



Regulatory Improvement Code Amendment Package 7

RICAP 7

Planning and Sustainability
Commission Hearing

April 28, 2014



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.



Public Involvement

Published Public *Discussion Draft* on January 5, 2015

7 week review and comment period:

- Public notice and project website
- Met with coalitions, neighborhoods, DRAC and Citywide Land Use Group
- UFC, HLC and DZ Commission briefings
- Public open house
- Spoke to nearly 200 people

Published *Proposed Draft* on April 1, 2015



Amendment Categories



REGULATORY IMPROVEMENT CODE AMENDMENT PACKAGE 7 Proposed Draft – April 2015

Item Number and Topic	Amendments Under Consideration
Minor Changes to Current Policy	
1 Design review	Allow Type II procedure for limited changes to projects approved through a Type III design review.
2 Application submittal	Clarify application submittal requirements for land use review submittal.
3 Floor area	Clarify size area restrictions for limited uses in base zones.
5 Height measurement	Clarify height measurement for sloped (i.e. shed form) roofs.
Technical Items, Clarifications and Corrections	
8 – 9 Open space zone standards	Clarify applicable development standards in open space zones for institutions and conditional uses.
10 Transitional sites	Update standards for overall clarity and consistency for residentially zoned sites abutting commercial zones.
11 Stepped retaining walls	Provide an exception from retaining wall standards for steeply sloped front yards.
12 Recycling areas	Add recycling area requirement reference for non-single-family residential development in single-family and open space zones.
13 Amenity bonus for play equipment	Replace Parks Bureau approval with ASTM industry standard for playground equipment.
14 Eaves in reduced setbacks	Allow 1-foot eaves within legal 3-foot setbacks in multidwelling zones.
15 Height exceptions	Clarify height exceptions for chimneys, shafts and rooftop.
16 – 17 Residential landscape buffers	Clarify allowed proportions into setbacks and required width of landscape buffer between setbacks.
18 Family daycare	Make zoning code terminology consistent with state regulations.
19 Drive-through facilities	Clarify lane to be from lane entrance, not curb cut.
20 Elderly housing	Remove reference to obsolete project coordinator position and refer interior design standards to current accessible design standards in the building code.
21 Landscape standards	Remove landscape hierarchy, establish standards as minimums.
22 Nonconforming expansions	Correct figures 258-1 and 258-2 to match code requirement for nonconforming situations.
23 Nonconforming upgrades	Clarify method for excluding energy efficiency costs from nonconforming upgrade threshold.
24 Parking for conditional uses	Allow the conditional use review to alternatively establish the parking requirements.
25 Garage setback in multidwelling zones	Resolve inconsistent setback requirement for garages between the parking chapter (18 feet) and multidwelling base zones (<5 feet or >18 feet).
26 Mass shelters	Remove reference to obsolete certification process.
27 Buffer overlay fences in setback	Add an exception to allow fences in the buffer setback when the development is entirely residential.

Minor Policy Items

Technical Items, Clarifications, and Corrections

Item Number and Topic	Amendments Under Consideration
28, 29, 30 Design Review exemptions	Clarify when painting is exempt. Clarify radio frequency equipment exemption. Clarify solar exemption for flat roofs.
31 Community Design Standards	Clarify threshold limits for allowed changes to the building façade before Design Review is required in lieu of meeting Community Design Standards.
32 Environmental regulations	Clarify use of term modifications as applied to environmental standards vs base zone development standards.
34 Main Street Overlay	Clarify which sites are subject to the main street corridor and node overlay regulations.
35 – 36 Scenic Resources	Clarify how regulations apply in right of way. Clarify tree removal exemption for trees that are not in the right of way.
38 – 39 NW Hills/Linnton	Clarify how regulations apply in right of way and update zoning code to align with more recent base zone regulations.
40 Airport	Clarify how regulations apply in right of way and update zoning code to align with more recent base zone regulations.
41 Building permits	Clarify overly broad statement regarding when a building permit is required.
42 Neighborhood contact	Clarify how regulations apply in right of way and update zoning code to align with more recent base zone regulations.
43 Design Review	Clarify design and historic resource review thresholds for alteration value, e.g. exclude interior work.
44 Historic Guidelines	Correct reference to the appropriate review guidelines for Central City historic areas.
45 Definitions	Restructure chapter – ungroup topic related terms.
46 Building permit reference for fences (add)	Remove reference to building permit requirement for fences over 6 feet in height from the base zone regulations.
47 Adjustment criteria (add)	Remove reference to additional ground floor window requirements from adjustment criteria, consistent with changes from RICAP 6.
No Amendment	
4 Household living	No amendment proposed. Issue considered clarifying limits for non-family members.
6 Height measurement	This research paper will be incorporated into a separate regulatory project examining issues including building height.
7 Ladd's Addition Historic Guidelines	These amendments will be presented with an updated street tree list and update project review process.
33 Historic Review	No amendment proposed. Issue considered clarifying a historic review trigger for alterations done through the state Structural Minor Label program.
37 Marquam Hill	No amendment proposed. Issue involved clarifying open area requirements for non-institutional development in Marquam Hill plan district.

Technical Items, Clarifications, and Corrections

Non-Amendments

Project Timeline

PSC Hearing April 28, 2015	City Council Hearing June 2015
Recommended Draft May 2015	Regulations Effective July 2015

For more information or questions, contact Morgan Tracy, email: Morgan.Tracy@portlandoregon.gov or call 503-823-6879.

www.portlandoregon.gov/bps/ricap

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Minor policy items

1. Modify existing policy, don't create new policy
2. Change from original intent
3. Amendments address:
 - Changes in legislation
 - Evolving community needs or desires
 - Innovations in development or technology

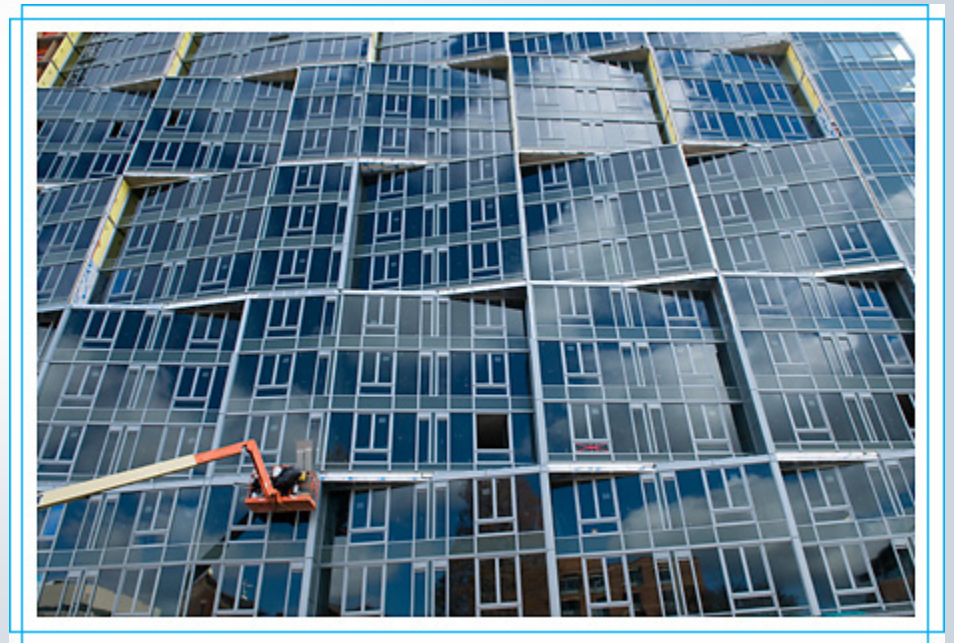


Minor policy items

1. Minor changes to approved design review

Amendments allow for a Type II (vs. Type III) procedure for “minor revisions”:

- Prior approval not expired
- Construction not completed
- Conditions of prior approval still apply
- Revision will not result in an 15% increase or decrease from original project value.



Minor policy items

2. Preapplication Conference

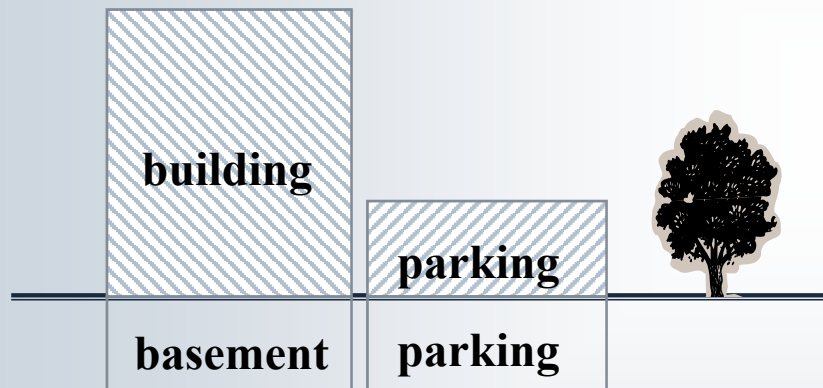
Amendments require that the preapplication conference must be held prior to submitting the land use review application



Minor policy items

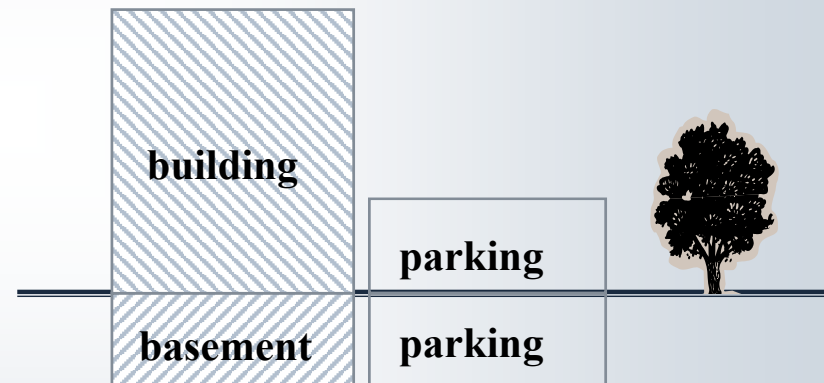
3. Measuring Limited Uses

These amendments clarify that below ground area is included when counting the area of limited land uses.



“Floor Area”

Building area above ground, including above ground structured parking



“Net Building Area”

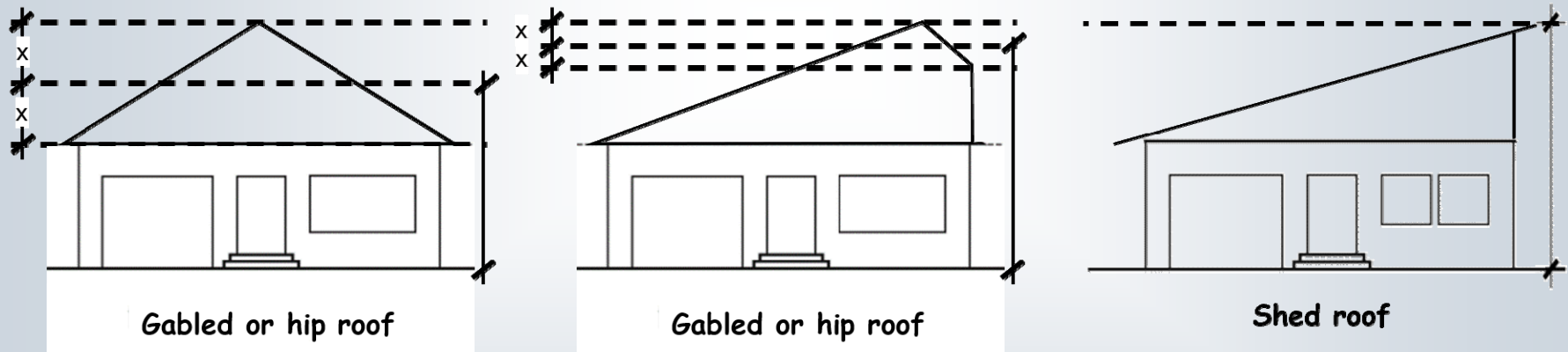
Building area above and below ground, but excluding any structured parking



Minor policy items

5. Measuring shed roof height

These amendments clarify that shed roofs that are not gables, are measured to the peak instead of the midpoint



Amendment Categories



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2 Application submittals	Clarify when a project requires a design review submittal.
3 Floor area	Clarify size area restrictions for limited uses in base zones.
5 Height measurement	Clarify height measurement for sloped (i.e. shed form) roofs.
Technical Items, Clarifications and Corrections	
8 – 9 Open space zone standards	Clarify applicable development standards in open space zones for institutions and conditional uses.
10 Transitional sites	Update standards for overall clarity and consistency for residentially zoned sites abutting commercial zones.
11 Stepped retaining walls	Provide an exception from retaining wall standards for steeply sloped front yards.
12 Recycling areas	Add recycling area requirement reference for non-single-family residential development in single-family and open space zones.
13 Amenity bonus for play equipment	Replace Parks Bureau approval with ASTM industry standard for playground equipment.
14 Eaves in reduced setbacks	Allow 1-foot eaves within legal 3-foot setbacks in multidwelling zones.
15 Height exceptions	Clarify height exceptions for setbacks and rooftop.
16 – 17 Residential landscape buffers	Clarify allowed projections into setbacks and required width of landscape buffer between setbacks.
18 Family daycare	Make zoning code terminology consistent with state regulations.
19 Drive-through facilities	Clarify lane to be from lane entrance, not curb cut.
20 Elderly housing	Remove reference to obsolete project coordinator position and refer interior design standards to current accessible design standards in the building code.
21 Landscape standards	Remove landscape hierarchy, establish standards as minimums.
22 Nonconforming expansions	Correct figures 258-1 and 258-2 to match code requirement for nonconforming situations.
23 Nonconforming upgrades	Clarify method for excluding energy efficiency costs from nonconforming upgrade threshold.
24 Parking for conditional uses	Allow the conditional use review to alternatively establish the parking requirements.
25 Garage setback in multidwelling zones	Resolve inconsistent setback requirement for garages between the parking chapter (18 feet) and multidwelling base zones (<5 feet or >18 feet).
26 Mass shelters	Remove reference to obsolete certification process.
27 Buffer overlay fences in setback	Add an exception to allow fences in the buffer setback when the development is entirely residential.

1. Minor Policy Items

2. Technical Items, Clarifications, and Corrections

Item Number and Topic	Amendments Under Consideration
28, 29, 30 Design Review exemptions	Clarify when painting is exempt. Clarify radio frequency equipment exemption. Clarify solar exemption for flat roofs.
31 Community Design Standards	Clarify threshold limits for allowed changes to the building façade before Design Review is required in lieu of meeting Community Design Standards.
32 Environmental regulations	Clarify use of term modifications as applied to environmental standards vs base zone development standards.
34 Main Street Overlay	Clarify which sites are subject to the main street corridor and node overlay regulations.
35 – 36 Scenic Resources	Clarify how regulations apply in right of way. Clarify tree removal exemption for scenic resources.
38 – 39 NW Hills/Linnton	Clarify how regulations apply in right of way to align with more recent base zone regulations.
40 Airport	Clarify how regulations apply in right of way.
41 Building permits	Clarify overly broad statement regarding when a building permit is required.
42 Neighborhood contact	Clarify how regulations apply in right of way.
43 Design Review	Clarify design and historic resource review thresholds for alteration value, e.g. exclude interior work.
44 Historic Guidelines	Correct reference to the appropriate review guidelines for Central City historic areas.
45 Definitions	Restructure chapter – ungroup topic related terms.
46 Building permit reference for fences (add)	Remove reference to building permit requirement for fences over 6 feet in height from the base zone regulations.
47 Adjustment criteria (add)	Remove reference to additional ground floor window requirements from adjustment criteria, consistent with changes from RICAP 6.
No Amendment	
4 Household living	No amendment proposed. Issue considered clarifying limits for non-family members.
6 Height measurement	This research paper will be incorporated into a separate regulatory project examining issues including building height.
7 Ladd's Addition Historic Guidelines	These amendments will be presented with an updated street tree list and update the guidelines as needed.
33 Historic Review	No amendment proposed. Issue considered clarifying a historic review trigger for alterations done through the state Structural Minor Label program.
37 Marquam Hill	No amendment proposed. Issue involved clarifying open area requirements for non-institutional development in Marquam Hill plan district.

2. Technical Items, Clarifications, and Corrections

3. Non - Amendments

Project Timeline

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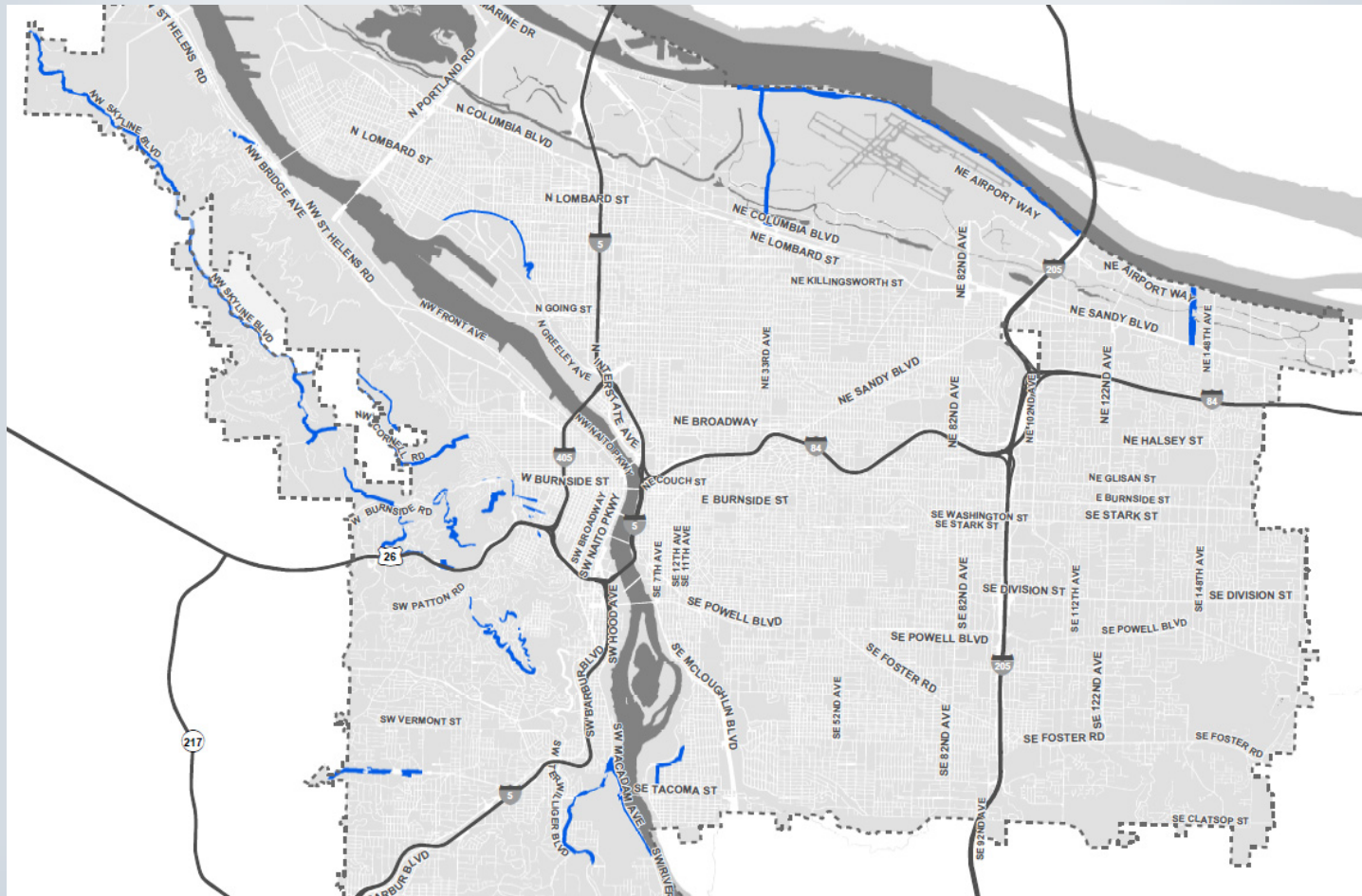
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Items 35 and 36: Scenic Corridor



Technical Items #35, 36

Tree size threshold in rights-of-way in the scenic overlay

- Current requirement:
 - Not addressed
- Proposed Draft language:
 - **Any size** up to and including 12” = replant
 - Greater than 12” = tree review
- Revision:
 - **6”** up to and including 12” = replant
 - Greater than 12” = tree review



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Minor Changes to Current Policy	
1 Design review	Allow Type II procedure for limited changes to projects approved through a Type III design review.
2 Application submittals	Require pre-application conference to be held prior to land use review submittal.
3 Floor area	Clarify size area restrictions for limited uses in base zones.
5 Height measurement	Clarify height measurement for sloped (i.e. shed form) roofs.
Technical Items, Clarifications and Corrections	
8 – 9 Open space zone standards	Clarify applicable development standards in open space zones for institutions and conditional uses.
10 Transitional sites	Update standards for overall clarity and consistency for residentially zoned sites abutting commercial zones.
11 Stepped retaining walls	Provide an exception from retaining wall standards for steeply sloped front yards.
12 Recycling areas	Add recycling area requirement reference for non-single-family residential development in single-family and open space zones.
13 Amenity bonus for play equipment	Replace Parks Bureau approval with ASTM industry standard for playground equipment.
14 Eaves in reduced setbacks	Allow 1-foot eaves within legal 3-foot setbacks in multidwelling zones.
15 Height exceptions	Clarify application of height exception for elevator shafts and rooftop mechanical equipment.
16 – 17 Residential landscape buffer	Clarify allowed projections into setbacks and required width of landscape buffer between non-residential zones and residential zones.
18 Family daycare	Make zoning code terminology consistent with state regulations.
19 Drive-through facilities	Change measurement of required stacking lane to be from lane entrance, not curb cut.
20 Elderly housing	Remove reference to obsolete project coordinator position and refer interior design standards to current accessible design standards in the building code.
21 Landscape standards	Remove landscape hierarchy, establish standards as minimums.
22 Nonconforming expansions	Correct figures 258-1 and 258-2 to match code requirement for nonconforming situations.
23 Nonconforming upgrades	Clarify method for excluding energy efficiency costs from nonconforming upgrade threshold.
24 Parking for conditional uses	Allow the conditional use review to alternatively establish the parking requirements.
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32 Environmental regulations	Clarify use of term modifications as applied to environmental standards vs base zone development standards.
34 Main Street Overlay	Clarify which sites are subject to the main street corridor and node overlay regulations.
35 – 36 Scenic Resources	Clarify how regulations apply in right of way. Clarify tree removal exemption for 12-inch diameter trees.
38 – 39 NW Hills/Linnton	Update lot confirmation and lot dimension methodology to align with more recent base zone regulations.
40 Airport	Remove duplicate standard for woodland conversion.
41 Building permits	Clarify overly broad statement regarding when a building permit is required.
42 Neighborhood contact	Set 1-year expiration for neighborhood contact.
43 Design Review	Clarify design and historic resource review thresholds for alteration value, e.g. exclude interior work.
44 Historic Guidelines	Correct reference to the appropriate review guidelines for Central City historic areas.
45 Definitions	Restructure chapter – ungroup topic related terms.
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33 Historic Review	No amendment proposed. Issue considered clarifying a historic review trigger for alterations done through the state Structural Minor Label program.
37 Marquam Hill	No amendment proposed. Issue involved clarifying open area requirements for non-institutional development in Marquam Hill plan district.

3. Non - Amendments

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RICAP 7 – Staff Recommendation

Approve RICAP 7 as follows:

- Amend the Proposed Draft per April 28, 2015 Memo;
- Recommend that City Council adopt the Proposed Draft, as amended; and
- Amend the Zoning Code as shown in the Draft, as amended.





Item #30: Solar design exemption

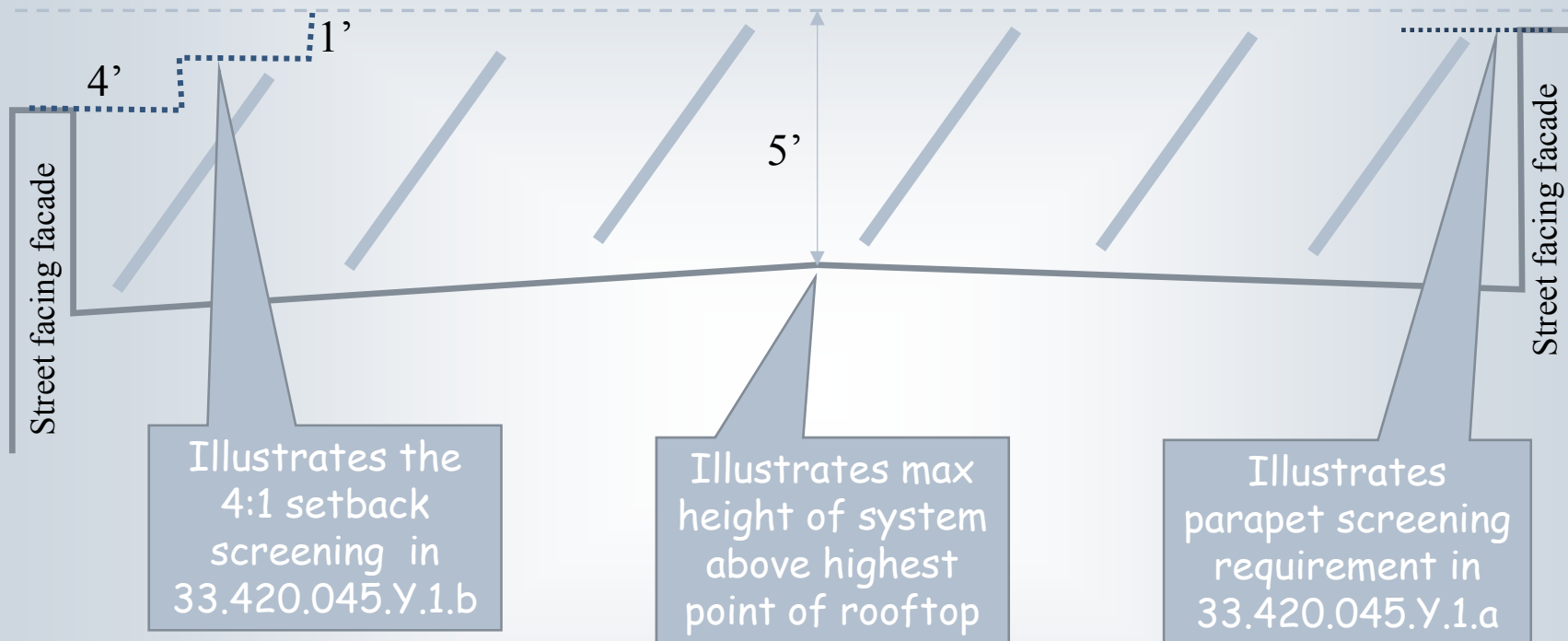


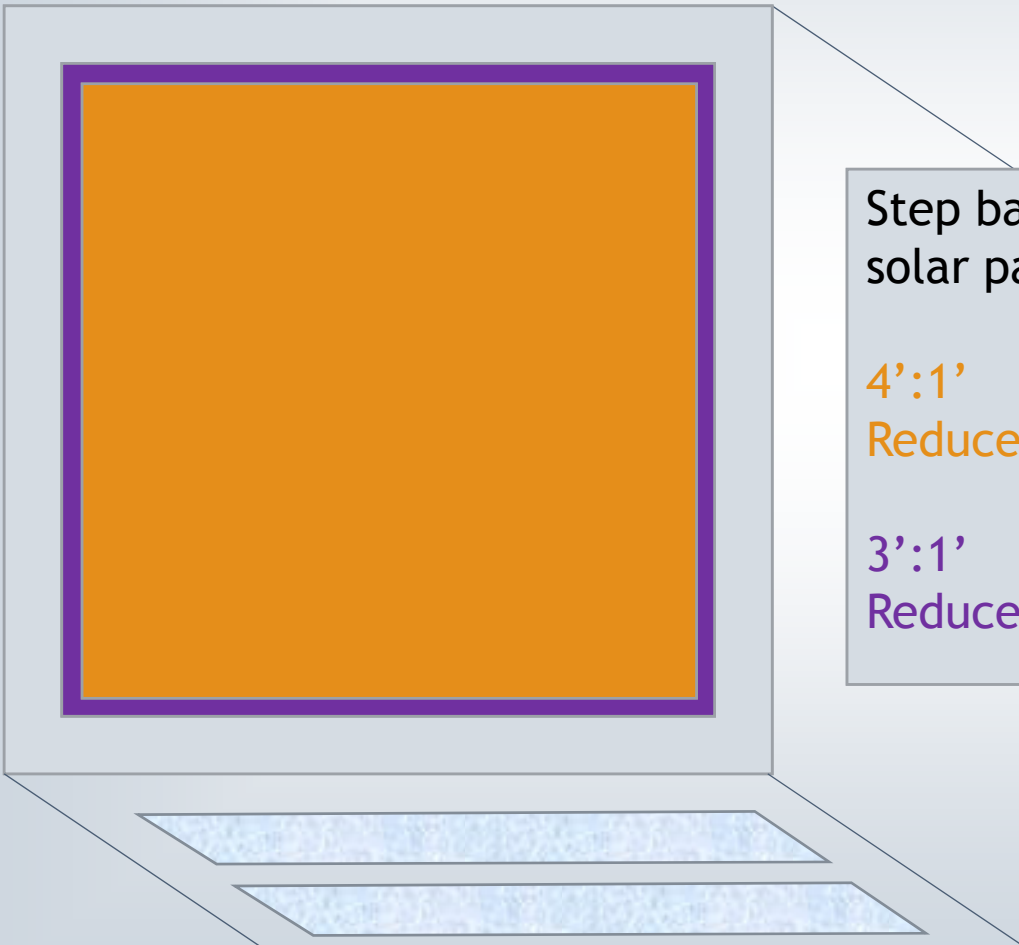
Illustration showing cross section of flat roof and solar panels



Item #30: Solar design exemption

200'

200'



Step back comparison for a 5' tall solar panel on a full block site:

4':1'

Reduces full block roof area by 36%

3':1'

Reduces full block roof area by 28%

Illustration showing plan view of flat roof

