

November 20, 2008

Mayor Tom Potter and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Re: Regulatory Improvement Code Amendment Package 4 (RICAP 4)

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendation on the Regulatory Improvement Code Amendment Package 4 (RICAP 4). This package is the latest project of the Regulatory Improvement Workplan (RIW) and contains amendments to the Zoning Code to address 46 issues. These amendments include technical and minor policy changes. The items were taken from a workplan we approved in July, 2007.

On October 28, 2008, the Commission voted unanimously to recommend adoption of the *Regulatory Improvement Code Amendment Package 4 Recommended Draft*. The package satisfies the original goal of the Regulatory Improvement Workplan to clarify provisions of City Code and eliminate regulations that are hindering desirable development.

The amendments in RICAP 4 will improve regulations that address several issues. They include:

- *Amendments to land division regulations:* Several amendments address regulations for land divisions. These amendments include revised requirements for the creation of flag lots, narrow lots and planned developments; new design requirements for development on corner lots; new regulations addressing alleys; and changes to how the City measures lot width in single-dwelling zones. Many of these amendments are in response to issues raised by the Land Division Monitoring Report. This report was presented to the Planning Commission in May, 2007, by the Bureau of Development Services and the Planning Bureau. In 2002, when City Council adopted a new land division code, you also asked City bureaus to monitor how well they worked, and report back with necessary refinements. This collection of amendments is the end result of that direction. The Commission supports an adaptive management approach to regulations, and this is a good example of that approach.
- *Amendments to conform to Metro's Urban Growth Management Functional Plan:* Several amendments to the zoning code will bring the city's regulations into compliance with Metro's goals limiting non-industrial uses in industrial and employment areas. These amendments strengthen the City's industrial sanctuary policy, which helps the City maintain an adequate supply of land to retain and attract industrial employers.



- *Amendments to address manufactured homes:* These amendments affect manufactured homes and manufactured dwelling parks and are designed to bring the city's regulations into compliance with state law.
- *Miscellaneous amendments:* There are several amendments that have a minor effect on current regulations, including those affecting open area requirements in the Gateway plan district, changes to the Laurelhurst and Eastmoreland plan district boundaries, and modifications to tree protection requirements.
- *Division Street retail limits:* This item was added by the Planning Commission after we heard testimony from a property owner and neighborhood and business associations at the hearing on the RICAP 5 Workplan. There was a sense of urgency to the request, as those testifying felt the current standards were contributing to the vacancy of the old Natures/Wild Oats supermarket building, causing deterioration of the neighborhood. At that hearing, we directed staff to bring back a solution as part of the RICAP 4 proposed code amendments. This amendment changes some of the size limits on retail uses to allow more flexibility in retrofitting existing buildings.

Most of the testimony at the two Planning Commission hearings on RICAP 4 (October 14th and 28th) was on the proposal to amend the Division Street retail limits. We heard a considerable amount of testimony both in favor and in opposition of the proposed amendments. However, we felt that the neighborhood's proposal to waive the limitation only within existing buildings on floors other than the ground floor was the best compromise in retaining desired neighborhood character while increasing flexibility to redevelop and re-use vacant buildings. This option allows greater flexibility to reuse the older buildings while maintaining a streetscape that features smaller storefronts. This is the proposal we have forwarded to the City Council.

Recommendations

The Portland Planning Commission recommends that City Council take the following actions:

1. Adopt the *Regulatory Improvement Code Amendment Package 4 Recommended Draft*;
2. Amend the Zoning Code as shown in the *Recommended Draft*; and
3. Direct the Bureau of Planning to monitor the effect of these amendments as part of their overall monitoring program.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,

Amy Cortese, Vice President
Portland Planning Commission

