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MEMO

DATE: November 8, 2016
TO: Portland Planning and Sustainability Commission
FROM: Debbie Bischoff, Senior Planner
CC: Susan Anderson, Director, Joe Zehnder, Chief Planner and Sallie Edmunds, Planning Manager
SUBJECT: Addendum to Table H: Open Space and Development

BPS staff offer three minor amendments to Table H: Open Space and Development for Planning and Sustainability Commission review at the November 16, 2016 worksession. These changes incorporate minor amendments proposed in the BPS memo to the PSC dated July 19, 2016 into Table H topics.

H5 33.910.030 River-Related Definition

1. Under the Proposed Draft column, add a second paragraph that states: “Staff proposed revised commentary for this amendment in the July 19, 2016 memo to the PSC, along with code text deletions under B. deleting the words “for subregional travel” and “for regional travel”.
2. Revise the staff recommendation to: “Retain the majority of the Proposed Draft version with ~~one~~ two edits that 1) deletes cold food storage as river-related, and 2) Adds back draft language from the Proposed Draft that was deleted in the July 19, 2016 memo “for subregional travel” and “for regional travel”.

H6 33.475.215 Marine Passenger Docks

1. In Staff Recommendation 1., revise to the following: “Retain the majority of the Proposed Draft version including the purpose statement language submitted to the PSC in the July 19, 2016 memo with three amendments...”

H7 33.475 Nonconforming Uses and Development

1. Under Proposed Draft column, second paragraph, add at the end of the sentence “and commentary”. This sentence only referenced the proposed new code language in 33.475 River Overlay Zones and that is similar to language from 33.440 Greenway Overlay Zones.
2. In Staff Recommendation 1., “Retain the Proposed Draft code and commentary amendment submitted to the PSC on July 19, 2016 with one amendment...”



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H5 33.910.030 River-Related Definition

33.910.030 Definitions

River-Related. A use or development ~~which that~~ is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. ~~Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river related development. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river related development for the duration of the removal or remedial action.~~ The following are considered river-related development:

- ~~•~~ Recreational ~~Major public trails and~~
- ~~•~~ Viewpoints adjacent to the river are river related development.
- ~~•~~ Resource enhancement projects
- ~~•~~ Passenger waiting and queuing areas, security checkpoints, ~~cold food storage,~~ and machine shops associated with marine passenger docks for subregional travel and marine passenger terminals for regional travel
- ~~•~~ Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, ~~are river related development.~~
- ~~•~~ Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

H6 33.475.215 Marine Passenger Docks

COMMENTARY

33.475.215 Marine Passenger Docks and Marine Passenger Terminals

~~This proposal limits the net building area (5,000 square feet) for river-related development associated with marine passenger terminal within the river setback. Staff proposes that the river-related components of this development that are essential to the loading and unloading of passengers can fit in this footprint, especially queuing and security areas. Some amount of passenger waiting area (with seating) is appropriate, especially for seniors and folks with special needs. If a larger waiting area is needed, it can locate adjacent to the river setback. Staff looked at the queuing area at the Salmon Springs dock and the square footage for other related uses provided by an interested property owner to determine the square footage limitation. Limiting the footprint of this development in the river setback to essential river related development will help address other Willamette River goals and objectives including enhancing ecosystem functions such as flooding and habitat improvements.~~

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~~Staff will be providing the Planning and Sustainability Commission a purpose statement for this code section at the public hearing on July 26, 2016. This will allow an applicant who desires to request a modification or adjustment to the standard to have a purpose statement with which to demonstrate how their development proposal meets or exceeds the intent of the purpose statement.~~

As stated in 33.910.030, the river-related definition is updated to add certain uses and development associated with a marine passenger dock and a marine passenger terminal that's primary purpose is to load and unload passengers from marine vessels. Passenger waiting and queuing areas, security checkpoints, cold food storage and machine shops associated with marine passenger docks and marine passenger terminals can locate in the river setback

Section 33.475.215 limits the net building coverage to area (5,000 square feet) for river-related development associated with marine passenger terminal docks within the river setback. Allowed river-related development could be located in multiple stories as long as the building footprint within the river setback does not exceed 5,000 square feet. Staff looked at the queuing area at the Salmon Springs dock, the average square footages for similar uses associated with an aviation passenger terminal and the square footage for other related uses provided by an interested property owner to calculate the square footage limitation. The elements that are essential to the loading and unloading of passengers are the queuing and security areas (and thus river-related). Some amount of passenger waiting area (with seating) is appropriate within the setback, especially for seniors and those with special needs. If a larger waiting area is needed, it can locate contiguous to the river setback. Limiting the footprint of this development in the river setback to essential river-related development will help address other Willamette River goals and objectives including landscaping, public access, and enhancing ecosystem functions such as flooding and habitat improvements.

Note: New code language, not underlined for readability. Highlighted text reflects proposed amendments.

33.475.215 Marine Passenger Docks and Marine Passenger Terminals

- A. Purpose.** The standard to limit the built area of river-related development associated with marine passenger docks and marine passenger terminals in the river setback ensures that other goals of the Willamette River Greenway (Statewide Planning Goal 15) such as conservation, enhancement and maintenance of natural resources, recreation and public access, scenic and historic values can be met.

- B.** Passenger waiting and queuing areas, security checkpoints, ~~cold food storage~~ and machine shops associated with marine passenger docks for subregional travel and marine passenger terminals for regional travel are limited to a 5,000 square feet footprint within or riverward of the river setback.

H7 33.475.250 Nonconforming Uses and Development

Commentary

Note: New commentary section not underlined for ease of reading. Highlighted text reflects proposed amendments.

33.475.250 Nonconforming Uses and Development

What are nonconforming uses and development?

Nonconforming uses and development exist where a site met all the regulations at the time it was developed but do not meet the current regulations because of subsequent changes to the Zoning Code. For example, many parking lots were built before Portland required landscaping. Such development is "grandfathered in," meaning that it can remain as long as there are no changes to the site.

Chapter 33.440, *Greenway Overlay Zones*, includes a section that addresses nonconforming uses and development within the greenway setback. Staff proposes to replicate this standard in 33.475 for nonconforming uses and development in the Central Reach's river setback. The language allows nonconforming development to continue ~~and permits other nonconforming uses to occur if within the existing building footprint.~~ Expansion of the development may occur ~~within the existing building footprint~~ provided that it is not within or riverward of the river setback. This means that overhanging or cantilever structures like decks or bay windows are not allowed. These structures would bring the nonconforming development further out of compliance with river setback regulations. Development may change to allow river-dependent and river-related development by right, consistent with Statewide Planning Goal 15, Willamette River, and other zoning code regulations.

Note: New code language, not underlined for ease of reading. Highlighted text reflects proposed amendments.

33.475.250 Nonconforming Uses and Development

Nonconforming uses and development in the River General (g*) overlay zone is subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below and apply to development within or riverward of the river setback that is not river-dependent or river-related.

- A. The development may continue.
- B. The development may be changed to an allowed river-dependent or river-related development by right.
- C. The development may be changed to another nonconforming development if within a building if outdoors, it may not be changed to another nonconforming development.
- D. The development may be expanded, but not within or riverward of the river setback. Expansion includes adding additional floor area, unless expansion is limited to adding square footage within the boundary of the existing footprint.