

**DATE:** April 26, 2024  
**FROM:** Julie Ocken  
**RE:** **Update Packet #210 – Typos Only**

<b>Chapter</b>	<b>Remove Pages</b>	<b>Insert Pages</b>	<b>Changed because of</b>
33.140	5-6	5-6	.100.B.3.c(1) deleted duplicate text
33.475	13-14 37-38	13-14 37-38	.200.E.1 updated \$ figure .540.B.1.a(2) added comma
33.534	1-2	1-2	Added subhead Development Standards before .200
33.610	1-2	1-2	.100.B.3. corrected maximum density text
33.865	5-6	5-6	.040.A.4.a. edited "zone" to "area"



2. EG Retail Sales And Service limitation. The following regulations apply to all parts of Table 140-1 that have a [2].
  - a. Limited uses. Except for sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or twice the total square footage of the site area, whichever is less.
  - b. Conditional uses. Retail Sales And Service uses that exceed the area limits in Subparagraph B.2.a. are a conditional use.
3. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].
  - a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet.
  - b. Conditional uses.
    - (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.
    - (2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
  - c. Prohibited uses.
    - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
    - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
4. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].
  - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display,

- storage, work and other exterior activity area may be up to 3,000 square feet per use.
- b. Conditional uses.
    - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
    - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
  - c. Prohibited uses.
    - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
    - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
5. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
- a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.
  - b. Conditional uses.
    - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
    - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, work and other exterior activity storage area is more than 3,000 square feet is a conditional use.
  - c. Prohibited uses.
    - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

1. Thresholds triggering compliance. The requirements of Subsections B, C, and D must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$307,800. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites with Ground Leases, required improvements must be made to the entire site.
3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, C, and D, above, are also included.

### **33.475.225 Residential Docks**

- A. Purpose.** The residential docks standard is intended to:
- Limit the impacts of new docks on shallow water habitat areas, which are critical for the survival of a variety of aquatic species;
  - Minimize harmful shading that predatory fish species use to prey on fish species listed under the Endangered Species Act;
  - Minimize disruption to water flow patterns and natural sediment transport along the shoreline; and
  - Maintain access to important foraging areas for waterfowl and other wildlife.
- B. Residential dock standards.** The following standards apply to new floating boat docking structures located in a residential zone.
1. The total square footage of the new floating boat docking structure must not exceed 200 square feet. Adjustments are prohibited; and
  2. The new floating boat docking structure may not be located within shallow water habitat. Adjustments are prohibited. Modifications are allowed through river review.

### **33.475.230 Exterior Lighting**

- A. Purpose.** The standards for exterior lighting are intended to:
- Minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
  - Reduce light pollution and glare impacts on residential developments;
  - Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
  - Provide flexibility for river-dependent operations associated with docks.
- B. General standards.** The following standards apply to all exterior lights located within the River General overlay zone.
1. Exterior lights must not project light upward or to the side of the fixture;
  2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and

3. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.

**C. Additional standards for areas near the Willamette River.** The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
  - a. Park and Open Area uses;
  - b. The major public trail;
  - c. A public viewing area; or
  - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart; and
4. Exterior lights must not project directly into the Willamette River.

### 33.475.235 Bird-safe Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per facade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per façade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

<b>Table 475-5 Maximum Disturbance Area for a Land Division and PD Allowed Within the River Environmental Overlay Zone [1]</b>						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

6. Areas of the River Environmental overlay zone outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all the owners of the land division site, by a Homeowner’s Association, by a public agency, or by a non-profit organization;
7. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body;
8. New right-of-way and roadway widths do not exceed the maximums listed in Table 475-6;
9. Utility construction must meet the applicable standards of Subsection B. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard;
10. Installation of stormwater outfalls is allowed as specified in Subsection C;
11. Vegetation removal is allowed as specified in Subsection K.; and
12. Mitigation is required as specified in Subsection L.

<b>Table 475-6 Maximum Right-of-way and Roadway Widths</b>			
Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

**R. Standards for Property Line Adjustments.** The following standards apply to Property Line Adjustments (PLAs) in the River Environmental overlay zone. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

1. A Property Line Adjustment may not result in any property being entirely in the River Environmental overlay zone, unless that property is entirely in the River Environmental overlay zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.

2. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 475-7. A property that contains less than the area listed in Table 475-7 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 475-7.

<b>Table 475-7</b>				
<b>Minimum Area Required Outside of the River Environmental Overlay Zone</b>				
	OS through R10 Zones	R7 Zone	R5 Zone	All Other Zones
Maximum Area Required	5% of site area	17% of site area	22% of site area	50% of the base zone building coverage

### 33.475.450 Corrections to Violations of the River Environmental Overlay Zone Regulations

- A. Purpose.** The purpose of the correction regulations is to ensure the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone.

These regulations establish a process to determine which review requirements will be applied to remedy a violation that takes place in the River Environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.475.450.B details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

- B. Correction Options.** Applicants must choose one of the following options to correct a river environmental code violation.

1. When these options may be used.
  - a. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
    - (1) No more than 12 diameter inches of trees were removed;
    - (2) No ground disturbance occurred riverward of the top of bank of the Willamette River, in the riparian buffer area, or within 30 feet of a wetland or the top of bank of a stream or other water body. See Map 475-2 for top of bank;
    - (3) The correction will remove all illegal development; and
    - (4) The correction will replant illegal clearing.
  - b. If any of the following occurred, the applicant may not use Option One, but may choose either Option Two or Option Three:
    - (1) More than 12 diameter inches of trees were removed;
    - (2) A Madrone, Garry Oak, or Pacific Yew larger than 3 inches was removed; or

## 33.534 Hillsdale Plan District

# 534

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### Sections:

#### General

- 33.534.010 Purpose
- 33.534.020 Where These Regulations Apply

#### Use Regulations

- 33.534.100 Purpose
- 33.534.110 Prohibited Uses

#### Development Standards

- 33.534.200 Purpose
- 33.534.210 Setbacks
- 33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones
- 33.534.230 Drive-Through Facilities

Map 534-1 Hillsdale Plan District

### General

#### 33.534.010 Purpose

The regulations of the Hillsdale plan district promote compatibility between existing and new residential and commercial development and support the Hillsdale Town Center.

#### 33.534.020 Where These Regulations Apply

The regulations of this Chapter apply to development in the Hillsdale plan district. The boundaries of the plan district are shown on Map 534-1 at the end of this Chapter, and on the Official Zoning Maps.

### Use Regulations

#### 33.534.100 Purpose

Use restrictions in the Hillsdale plan district will help avoid conflicts between the public's investment in pedestrian, transit and bicycle improvements and the role Hillsdale plays as a Town Center. Limiting auto-oriented uses will ensure that private investment complements the public's investment.

#### 33.534.110 Prohibited Uses

The following uses are prohibited:

- A. Vehicle repair;
- B. Quick vehicle servicing;
- C. Self-service storage; and
- D. Warehouse and freight movement.

## Development Standards

### 33.534.200 Purpose

These development standards maintain the established character of the Hillsdale area while encouraging pedestrian-oriented development.

### 33.534.210 Setbacks

- A. Front building setback in the RM2 zone. A setback of at least 10 feet is required in the RM2 zone along streets designated as Local Service Streets in the Transportation Element of the Comprehensive Plan.
- B. Building setback in C zones. Buildings in the commercial/mixed use zones that are entirely 200 feet or more from a street that abuts the site are exempt from the maximum building setback of the base zone for that street. See Figure 534-1.

### 33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones

Exterior display, storage and work activities are prohibited in the IR and C zones, except for the following, which are allowed:

- A. Outdoor seating for restaurants;
- B. Pedestrian-oriented uses, including flower, food, and drink stands, and other similar, pedestrian-oriented uses;
- C. Farmers' markets selling plants and produce may operate one day per week; and
- D. Exterior display of items for sale, if the following are met:
  - 1. The display is within 20 feet of the store from which the items are being sold; and
  - 2. Items are displayed only when the store is open.

## 33.610 Lots in RF Through R5 Zones

# 610

### Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

### 33.610.010 Purpose

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

### 33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the 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.**
  1. 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.
  2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
  3. When lots will be created using more than one maximum density, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

**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:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

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:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, potential landslide hazard area, or combined flood hazard area;} \\ & \quad \times 0.80; \\ & \quad \div \text{Maximum density C from Table 610-1;} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

**D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. 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:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

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:

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

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

- h. Location of trees to remain including the required root protection zone per Title 11;
  - i. Location of site access and egress;
  - j. Material staging and stockpile areas; and
  - k. Erosion control measures.
4. Mitigation or remediation site plan. A mitigation site plan is required when the proposed development will result in unavoidable significant detrimental impact on the resources and functional values identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)*, *River Plan / South Reach Natural Resources Protection Plan (2020)* or when mitigation is proposed in order to meet River Review approval criteria. A remediation site plan is required when significant detrimental impacts occur in violation of the Zoning Code and no permit was applied for. The on-site or off-site mitigation or remediation site plan must show the following:
- a. Location of the River Environmental overlay zone and riparian buffer area in relation to the mitigation site;
  - b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted using standard landscape graphics;
  - c. Location, species, and size of each individual tree to be planted;
  - d. A planting table listing the size, number, and species (common and scientific) of all trees, shrubs, groundcover or seeds to be installed;
  - e. The area of the mitigation site in square feet in relation to the project impact area;
  - f. The location of the mitigation site in relation to existing, proposed or anticipated future development on the site;
  - g. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
  - h. Location of any single piles or multiple-pile dolphins that will be removed;
  - i. Location of protected viewpoints and scenic overlay zones;
  - j. Water bodies to be created, including centerline, top of bank, wetland boundary and depth;
  - k. Water sources to be used, including volumes;
  - l. Location of excavation and fill and total quantities of each including balanced cut and fill calculation for any grading in the combined flood hazard area; and
  - m. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

**B. Supplemental narrative.** The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria, and to evaluate practicable development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on identified resources and functional values. Significant resources and functional values are identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)*. A supplemental environmental assessment can be provided to more accurately identify resources and functional values on the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts.

a. An impact evaluation includes:

(1) Identification, by characteristic and quantity, of the natural resources and their functional values found on the site. The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the natural resource features including:

- open water;
- shallow water (river depth 0-20 feet);
- beach;
- riparian vegetation;
- upland and bottomland forest;
- grassland;
- flood area and floodplain;
- wetlands, streams and ponds; and
- special habitat area.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the functional values provided by the various natural resource features including:

- Microclimate and shade;
- Stream flow moderation and water storage;
- Bank function, and sediment, pollution and nutrient control;
- Large wood and channel dynamics;
- Organic inputs, food web and nutrient cycling;
- Fish and wildlife habitat; and
- Habitat connectivity/movement corridor.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* also provide information on wildlife and plant special status species that are known or reasonably expected to occur within or use a site. The application must contain current information regarding any special status species known or expected to occur on the site;

(2) Identification and description of the scenic resources on the site. Scenic resources are mapped on the official zoning maps with the Scenic overlay