



# RICAP 10

Regulatory Improvement Code  
Amendment Package 10

Planning Commission – February 27, 2024

**JP McNeil**  
Project Manager

**Shannon Buono**  
City Planner



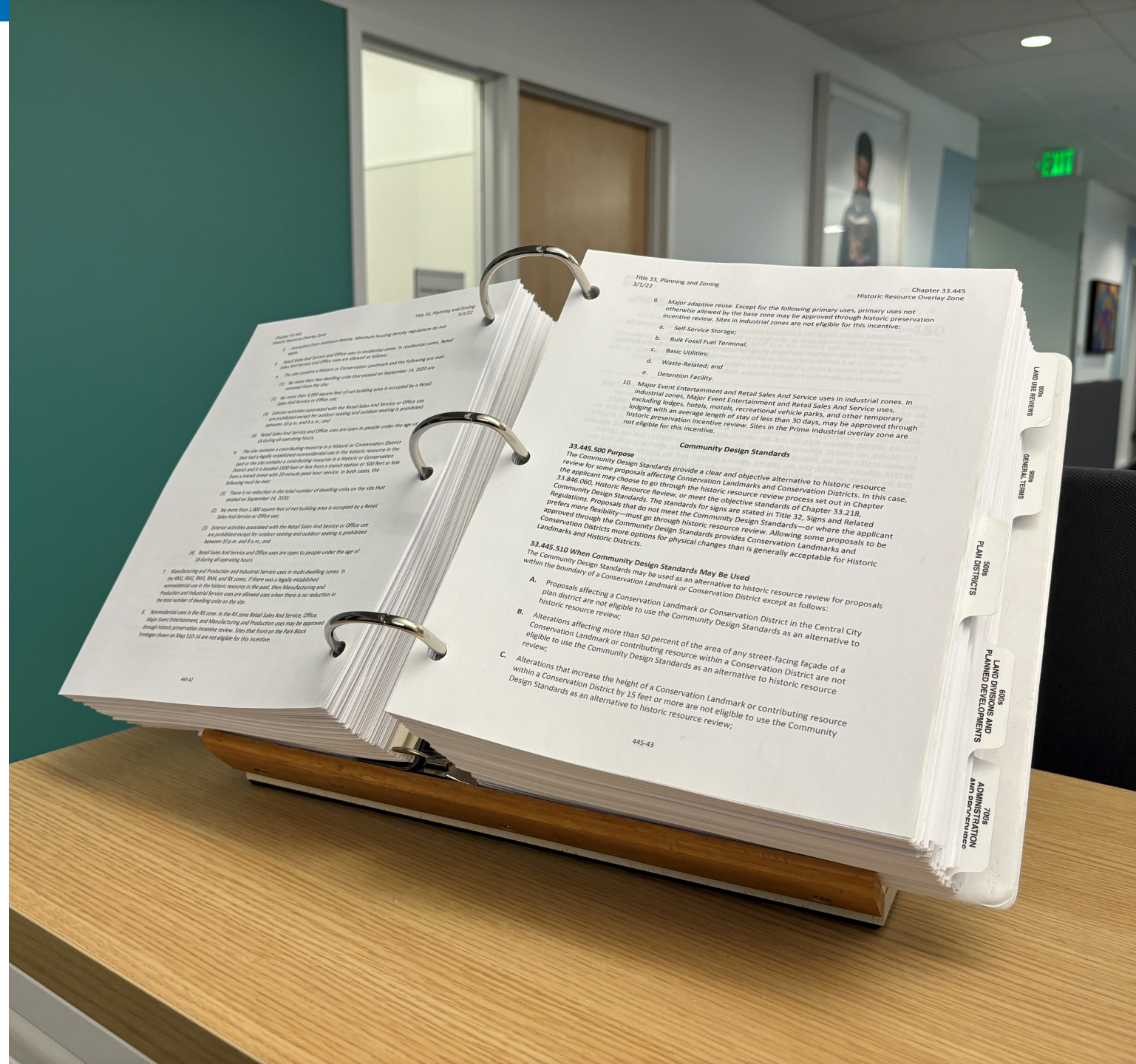
THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

Planning Commission | February 27, 2024

# Background



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**



**Title 33, Planning and Zoning 3/1/22** Chapter 33.445  
Historic Resource Overlay Zone

**Chapter 33.445**  
General Business Chapter Date

**33.445.000** Minimum housing density regulations do not apply.

**33.445.010** Retail Sales And Service and Office uses in residential zones. In residential zones, Retail Sales And Service and Office uses are allowed as follows:

- (1) The site contains a Historic or Conservation Landmark and the following are met:
  - (a) No more than four dwelling units that existed on September 14, 2020 are removed from the site.
  - (b) No more than 1,000 square feet of net building area is occupied by a Retail Sales And Service or Office use.
  - (c) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10:00 a.m. and 6:00 p.m.
  - (d) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
- (2) There is no reduction in the total number of dwelling units on the site that existed on September 14, 2020.
- (3) No more than 2,000 square feet of net building area is occupied by a Retail Sales And Service or Office use.
- (4) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10:00 a.m. and 6:00 p.m.
- (5) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.

**33.445.020** Manufacturing and Production and Industrial Service uses in multi-dwelling zones. In the RM, RM2, RM3, RM4, and RM5 zones, if there was a legally established residential use in the historic resource in the past, then Manufacturing and Production and Industrial Service uses are allowed uses when there is no reduction in the total number of dwelling units on the site.

**33.445.030** Recreational uses in the RM zone. In the RM zone, Retail Sales And Service, Office, Major Event Entertainment, and Manufacturing and Production uses may be approved through historic preservation incentive review. Sites that front on the Park Block laneway shown on Map 33.445-1A are not eligible for this incentive.

**33.445.500 Purpose**  
The Community Design Standards provide a clear and objective alternative to historic resource review for some proposals affecting Conservation Landmarks and Conservation Districts. In this case, the applicant may choose to go through the historic resource review process set out in Chapter 33.846.060, Historic Resource Review, or meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the objective standards of Chapter 33.218, Community Design Standards, are approved through the Community Design Standards—or where the applicant prefers more flexibility—must go through historic resource review. Allowing some proposals to be approved through the Community Design Standards provides Conservation Landmarks and Conservation Districts more options for physical changes than is generally acceptable for Historic Landmarks and Historic Districts.

**33.445.510 When Community Design Standards May Be Used**  
The Community Design Standards may be used as an alternative to historic resource review for proposals within the boundary of a Conservation Landmark or Conservation District except as follows:

- A. Proposals affecting a Conservation Landmark or Conservation District in the Central City plan district are not eligible to use the Community Design Standards as an alternative to historic resource review;
- B. Alterations affecting more than 50 percent of the area of any street-facing façade of a Conservation Landmark or contributing resource within a Conservation District are not eligible to use the Community Design Standards as an alternative to historic resource review;
- C. Alterations that increase the height of a Conservation Landmark or contributing resource within a Conservation District by 15 feet or more are not eligible to use the Community Design Standards as an alternative to historic resource review;

LAND USE REVIEW  
GENERAL TERMS  
5000  
5100  
5200  
5300  
5400  
5500  
5600  
5700  
5800  
5900  
6000  
6100  
6200  
6300  
6400  
6500  
6600  
6700  
6800  
6900  
7000  
7100  
7200  
7300  
7400  
7500  
7600  
7700  
7800  
7900  
8000  
8100  
8200  
8300  
8400  
8500  
8600  
8700  
8800  
8900  
9000  
9100  
9200  
9300  
9400  
9500  
9600  
9700  
9800  
9900  
10000

# Degree of Policy Changes

Major Policy	Medium Policy	Minor Policy
Central City 2035 Mixed Use Zoning Residential Infill Project Montgomery Park Plan	Electric-Vehicle Ready Project Parking Compliance Project Land Division Code Project	CLIP (pre-2000) Code Maintenance + Policy Packages (2000-2003) RICAP (2005-current)

# Single Permitting Authority – Budget Challenges and Gaps

## CUSTOMER SUPPORT

Ensure that customers start their permitting journey with the information and support they need for a successful and efficient permitting experience.

## DIGITAL SERVICES

Support existing technology applications and apply a user-centric approach to increase project outcomes, accurately identify problems, and increase customer satisfaction.

## REGULATORY COORDINATION AND CLEAN UP

Sustain a cohesive regulatory development and maintenance system with a feedback loop from those administering and enforcing regulations back to those developing policy and codes.

## BUSINESS PROCESS ANALYSIS

Complete an end-to-end system-wide evaluation of workflow and business operations to thoroughly understand the entire process with all involved teams to improve service timeliness, quality and predictability.

## FUNDING MODEL

Identify wholistic and diverse revenue that sustains consistent staffing and makes retaining and recruiting a skilled technical workforce attainable.

# Policy 10.4 Amending the Zoning Code

Amendments should...

## **10.4.a. Promote good planning:**

- Address existing and potential land use problems

## **10.4.b. Ensure good administration of land use regulations:**

- Keep regulations as simple as possible.

## **10.4.c. Strive to improve the code document:**

- Use clear language.
- Identify and act on regulatory improvement suggestions.

# What is RICAP?

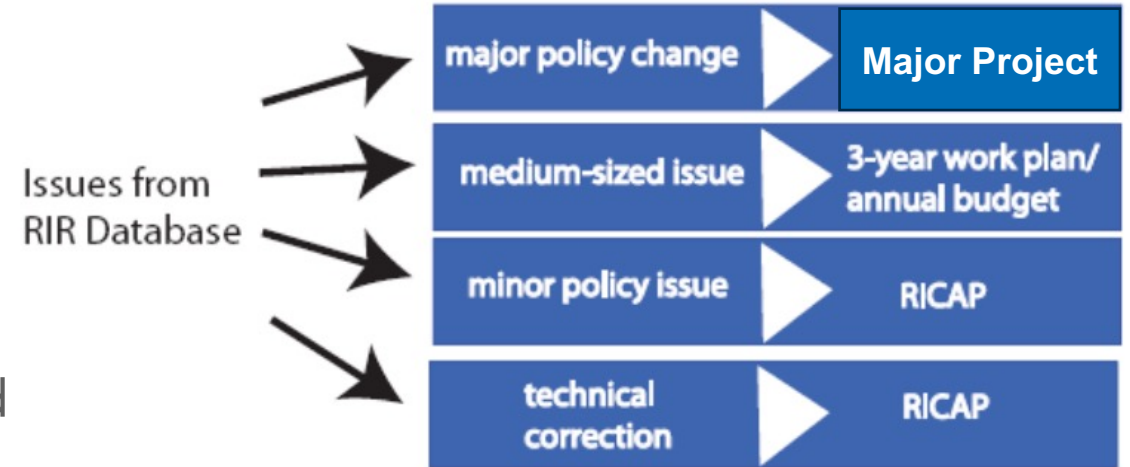
- **RICAP packages ease the regulatory burdens and make the code easier to understand and implement, while implementing the Comprehensive Plan.**
- **Ongoing program** to maintain the zoning code
- Amendments address a **variety of topics and geographies**, which are packaged together for efficiency
- Focus on **technical and minor policy changes** (medium and major policy requests are assigned to other projects)
- Work plan is based on items in an **online database** of amendment requests (currently has 450 items)
- Fair and transparent item **selection criteria**

# Types of Amendments

Type of Amendment	Description	Example
<b>Technical</b>	<p>Incorrect or outdated references</p> <p>Grammatical errors and inconsistencies</p> <p>Clarifications</p> <p>Code Conflicts</p>	#49 – Update references to state-regulated childcare facilities and clarify that they are not subject to home occupation regulations.
<b>Minor Policy</b>	Minor (slight) change to adopted policies.	#47 – Allow home occupations with employees/customers on a site with an accessory dwelling unit.
<b>Medium Policy</b>	Medium changes to adopted policies.	Idea – In multi-dwelling zones, expand the allowance of retail uses beyond sites that abut Civic and Neighborhood corridors.
<b>Major Policy</b>	Major (most important, most widespread, most consequential) change to adopted policy.	Idea – Allow retail uses in all residential zones.

# Selection Process

- Requests are submitted into a database
- Staff sorts the items by:
  - Mandated by federal, state or regional law
  - Type of amendments
- Technical amendments are added to RICAP
- Minor policy items are candidates for RICAP and are ranked using evaluation criteria.
- Work plan considers:
  - rank
  - whether another project is underway to address the issue
  - related items to create a bundle/theme
  - resources needed to address the issue





# RICAP Selection Criteria

1. Variety of stakeholders
2. Geographic applicability
3. Degree of impact
4. Regulatory Improvement

## Regulatory Improvement Workplan



Regulatory  
Improvement  
Code Amendment  
Package 8  
(RICAP 8)

Proposed Workplan  
April 2015



# Legislative Process

Anticipated Time Frame – 1 to 3 Years

## Public Outreach (possible events)

- Kick-off Open House
- Announcements in Local Media
- Visioning Workshops
- Neighborhood Walks
- Brochures
- Urban Design Workshop
- Contacting Stakeholder Organizations and Leaders
- Surveys
- Community Meetings
- Mailings



code-dev\_legislative\_process 10/06/10



# Public Involvement Summary

## **Workplan Phase**

- Visits to Development Review Advisory Committee (DRAC) and the DRAC Policy Subcommittee
- Workplan published July 2023

## **Discussion Draft Phase**

- Discussion Draft published for public comment November 1, 2023
- Presented to : NPNS, SEUL, SWCS
- Five written public comments submitted

## **Proposed Draft and Planning Commission Phase**

- Proposed Draft published January 31, 2024
- Presented to: Design Commission, Landmarks Commission, DRAC
- Five pieces of written testimony submitted
- One oral testifiers registered



# What's in RICAP 10



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**

# RICAP 10

## Project focus

- 83 Zoning Code amendments
- Amendments fall into groups:
  - Housing
  - Economic development
  - Regulatory reduction

# RICAP 10

## Minor policy changes and technical amendments

	Minor Policy Change	Technical Amendment
<b>Housing Related</b>		
Ground floor items	1	10
Design Overlay Zone	4	9
Historic Resources	2	5
<b>Economic Development</b>		
Central City	3	12
Home occupation	5	0
Temporary activities	4	1
<b>Regulatory reduction</b>		
State/local compliance	0	4
Land use review process	2	0
Miscellaneous regulatory clean-up	8	13
<b>Total</b>	<b>29</b>	<b>54</b>





# Housing Items

**Ground floor:** Easier to use development standards for homeowners and developers

**Design Overlay Zone:** Adding flexibility in the “d’ overlay

**Historic resources:** Easier to implement rules for historic resources





# Housing Items

- **#1 – Street-facing dormer walls:** Exempt the side wall of dormers from the street-facing façade requirements.
- **#4 – Windows in street facing facades:** Exempt accessory structures from the street-facing façade window requirements.
- **#8 – Windows in the EZ Zone:** Rename to “Windows in the EX Zone” and add 15% glazing to entire façade (with Item #40).
- **#11 – Gateway PD Ped standards:** Clarify landscaped/hardscaped areas along enhanced pedestrian streets.
- **#24 – Design Review thresholds for the Central City:** Add a design review threshold for “all other development not listed above” for the Central City.
- **#30 – Historic resources overlay exemption – window replacement in districts:** Expands the window replacement exemption in historic districts to noncontributing buildings 5 or more years old in all zones and allows the replacement windows to be fiberglass.







# Economic Development Items

**Central City:** Clarifies and eases some regulations in the Central City Plan District

**Home occupation:** Provides flexibility for running small home businesses

**Temporary construction activities:** Provides flexibility for builders during construction





# Economic Development

- **#33 - Minimum FAR:** Exempt Basic Utilities from minimum FAR standard
- **#40 - Windows above the ground floor:** Simplify the windows standard that applies in the Central City
- **#44 – Maximum parking ratios:** Establishing a maximum parking ratio for both types of residential use
- **#47 & 48 Home occupations:**
  - Allow ADUs on sites with a Type B home occupation and vice versa
  - Expand home business opportunities by increasing number of customers and employees allowed
- **#50 & 51 Accessory short-term rentals (ASTRs):**
  - Clarify that short-term rentals with 3 or more bedrooms are Retail Sales and Service uses in C, E, and I zones.
  - Add or clarify standards to facilitate enforcement of ASTR regs.



# Windows above the ground floor

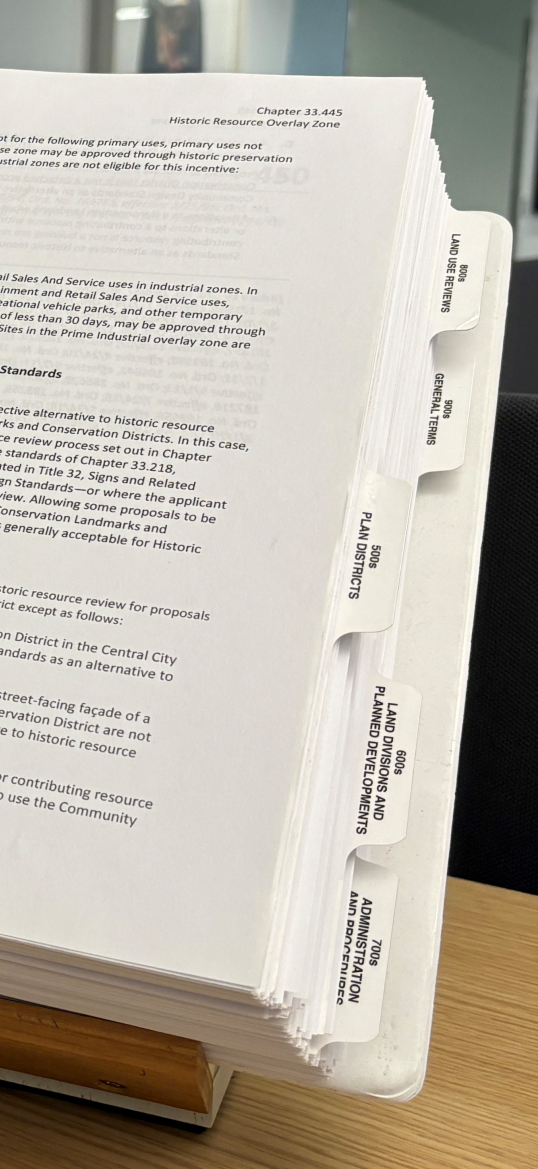
## Current standards

Base Zones		Central City Plan District
CX &RX	EX	EX
15% of facade	No requirement	15% of upper floors and limited application

## Proposed standards

Base Zones		Central City Plan District
CX &RX	EX	EX
15% of facade	15% of facade	15% of facade





# Regulatory Reduction Items

**State compliance:** Aligns the zoning code with new laws to eliminate confusion

**Land use review process:** Gives flexibility to property owners and developers responding to changing market conditions

**Miscellaneous regulatory:** Cleans up, provides consistency, and eliminates outdated code





# Regulatory Reduction

- **Item #66 – Cottage cluster setback exemption in the Eastern Pattern Area:** Exempt cottage clusters from Eastern Pattern Area special setbacks.
- **# 77 – River Environmental overlay zone ROW exemption :** Allow any type of improvement within a developed public right-of-way to be exempt from the river environmental overlay zone regulations. Currently, only street and sidewalk improvements are exempt.
- **Item #82 – Conditional Use review triggers with allowed uses:** Clarify when Conditional Use review is required on sites with both allowed uses and conditional uses.



# Proposal

**Staff proposes that the Planning Commission recommend to City Council to:**

- **Adopt this report.**
- **Amend Title 33, Planning and Zoning, as listed in the Proposed Draft.** The amendments include minor policy changes and technical clarifications to land use regulations.
- **Amend Policy 2.20 of the 2035 Comprehensive Plan.** Related to Items #80 and #83 to dissolve the Adjustment Committee.
- **Amend the Zoning Map to remove the Special Street Setbacks** along the six streets identified on the map included with Item #75.
- **Repeal six ordinances related to Special Street Setbacks** (Ordinances 148846, 152147, 95283 148449, 110507, and 151240). This action is related to Item #75.



# RICAP 10 timeline

**Fall/Winter 2022:**

Project scoping

**Spring 2023:**

Project launch

**Summer 2023:**

Draft amendments

**Fall 2023:**

Discussion Draft and public outreach



**Winter/Spring 2024:**

Planning Commission hearings – 2/27/2024

City Council hearings

**October 1, 2024:**

Effective



# More about RICAP 10

**[portland.gov/ricap10](https://portland.gov/ricap10)**

*Track the project, read the proposed code changes, sign up for email updates*

**JP McNeil**

503-823-6046

[jason.mcneil@portlandoregon.gov](mailto:jason.mcneil@portlandoregon.gov)



THE BUREAU OF  
**PLANNING &  
SUSTAINABILITY**





# THE BUREAU OF **PLANNING** & **SUSTAINABILITY**

**VISIT US ONLINE** [portland.gov/bps](https://portland.gov/bps)

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311, Relay: 711.

Traducción e Interpretación | Biên Dịch và Thông Dịch | अनुवादन तथा व्याख्या | 口笔译服务 |  
Устный и письменный перевод | Turjumaad iyo Fasiraad | Письмовий і усний переклад |  
Traducere și interpretariat | Chiaku me Awewen Kapas | 翻訳または通訳 | ການແປພາສາ ຫຼື ການ  
ອະທິບາຍ | الترجمة التحريرية أو الشفهية | [Portland.gov/bps/accommodation](https://portland.gov/bps/accommodation)

