

TRN-1.27 Bureau of Transportation Public Works Alternate Review Committee

Administrative Rules Adopted by Bureaus Pursuant to Rule Making Authority (ARB)

I. Background

City Council directed the Bureau of Transportation (PBOT) to develop a process for evaluating unique development conditions which could preclude full standard frontage improvements. Under the authorities of the Director of Transportation, PBOT created an alternative review committee for administrative reviews and remedies. This rule outlines the process for an alternative review.

II. Applicability

These rules apply to any person wishing to propose alternatives to frontage requirements imposed by PBOT.

III. Purpose

These rules establish decision-making, processing and fee requirements for the Public Works Alternative Review Committee (ARC).

IV. Definitions

Certain terms used in these rules are defined by Portland City Code (PCC) Chapters 17.04, 17.06 and 17.88.

V. Initial Submittal:

An applicant may request that the Public Works Alternative Review Committee (ARC) consider alternatives to the requirements imposed by PBOT. The ARC is composed of Public Works Permitting staff who will advise the PBOT Development Review Manager in making a decision. The decision is as delegated by the Director of Transportation. The review of a Public Works Alternative Review request will not always result in an immediate decision. The ARC may seek additional information from the applicant, provide advice to the applicant, seek additional information from other City Bureaus, or complete additional reviews before a final decision is made.

Final decisions of the ARC may be appealed to the Public Works Appeal Panel. Alternative Reviews are reviewed for approval by the Director of PBOT or their designee. Final decisions of the ARC expire one year from the date of the decision.

VI. Criteria for Accessing the Public Works Alternatives Process

A. The Public Works Alternative Review Committee may consider an alternative to standard right-of-way improvements. The alternative improvement shall provide the minimum relief necessary to accommodate the site condition while maximizing pedestrian circulation and access.

B. The applicant must demonstrate, including through the optional use of documentation listed in Section C below, that conditions exist similar but not limited to the following:

1. **Topography:** Standard improvements would be impractical due to topographical conditions. Examples of this would include an inability to meet the City's maximum allowed slope requirements and a need for substantial retaining walls to support the public improvement.
2. **Natural resource impacts:** Standard improvements would result in significant disturbance within an Environmental or Conservation Zone or would result in the removal of a significant natural resource, such as a tree, from the right-of-way or from the site.
3. **Site design impacts:** Dedication of property necessary to accommodate standard improvements would prevent compliance with zoning standards by reducing the dimensions of the lot. For a site that is located on a Civic and Neighborhood Main Street in a Pedestrian District and that requires more than 5 feet of property dedication to achieve the 15-foot sidewalk standard prescribed by Table B-3 of the Pedestrian Design Guide, the City will consider approval of a minimum 12-foot sidewalk.
4. **Existing conditions sufficiently similar to standard sidewalk configuration:** The existing sidewalk does not meet current City standards but is adequate to meet current and anticipated demand due to limited redevelopment potential of lots along the subject block. For example, the subject site may be the only remaining lot to be developed and the rest of the block is developed to its zoned capacity. This criterion only applies to sites located on an improved sidewalk corridor.
5. **Public infrastructure impacts:** Standard improvements would result in a conflict with existing public infrastructure or applicable infrastructure clearance requirements.

C. The following are acceptable forms of documentation for supporting requests for alternative frontage improvements. It is recommended that the documentation be created or reviewed by an appropriate expert in the field (e.g., arborist for tree considerations, geotechnical engineer for topography considerations, etc.).

- Surveys demonstrating topographic constraints or other natural features that would be impacted by standard improvements
- Arborist reports or concept-level frontage design showing tree impacts
- Analysis of surrounding zoning, development pattern, and redevelopment opportunities
- Analysis, with support documentation from BDS, of zoning standards that cannot be met with the provision of standard improvements
- Surveys demonstrating conflict with existing public infrastructure necessitating relocation by the applicant
- Summary of inability to meet the requirements of Chapter 33.430 pertaining to environmental protection and conservation zones
- Analysis of neighborhood systems (e.g., stormwater, bike network, etc.) and the likely impact of the requested alternative on surrounding networks
- Photographs
- Site plan or illustrations of the proposed alternative, and a narrative in support of the request

VI. Fees

Fees for the ARC review are included in PBOT fee schedule updated annually.

VII. Submittal Requirements

A. Authorized Persons.

An ARC review may only be submitted by the owner of the property or by a developer or contractor who is authorized by the owner to submit an ARC review.

B. Application Requirements.

An applicant is solely responsible for all costs associated with an ARC review and cost associated with errors to submittals.

III. Code Reference

Title & Section 17.04, 17.06, 17.88

Pursuant to Rule Making Authority Title & Section 3.12