



Regulatory Improvement Code Amendment Package 7

RICAP 7

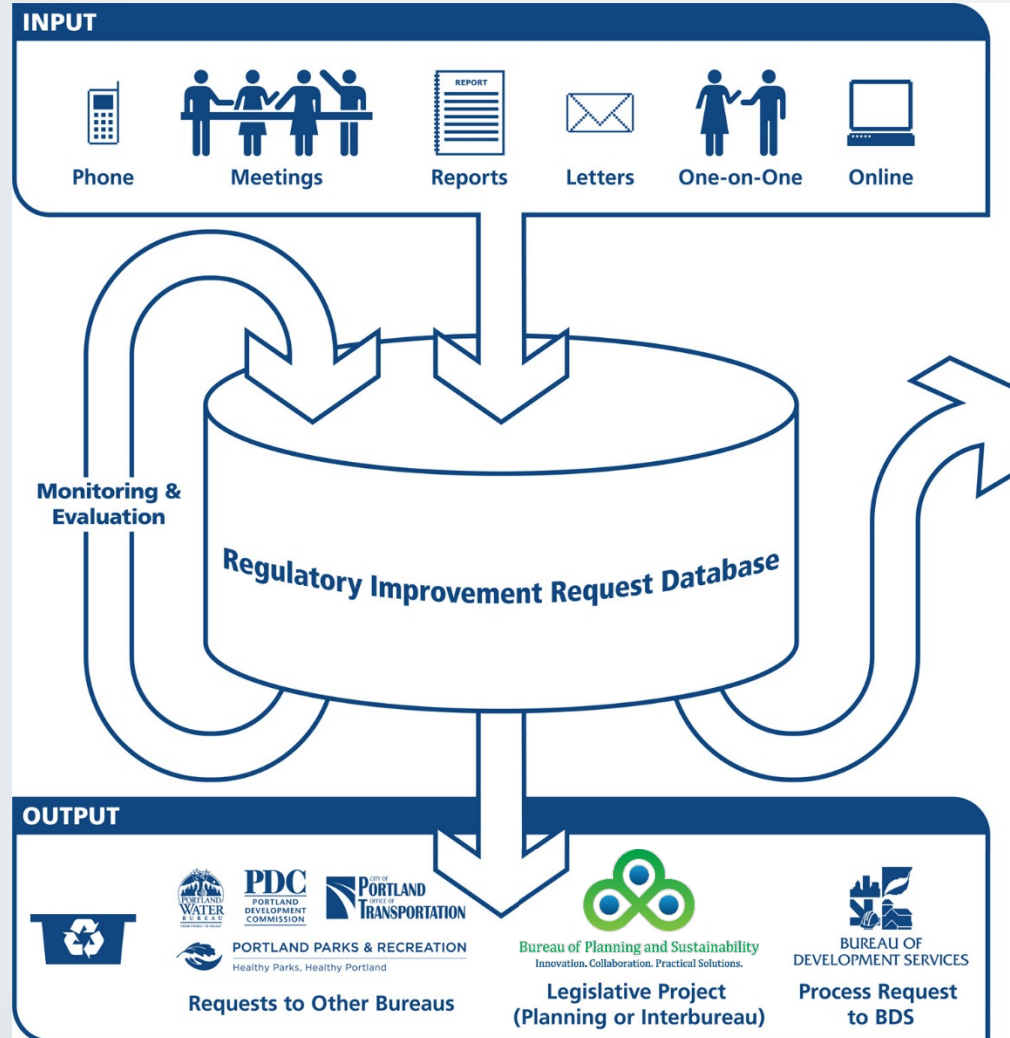
Portland City Council Hearing
June 17, 2015



Bureau of Planning and Sustainability
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Regulatory Improvement- Identification Process



Technical and minor policy requests (RICAPs)

RICAP Projects

- Amendments:
 - address a variety of topics and geographies
 - limited in scope (minor policy/technical)
 - not part of new Comp Plan Implementation
- Packaged for efficiency
- On an annual cycle

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



Bureau of Planning and Sustainability
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City of Portland, Oregon
Charlie Hulse-Wyler, Senior Advisor, Director



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 *Recommended Draft* on June 1, 2015

Planning and Sustainability Commission's Recommendation

- The Commission held a public hearing on April 28th
 - Included one additional minor clarification.
 - Voted 9-0 to recommend approval of RICAP 7.

Amendment Categories



REGULATORY IMPROVEMENT CODE AMENDMENT PACKAGE 7 Recommended Draft – June 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 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 height exceptions for shafts and rooftop
16 – 17 Residential landscape buffers	Clarify allowed projections into setbacks and required width of landscape buffer between setbacks in residential zones.
18 Family daycare	Make zoning code terminology consistent with state regulations.
19 Drive-through facilities	Clarify setback 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.

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 12 inch diameter trees.
38 – 39 NW Hills/Linnton	Clarify how regulations apply in right of way and how they relate to technology to align with more recent base zone regulations.
40 Airport	Clarify how regulations apply in right of way and how they relate to technology 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 how they relate to technology 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 (add) fences	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 addressed with other historic tree list and update projects.
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 17, 2015
Recommended Draft June 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

ricap-7_amendment-table_06/03/15



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

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.



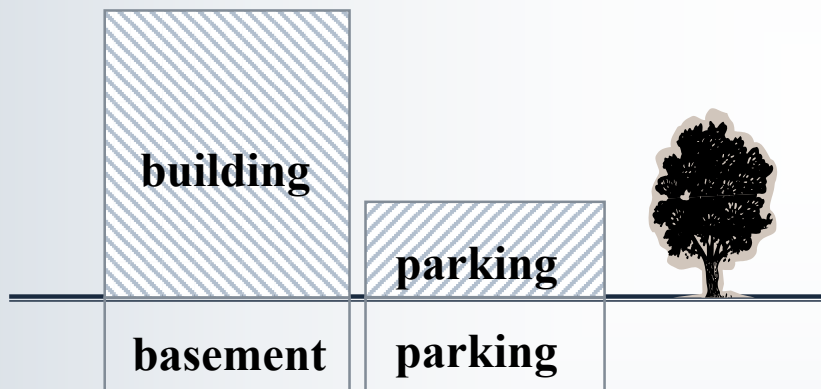
2. Preapplication Conference

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



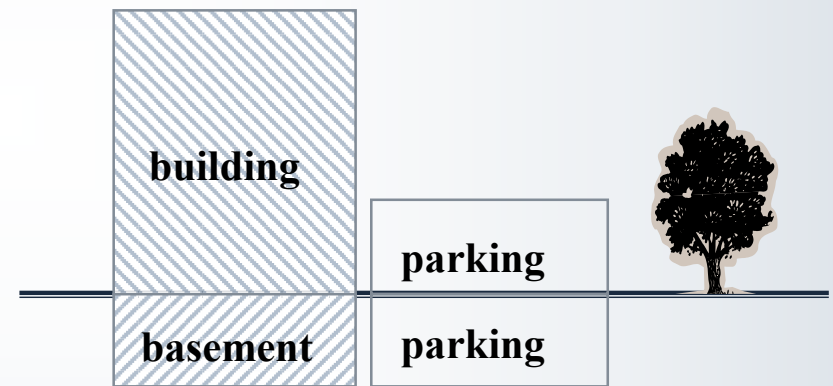
3. Measuring Limited Uses

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

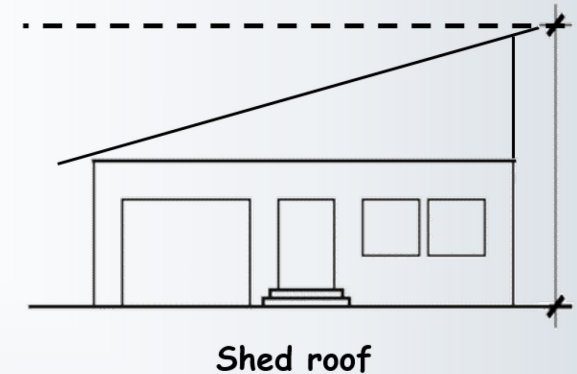
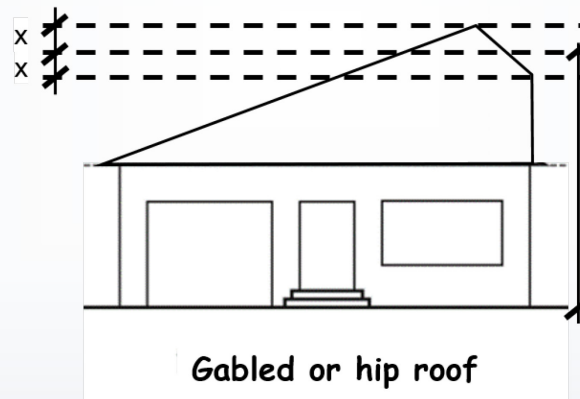
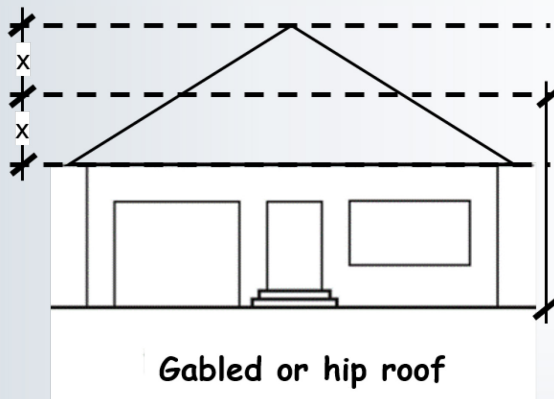


“Net Building Area”

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

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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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.
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41 Building permits	Clarify overly broad statement regarding when a building permit is required.
42 Neighborhood contact	Clarify how to determine when neighborhood contact is required.
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44 Historic Guidelines	Correct reference to the appropriate review guidelines for Central City historic areas.
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Technical Items, Clarifications, and Corrections

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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 procedure as part of a later project.
33 Historic Review	No amendment proposed. Issue considered clarifying a historic review trigger for alterations done through the state Structural Minor Label program.
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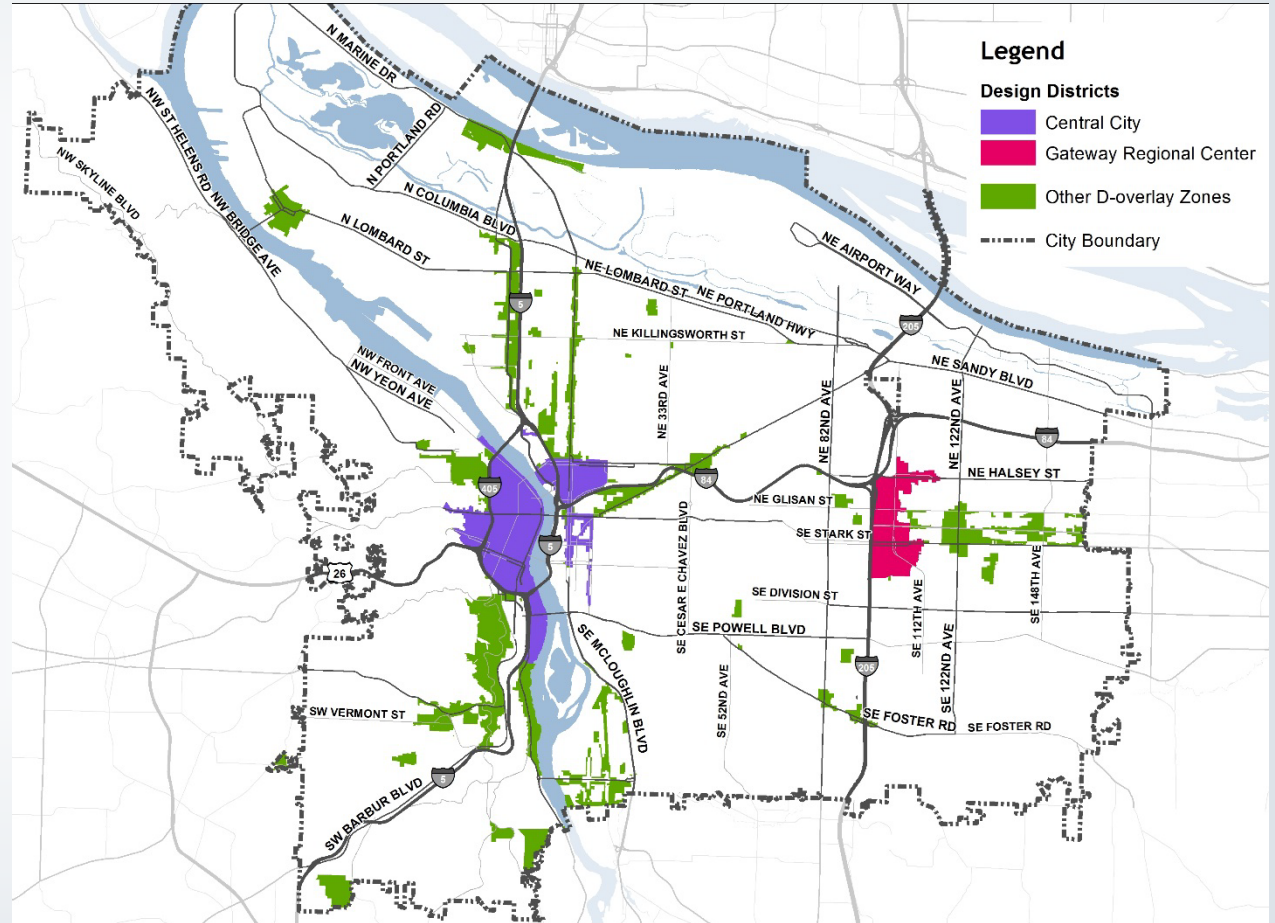


Recommendation

Approve the RICAP 7 Ordinance to:

- Amend Title 33 (Zoning Code) and Title 11 (Trees) as shown in the RICAP 7 Recommended Draft Report; and
- Adopt the commentary as legislative intent.

Item #30: Solar design exemption



Item #30: Solar design exemption

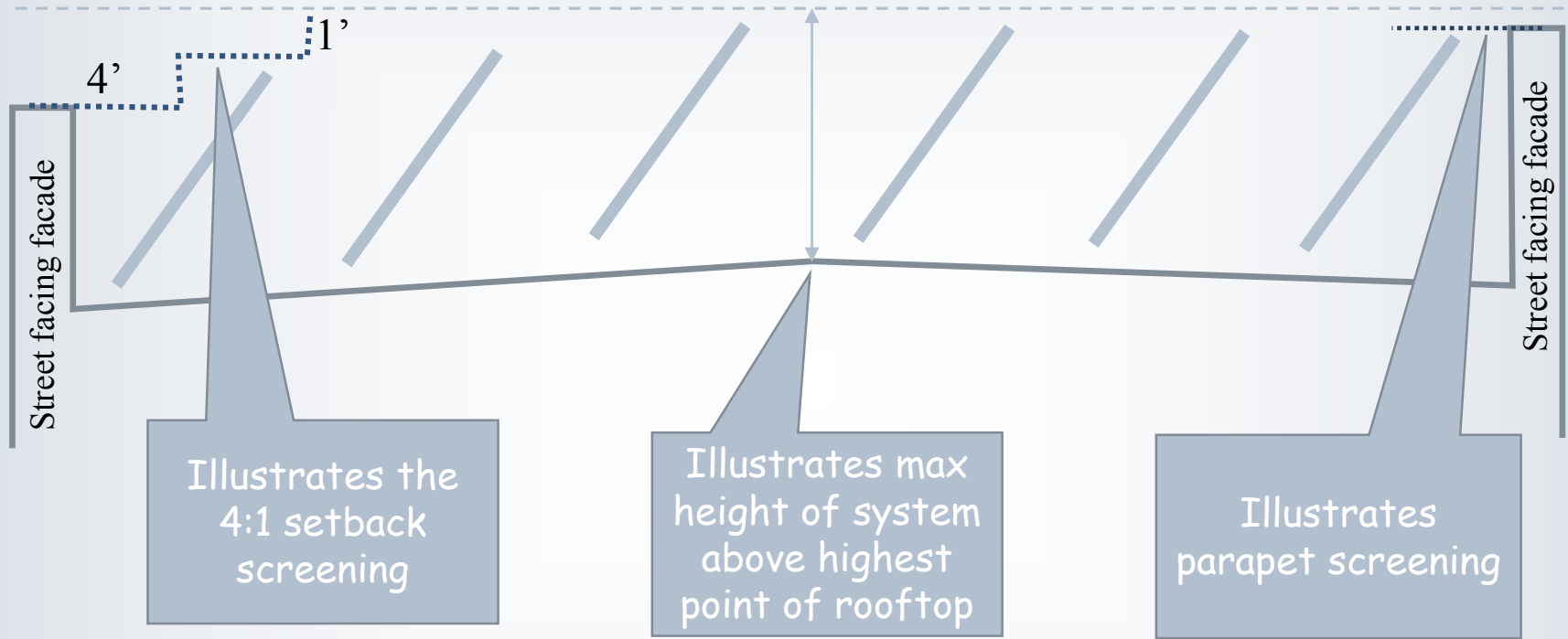


Illustration showing cross section of flat roof and solar panels

Item #30: Solar design exemption

200'

200'

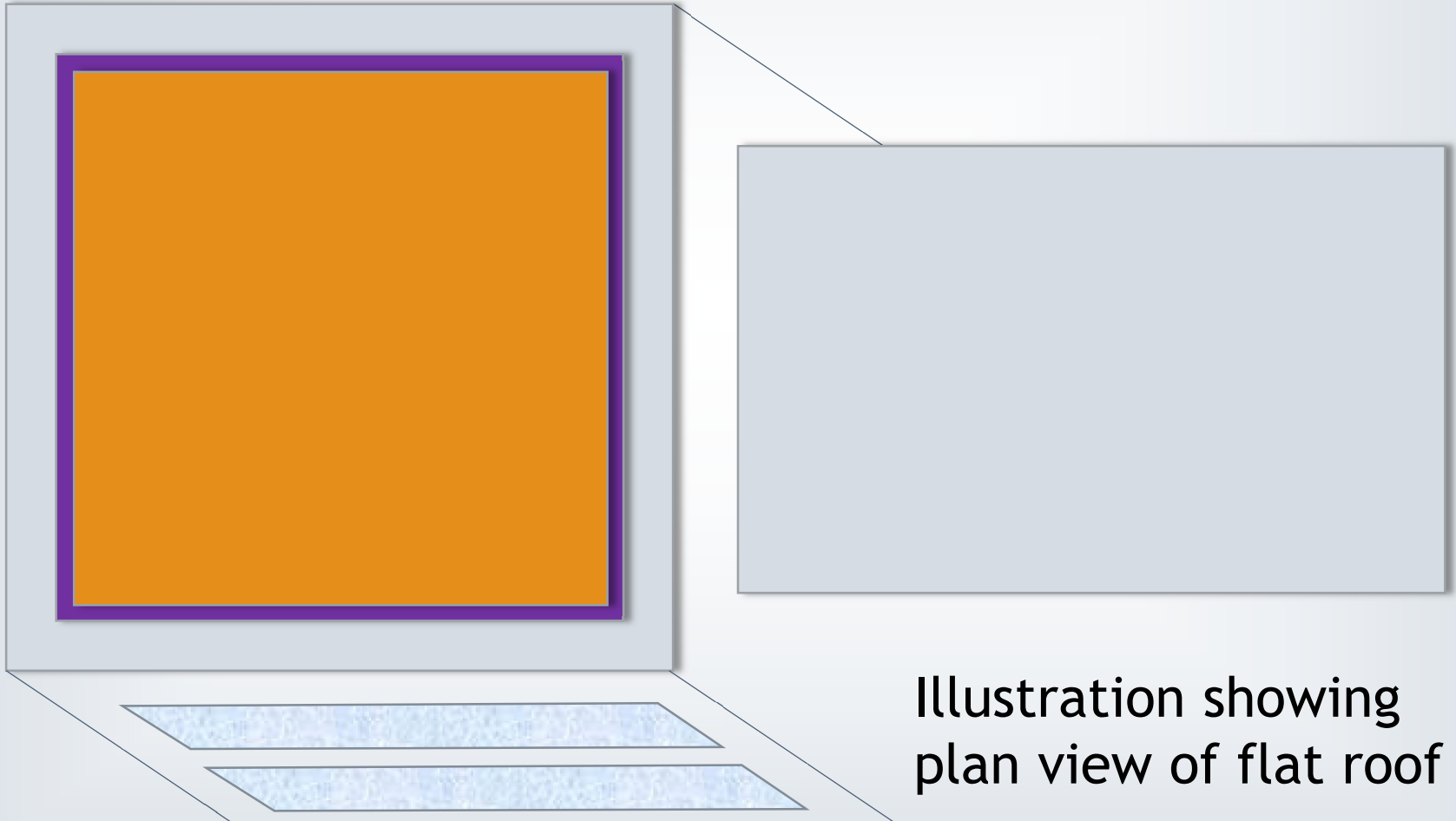
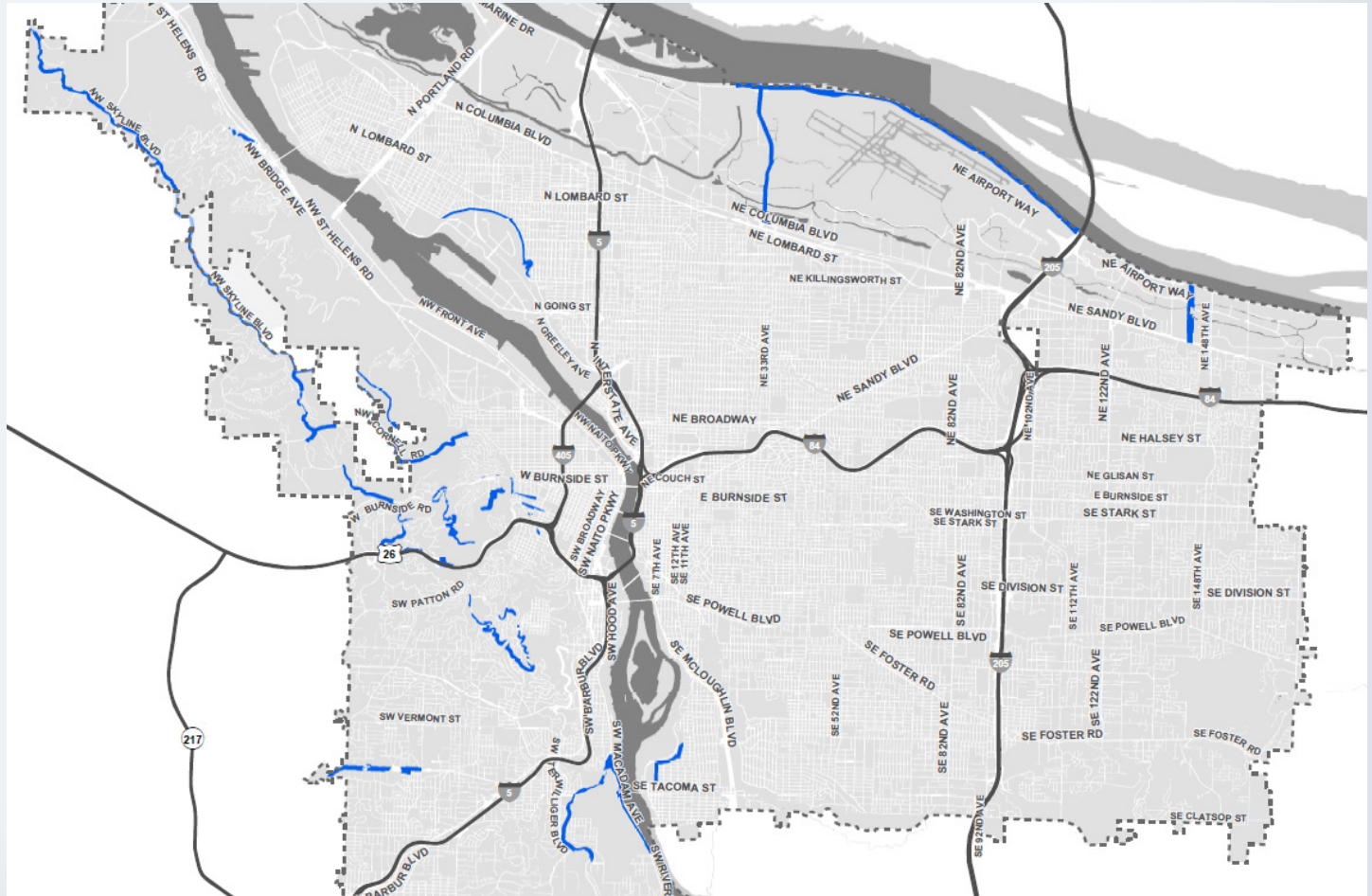


Illustration showing plan view of flat roof

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
- Recommended Draft language:
 - **6”** up to and including 12” = replant
 - Greater than 12” = tree review

Conforming change to T11

PROPOSED CODE LANGUAGE

Language to be **added** is underlined
 Language to be **deleted** is shown in ~~striketrough~~

Table 40-1 Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing: [2]	T33 Tree Size	Title 33 Zoning Code review for removing:
[No changes to remainder of rows in table]				
<p>Scenic Resource Overlay Zone “s”</p> <p>Only applies to trees in <u>Scenic Corridors</u> that are within the <u>scenic corridor setback, minimum street setback or the first 20 feet from the street lot line where no street setback exists.</u> See: 33.480.040.B.2.ag</p>	<p>Street all City ≥ 3” Private ≥ 6”</p>	<ul style="list-style-type: none"> ▪ All Street Trees ▪ Trees within 10 feet of buildings or attached structures ▪ Nuisance species trees ▪ Dead, Dying, or Dangerous trees ▪ Trees associated with the repair and maintenance of water, sewer or storm water lines ▪ Trees within 20 feet of a public safety RF Transmission Facility ▪ <u>Any Street, City, or Private- or City trees <12” up to and including 12 inches diameter provided that replanting is met in accordance with 33.248.030 per 33.480.040.B.2.h(7) is met</u> [3] 	<p>Street <u>n/a</u> <u>≥ 6”</u> City ≥ 6” Private ≥ 6”</p>	<ul style="list-style-type: none"> ▪ Trees within the <u>scenic corridor setback street setback or first 20 feet from the street lot line</u> that do not meet the applicable Title 11 situations listed in this table