nonlocal streets, walkways and bikeways.
50. The following goals do not apply because of the limited scope of these amendments: Goal 10, Plan Review and Administration, Goal 11 B, Public Rights-of-Way, Goal 11 E, Water Service, Goal 11 G, Fire, and Goal 11 H, Police.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; with the exception of amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to the Hazardous Substances Review in the List of Chapters and Table of Contents;
- b. Amend Title 33, Planning and Zoning, and Title 1, General Provisions, as shown in Section V of Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; with the exception of amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to the Hazardous Substances Review in the List of Chapters and Table of Contents; and

- c. Adopt as legislative intent and as further findings the commentary in Section V of Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; with the exception of commentary for amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and commentary for amendments that delete references to the Hazardous Substances Review in the List of Chapters and Table of Contents.

Section 2.

1. This ordinance shall be in full force and effect 45 days after adoption by the City Council.

Passed by the Council, April 23, 2003

Commissioner Randy Leonard

Douglas Hardy, BDS
March 28, 2003

GARY BLACKMER
Auditor of the City of Portland

By

Deputy

Ordinance No. 177404

Amend Title 33, Planning and Zoning, to clarify and improve readability without changing policy or intent of the original hazardous substance regulations; and

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The City adopted a new Zoning Code in November 1990, to be implemented on January 1, 1991.
2. During the adoption of the new Zoning Code, the Council recognized that the new code would occasionally need “fine-tuning” to resolve unanticipated issues. The Council additionally recognized that minor amendments to the Code will periodically be required in order to maintain compliance with existing policy.
3. Code Maintenance 2003 is part of a continuing effort to improve the clarity and structure of the Portland Zoning Code. The amendments package consists primarily of technical amendments intended to correct and clarify the Zoning Code in order to improve its administration, without changing existing land use policy or intent. Code Maintenance 2003 is one of three amendment packages that make up the City’s annual Regulatory Code Improvement List (ReCIL), which was adopted by City Council in October 2002. The ReCIL is the core of the Regulatory Improvement Work Program, which seeks to build an effective process of continuous improvement to Portland’s land use and building regulations, regulatory-related procedures, costs, and customer services. In adopting ReCIL, City Council directed the Bureau of Development Services (BDS) to bring to the Planning Commission proposed Code improvements that address issues identified on the Code Maintenance ReCIL list. The Portland Planning Commission was directed to submit a recommendation report to City Council by April 2003.
4. The origin of the amendments included in the Code Maintenance 2003 package comes from suggestions submitted by a range of interested stakeholders, including neighborhood advocates, development services customers, business owners, environmental advocates, land use consultants, and City staff from BDS, Bureau of Planning, and other service agencies. In developing the annual ReCIL, a series of focus groups were assembled in the Fall of 2002 to request feedback on what amendments to consider for FY 2002-2003. Based on input from more than 120 stakeholders, a list of amendments was drafted. This draft was widely circulated, and available for review on BDS’ website. Following further modifications based on input received, the list of amendments to consider in the Code Maintenance 2003 package was adopted by City Council in October 2002.
5. On January 7, 2003, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the

post-acknowledgement review process required by OAR 660-18-020. Notice was also mailed to Metro on this date, in compliance with Urban Growth Management Functional Plan requirements.

6. On February 25, 2003, the Planning Commission held a hearing on the Code Maintenance 2003 project. Staff from BDS presented the proposal, and public testimony was received.
7. On March 11, 2002, the Planning Commission held a work session to further discuss the proposed amendments and consider public testimony. The Commission voted to forward to City Council the recommendations contained in *Code Maintenance 2003: Portland Planning Commission Report and Recommendation*, dated March 26, 2003 (Exhibit A).

Statewide Planning Goals Findings

9. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals.
10. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. Portland Comprehensive Plan findings on Goal 9, Citizen Involvement, and its related policies and objectives also support this goal. The amendments are supportive of this goal in the following ways:
 - On January 21, 2003, BDS sent notice to all neighborhood associations and coalitions in the City of Portland, as well as other interested persons, to inform them of an open house on February 11, 2003. The purpose of the open house was to allow the public the opportunity to review the proposed recommendations, and ask questions of staff.
 - Also on January 21, 2003, BDS sent notice to all neighborhood association and coalitions, and business associations in the City of Portland, as well as other interested persons, to inform them of a Planning Commission public hearing on the Code Maintenance 2003 project. This event was also advertised in the Oregonian.
 - On January 28, 2003, BDS published a document entitled, *Code Maintenance 2003: Proposed Report and Recommendation*. The report was made available to the public and mailed to all those requesting a copy. A copy of the draft was also delivered to all neighborhood association and coalition offices.
 - On February 25, 2003, the Planning Commission held a public hearing during which citizens discussed and commented on the *Proposed Report and Recommendation*. On March 11, 2003, the Planning Commission held a public work session to further discuss the amendments.

- On March 21, 2003, BDS sent notice to all persons who testified, orally or in writing, at the Planning Commission hearing on February 25, 2003, informing them of a City Council public hearing to consider the Code Maintenance 2003 project. This notice was also sent to those persons requesting such notification.
 - On April 9, 2003, the City Council held a public hearing on *Code Maintenance 2003: Portland Planning Commission Report and Recommendation*, dated March 26, 2003. Citizens were provided to the opportunity to attend this hearing and present testimony.
11. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions, and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because they clarify existing language in Title 33, Planning and Zoning, which implements the policies of Portland's *Comprehensive Plan*. Portland *Comprehensive Plan* findings on Goal 1, Metropolitan Coordination, and its related policies and objectives, also support this goal.
 12. **Goal 3, Agricultural Lands**, requires the preservation and maintenance of the State's agricultural land, generally located outside of urban areas. The amendments do not affect the use of agricultural land so they are not applicable to this goal.
 13. **Goal 4, Forest Lands**, requires the preservation and maintenance of the State's forest lands, generally located outside of urban areas. The amendments do not affect the use of forest lands, so they are not applicable to this goal.
 14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because the amendments do not change policy or intent of any of the existing regulations pertaining to open space, scenic and historic areas, and natural resources.
 15. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources, including the handling of solid wastes. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to air, water and land resource quality. Portland *Comprehensive Plan* findings on Goal 8, Environment, and its related policies and objectives also support this goal. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
 16. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of life and property from natural disasters and hazards. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to areas subject to natural disasters and hazards. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

17. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to recreational needs. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
18. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because they do not substantially change policy or intent of any of the existing regulations pertaining to economic development. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.

The following amendment to Title 33 is directly supportive of Goal 9:

- Deleting the requirement for a Type II land use review process for the handling, storage, use and transport of hazardous substances (PZC 33.840). The Type II land use review process adds a minimum of six to eight weeks to the development review process, with an application fee of \$1,710. Again, the fees and time this review adds to the development review process are unnecessary as the intent of the Hazardous Substances Review is already heavily regulated through a myriad of other city, state and federal regulations.
19. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to housing. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to housing. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
 20. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to public facilities and services. Portland Comprehensive Plan findings on Goals 11 A through I, Public Facilities, and related policies and objectives also support this goal.
 21. **Goal 12, Transportation**, requires provision of a safe, convenient and economic transportation system. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to transportation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Portland Comprehensive Plan findings on Goal 6, Transportation, and its related policies and objectives also support this goal.

22. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to energy conservation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.
23. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. The amendments are consistent with this goal in that they do not affect the placement of the urban growth boundary, and as they do not change policy or intent of any of the existing regulations pertaining to urbanization. Portland Comprehensive Plan findings on Goal 2, Urban Development, and its related policies and objectives also support this goal.
24. **Goal 15, Willamette River Greenway**, requires the protection, conservation, enhancement, and maintenance of the natural, scenic, historic, agricultural, economic, and recreational qualities of land along the Willamette River. The amendments are consistent with this goal because they do not change policy or intent of any of the existing regulations pertaining to the Willamette River Greenway. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations.
25. **Goals 16, 17, 18, and 19** deal with **Estuarine Resources, Coastal Shorelines, Beaches and Dunes**, and **Ocean Resources**, respectively, and are not applicable to Portland as none of these resources is present within the City limits.

Metro Urban Growth Management Functional Plan Findings

26. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through city-wide analysis based on calculated capacities from land use designations. The amendments do not change policy or intent of existing regulations relating to the regional requirements for housing and employment accommodation, and therefore, do not affect the City's ability to meet Title 1. As detailed above in addressing Code Maintenance 2003's compliance with Statewide Goal 9 (Economic Development), one of the amendments directly fosters economic growth.
27. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they do not change policy or intent of any of the existing regulations pertaining to regional parking policy. The amendments are limited

to word and structural changes that improve the clarity and implementation of existing regulations.

28. **Title 3, Water Quality and Flood Management Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. The amendments are not inconsistent with this title because they do not change policy or intent of existing regulations relating to water quality and flood management conservation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. Code Maintenance 2003 does include an amendment that deletes regulations in PZC 33.508.050, 33.508.110, 33.515.030, and 33.515.100, which were originally intended to regulate the use of hazardous substances in order to protect the water quality of the aquifer system in the Columbia South Shore area. These regulations are being deleted from Title 33 as the Bureau of Water Works, in conjunction with the Fire Bureau, has drafted amendments to Title 21 (Water), which will provide the Bureau of Water Works the authority to designate wellhead protection areas, including those in the Columbia South Shore area (Exhibit B). This authority, included in Chapter 21.35 (Wellhead Protection), will allow the Bureau of Water Works to set standards for the storage, handling, containment, use and transportation of hazardous materials. These new standards for protecting the water quality of the aquifer, which become effective July 1, 2003, are more comprehensive and current than existing regulations identified in Title 33.
29. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development that supports Employment and Industrial areas, and that does not serve a larger market area. The amendments are consistent with this title because they do not change policy or intent of existing regulations relating to retail in employment and industrial areas.
30. **Title 5, Neighbor Cities and Rural Reserves**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to neighbor cities and rural reserves. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
31. **Title 6, Regional Accessibility**, recommends street design and connectivity standards that better serve pedestrian, bicycle and transit travel and that support the 2040 Growth Concept. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to regional accessibility. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
32. **Title 7, Affordable Housing**, recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendments are limited to word and structural changes that improve the clarity and

implementation of existing regulations. As such, the amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to the development of affordable housing.

33. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. The amendments are not inconsistent with this Title because they do not change policy or intent of existing regulations relating to compliance. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

Portland Comprehensive Plan Goals Findings

34. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with statewide planning goals.
35. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to metropolitan coordination. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations. In some cases, the amendments ensure that City land use regulations are consistent with policies of other City bureaus and State law.
36. **Goal 2, Urban Development**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban development.

By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendment furthers Goal 2 and its relevant policies by facilitating the development of employment uses:

- Eliminating the Hazardous Substances Review (PZC 33.840). This discretionary review, which currently is required of commercial and industrial businesses, is duplicative of rules and regulations that are implemented and enforced by the Portland Fire Bureau.
37. **Goal 3, Neighborhoods**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to the stability and diversity of neighborhoods.

38. **Goal 4, Housing,** calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to housing.
39. **Goal 5, Economic Development,** calls for promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the City. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to economic development. By proposing word and structural changes that improve the clarity and implementation of existing regulations, the following amendment furthers Goal 5 and its relevant policies:
- Eliminating the Hazardous Substances Review (PZC 33.840). This discretionary review, which currently is required of commercial and industrial businesses, is duplicative of rules and regulations that are implemented and enforced by the Portland Fire Bureau.
40. **Goal 6, Transportation,** calls for protection of the public interest and investment in the public right-of-way and transportation system by
- encouraging development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies; providing adequate accessibility to all planned land uses;
 - providing safe and efficient movement of people and goods while preserving, enhancing, or reclaiming neighborhood livability;
 - minimizing the impact of inter-regional trips on City neighborhoods, commercial areas, and the City street system;
 - reducing reliance on the automobile and per capita vehicle miles traveled;
 - building the use of the City street system to control air pollution, traffic, and livability problems; and maintaining the infrastructure in good condition.

The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to transportation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

41. **Goal 7, Energy,** calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the City by ten percent by the year 2000. The amendments are consistent with this goal because they do not change policy or intent of existing regulations. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations relating to energy.

42. **Goal 8, Environment**, calls for maintenance and improvement of the quality of Portland's air, water, and land resources, as well as protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to environment. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
43. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the process provided opportunities for public input and followed adopted procedures for notification and involvement of citizens in the planning process.
44. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to public facilities. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
45. **Goal 11 I, Schools**, calls for enhancing educational opportunities of Portland's citizens through assistance in planning educational facilities. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to schools. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
46. **Goal 11 C, Sanitary and Stormwater Facilities**, calls for an efficient, adequate, and self-supporting wastewater collection treatment and disposal system that will meet the needs of the public and comply with federal, state and local clean water requirements. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to sanitary and stormwater facilities. The amendments are limited to word and structure changes that improve the clarity and implementation of existing regulations.
47. **Goal 11 D, Solid Waste**, calls for provision of adequate solid waste disposal. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to solid waste. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.
48. **Goal 11 F, Parks and Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to parks and

recreation. The amendments are limited to word and structural changes that improve the clarity and implementation of existing regulations.

49. **Goal 12, Urban Design**, calls for the enhancement of 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. The amendments are consistent with this goal because they do not change policy or intent of existing regulations relating to urban design.
50. The following goals do not apply because of the limited scope of these amendments: Goal 10, Plan Review and Administration, Goal 11 B, Public Rights-of-Way, Goal 11 E, Water Service, Goal 11 G, Fire, and Goal 11 H, Police.

NOW, THEREFORE, the Council directs:

- a. Adopt amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and amendments that delete references to Hazardous Substances Review in the List of Chapters and Table of Contents, as shown in Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003;
- b. Amend Title 33, Planning and Zoning, Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, and delete references to Hazardous Substances Review in the List of Chapters and Table of Contents, as shown in Section V of Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003; and
- c. Adopt as legislative intent and as further findings the commentary in Section V of Exhibit A, *Code Maintenance 2003: Planning Commission Report and Recommendation*, dated March 26, 2003, for amendments to Sections 33.130.120, 33.140.120, 33.508.050, 33.508.110, 33.515.030, 33.515.100, Chapter 33.840, including the deletion of references to Hazardous Substances Review in the List of Chapters and Table of Contents.

Section 2.

1. This ordinance shall be in full force and effect on July 1, 2003.

Passed by the Council, April 16, 2003

Commissioner Randy Leonard

Douglas Hardy, BDS
March 28, 2003

GARY BLACKMER
Auditor of the City of Portland

By

Deputy