

## **ORDINANCE No. 190076 As Amended**

Amend Planning and Zoning Code to extend the expiration date for some land use approvals, maintain inclusionary housing rates outside the Central City and Gateway Plan Districts, and allow for virtual neighborhood contact meetings; and postpone the effective dates of FY20-21 System Development Charges for the Bureaus of Environmental Services and Transportation (Ordinance introduced by Mayor Wheeler; Second Reading Agenda 617; amend Title 33; amend Ordinance Nos. 189972 and 189975).

The City of Portland Ordains:

Section 1. The Council finds:

### **General Findings**

1. On March 8, 2020, Governor Kate Brown declared a state of emergency in Oregon due to the COVID-19 pandemic.
2. On March 11, 2020 Mayor Ted Wheeler declared a state of emergency for the City of Portland.
3. The emergency declarations have led to widespread business and institutional shutdowns and social distancing requirements. These measures precipitated widespread economic and social disruptions that impacts all Portlanders.
4. On March 18, 2020, the Development Services Center was closed to the public for normal business operations due to COVID-19 health concerns. Land use review and building permit submittal transitioned to online and by appointment only submittals. Permit submittals, processing, and issuances were tiered to prioritize projects with public benefits.
5. A major effect of the public health emergency measures is uncertainty in development and construction and a slowdown in the permitting and development review process. This has led to a weakened real estate market and challenges for applicants to obtain project financing.
6. Social distancing requirements have also led to work slowdowns on construction sites as fewer workers are able to be on site at the same time. This has slowed down the pace of all development.
7. Title 33, Planning and Zoning, specifies when approved land use decisions expire. Typically, if a building permit is not issued or the approved activity has not begun within three years of the final land use decision, the land use decision expires. A land division approval expires if a final plat application has not been submitted within three years of the final decision on the preliminary plan. Title 33 states that once a final plat application is submitted, it must be completed within three years from the first city response to the submittal. The code further states that the application expires after 180 days if an

applicant has not responded to a request for information from City staff or otherwise demonstrated activity on the final plat application.

8. Given the current economic and social disruptions, applicants with approved land use decisions or who have submitted final plat applications, are not always able to proceed forward with their projects. Under typical economic and social conditions, development projects generally can meet the existing expiration periods. However, projects that would otherwise have proceeded to completion in normal times are now delayed, and face the expiration of their approvals.
9. Once expired, these projects must go through the entire land use review process again at substantial cost and further delay. This cost and delay could further slow the City's economic recovery. Additionally, conducting such land use reviews for a second time would divert limited City staff resources from other priority projects. Extending the expiration period for approved land use decisions and final plat reviews expedites Portland economic recovery by allowing these approved projects to proceed to the building permit review process.
10. In recognition of the economic difficulties following the 2008 economic crash, in May 2009 City Council amended the Zoning Code to extend the time in which applicants were required to obtain a building permit or submit a final plat application following an approved land use decision (Ordinance # 182810) through 2012. When market conditions did not improve as expected by 2012, City Council amended the Zoning Code to further extended those land use reviews until 2014 (Ordinance # 185333).
11. Title 33 states that a Northwest Master Plan expires after 10 years unless the plan is amended. There is one active Northwest Master Plan, the Con-way Master Plan, which was approved on October 2, 2012 under land use case file LU 12-135162 MS and will expire on October 2, 2022.
12. The current economic and social disruptions have impacted applicants that are subject to a Northwest Master Plan. Under normal economic and social conditions, the Master Plan projects can proceed at a regular pace and generally meet the timeframes set out in the Zoning Code, but with the delays in construction, challenges obtaining financing, and softened market conditions, these projects can be delayed beyond the 10-year timeframe of the Master Plan. Additionally, if the Master Plan were to expire, the community engagement and neighborhood cooperation that went into the creation of the plan could be lost.
13. Title 33 also states that nonconforming upgrades that are triggered by a building permit may be delayed by a specified period of time provided a covenant is recorded outlining the work to be completed and the compliance period within which that work must be inspected and approved. Typically, the compliance period ranges from 2 to 5 years.
14. Property owners subject to a nonconforming upgrade covenant face the same economic disruption and construction delays as those facing development review delays.

15. Title 33 states that a pre-application conference expires if a building permit has not been submitted within one year of the pre-application conference.
16. Pre-application conference applicants also face challenges submitting a building permit within the required timeframe due to economic uncertainty, softening construction and real estate markets, and construction and development review slowdowns. Additionally, the one-year timeframe is challenging for applicants under normal conditions, especially for larger or more complex projects. For these larger projects, it is not uncommon for a pre-application conference to expire before a building permit can be submitted, which therefore requires applicants to go through the extra time and expense of an additional pre-application conference.
17. Title 33 states that, for land use reviews and building permits that trigger the Neighborhood Contact requirements of PCC 33.705, a public meeting must be held to present the project to neighbors and interested parties. Title 33 specifies that the meeting must be held at a location within the neighborhood where the project is proposed or within two miles of the boundary of that neighborhood.
18. The COVID-19 state of emergency declarations mandated social distancing that limited the size of meetings and led to the closure of most public spaces that can accommodate public meetings. To allow applicants to meet the public health guidelines, the Bureau of Development Services began accepting receipt of virtual public meetings that were held via videoconferencing technology in March of 2020.
19. In December 2016, the City Council passed Ordinance # 188162 adding the Inclusionary Housing program to the City's affordable housing development tools to increase the number and types of units available to households earning 80 percent or less of the median family income in high opportunity areas. Ordinance # 188162 required that new buildings with 20 or more dwelling units and alterations to existing buildings that add 20 or more dwelling units are subject to the Inclusionary Housing Standards in PCC 33.245.
20. In an effort to phase in the mandatory inclusionary housing obligations, City Council required that before January 1, 2019, development outside the Central City and Gateway plan districts must provide 15% of the units at regulated affordable rents for households at 0-80% AMI or provide 8% of units at 0-60%. Those rates were set to increase to 20% of the units at regulated affordable rents for households at 0-80% AMI or provide 10% of units at 0-60%. On December 12, 2018, City Council passed Ordinance # 189303 extending the inclusionary housing phase in period for an additional two years, through January 1, 2021.
21. Due to the economic impacts of the COVID-19 pandemic, it will be difficult for developers to meet the higher inclusionary housing rates.
22. The proposed amendment to Title 33 will extend the timelines for land use approvals and Northwest Master Plans through January 1, 2024 (see Exhibit A, Section I). It will also extend the timeframe for a final plat application from 180 days with no activity to 365 days, and extend the expiration of all pre-application conferences from one year after the

conference to two years. The proposal will also extend the extend the compliance period for nonconforming upgrades until January 1, 2022 or until the recorded compliance period ends, whichever is later.

23. The proposed amendment respects the value of the existing timeframes in the Zoning Code by extending these timelines for a limited period, while acknowledging the challenges posed by the economic and social disruption caused by the COVID-19 pandemic. These extensions acknowledge that the existing timelines in Title 33 are intended to better ensure that regulations and policies that referenced at a pre-application conference or applied at the time of land use approval or building permit issuance continue to be valid at the time the project is built or the improvements are made.
24. The proposed amendment to Title 33 will also allow building permit and land use review applicants subject to the neighborhood contact requirements of PCC 33.705 to conduct those meetings virtually using videoconferencing technology provided a telephone option is provided through January 1, 2021.
25. The proposed Title 33 amendment also extends the current inclusionary rates through January 1, 2024 for development outside the Central City and Gateway Plan Districts. This recognizes that the economic disruption of the COVID-19 pandemic makes it more difficult for housing developers to meet higher affordable housing goals in areas outside the Central City and Gateway Plan Districts.
26. The ordinance postpones the effective dates of the Bureaus of Environmental Services, ~~Water~~ and Transportation FY20-21 system development charges. The impacts to staffing levels and building permit processing at the Bureau of Development Services has limited the number of building permit applications received during the pandemic. Building permit activity typically increases in June preceding permit and SDC fee increases that take effect on July 1. Applicants desiring to minimize financial impacts to SDC fee increases have not been able to do so due to constraints in the permit process this spring. The delayed effective date of the new rates until August 1, 2020 allows applicants to minimize the financial impact of the SDC fee increases.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, Findings of Fact Report dated June 15, 2020, As Amended.
- b. Adopt the Expiration Date Extension Project, Recommended Draft dated June 2020 attached as Exhibit B.
- c. Amend Title 33, Planning and Zoning, as shown in Exhibit B, Expiration Date Extension Project, Recommended Draft dated June 2020.
- d. Amend Ordinance Nos. 189972 and 189975 to postpone the effective dates of Bureau of Environmental Services ~~and Water Bureau~~ FY20-21 system development charges and amend the rates adopted by the Bureau of Transportation under TRN-3.450. The system development and connection charge rates listed on section E of Exhibit C will remain in effect until August 1, 2020, after which the new rates will go into effect. ~~The system development charges listed in Exhibit D will remain in effect until August 1, 2020, after~~

~~which the new rates will go into effect.~~ The Transportation System Development Charges (TSDC) rates listed in Exhibit ~~DE~~ will remain in effect until August 1, 2010, after which the new rate will go into effect.

Section 2. If any section, subsection, sentence, clause, phrase, diagram or drawing contained in this ordinance, or the map, report, inventory, analysis, or document it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the map, report, inventory, analysis, or document each section, subsection, sentence, clause, phrase, diagram and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Section 3. The Council declares that an emergency exists because a delay would result in additional land use reviews becoming expired; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: **07/29/2020**

**Mary Hull Caballero**  
Auditor of the City of Portland

By *CPhillips*

Mayor Ted Wheeler  
Prepared by: Jason McNeil

Deputy

Agenda No.  
**ORDINANCE NO. 190076 As Amended**  
 Title

Amend Planning and Zoning Code to extend the expiration date for some land use approvals, maintain inclusionary housing rates outside the Central City and Gateway Plan Districts, and allow for virtual neighborhood contact meetings; and postpone the effective dates of FY20-21 System Development Charges for the Bureaus of Environmental Services and Transportation (~~Ordinance; amend Title 33; amend Ordinance Nos. 189972 and 189975~~)

<p style="text-align: center;"><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>Mayor Ted Wheeler</b></p>	<p>CLERK USE: DATE FILED <u>6/29/20</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>	<p style="text-align: center;">Mary Hull Caballero                  Auditor of the City of Portland</p>
<p>Mayor—Finance &amp; Administration - Wheeler</p>	<p><small>Digitally signed by Mustafa Washington                  Date: 2020.06.29 12:34:59 -07'00'</small></p>
<p>Position 1/Utilities - Fritz</p>	<p style="text-align: center;"><b>Keelan</b></p>
<p>Position 2/Works - Vacant</p>	<p>By: <u>McClymont</u></p>
<p>Position 3/Affairs - Hardesty</p>	<p><small>Digitally signed by Keelan McClymont                  Date: 2020.06.29 17:13:03 -07'00'</small>                  Deputy</p>
<p>Position 4/Safety - Eudaly</p>	<p><b>ACTION TAKEN:</b></p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p>	<p style="text-align: center;"><b>July 8, 2020 Continued to July 22, 2020 at 3:30 p.m. Time Certain</b></p>
<p>Bureau: Planning and Sustainability                  Bureau Head: <b>Andrea Durbin</b></p>	<p style="text-align: center;"><b>July 22, 2020 Passed to Second Reading July 29, 2020 at 10:00 a.m</b></p>
<p><small>Digitally signed by Andrea Durbin                  Date: 2020.06.16 14:24:37 -07'00'</small></p>	<p style="text-align: center;"><b>Time Certain As Amended</b></p>
<p>Prepared by: <b>Jason McNeil</b>                  Date Prepared: <u>6/15/20</u></p>	
<p><b>Impact Statement</b>                  Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p><b>Portland Policy Document</b>                  If "Yes" requires City Policy paragraph stated in document.                  Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b>                  required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b>                  required for contract, code, easement, franchise, comp plan, charter</p>	<p><small>Lauren A. King                  2020.06.15 12:06:02 -07'00'</small></p>
<p>Council Meeting Date <u>7/8/20</u></p>	

<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/>                  Start time: <u>2:00 pm</u>                  Total amount of time needed: <u>2 hours</u>                  (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input type="checkbox"/>                  Total amount of time needed: _____                  (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Vacant	2. Vacant	
3. Hardesty	3. Hardesty	
4. Eudaly	4. Eudaly	
Wheeler	Wheeler	



## Portland Planning and Sustainability Commission

Eli Spevak, Chair

Chris Smith  
Jeff Bachrach  
Ben Bortolazzo

Mike Houck  
Katie Larsell  
Oriana Magnera

Daisy Quiñonez  
Steph Routh, Vice Chair  
Katherine Schultz, Vice Chair

June 22, 2020

Mayor Ted Wheeler and Members of Portland City Council  
Portland City Hall  
1221 SW Fourth Avenue  
Portland, OR 97204

Dear Mayor Wheeler and City Commissioners,

The Planning and Sustainability Commission (PSC) is pleased to forward our recommendation for the Expiration Date Extension Project. The proposal is intended to provide relief to development review applicants impacted by the economic and social disruption caused by the COVID-19 pandemic. It amends the Zoning Code to extend the expiration date of some land use reviews, maintain inclusionary housing rates that are set to increase, and allow for virtual neighborhood contact meetings.

On May 26, 2020, the PSC held a hearing on the staff proposal and heard positive testimony on the proposals from stakeholders along with some suggestions for changes and amendments. The PSC voted unanimously, 8-0, to recommend the staff proposal with noted amendments. Our amendments to the original proposal that are included in the Recommended Draft include:

- Permanently extend pre-application conference approvals from one year to two years.
- Extend the compliance period for sites subject to non-conforming upgrade covenants.
- Extend the expiration of already approved NW Master Plans until January 1, 2024.

**Recommendation**

The PSC recommends that the City Council take the following actions:

1. Adopt the *Expiration Date Extension Project – Recommended Draft*.
2. Amend the Zoning Code (Title 33) as shown in the Recommended Draft.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,

Eli Spevak  
Chair



# Exhibit A:

## Findings of Fact Report

### July 15, 2020, As Amended

#### **Introduction and Summary of the Expiration Date Extension Project (EDEP) amendments.**

The Expiration Date Extension Project (EDEP) addresses several issues related to the administration of the Portland Zoning Code (Title 33) and the economic impacts of the COVID-19 pandemic on the development market. It amends the Zoning Code to extend the expiration date of some land use reviews, final plats, and pre-application conferences; temporarily maintains inclusionary housing rates that were set to increase; and allows for virtual neighborhood contact meetings, to allow applicants to follow state guidelines relating to limiting social gatherings while adhering to zoning code contact requirements.

Specifically, EDEP amendments:

- Extend the expiration date for most land use reviews until January 1, 2024.
- Extend the expiration date for pre-application conferences from one year to two years. This change is permanent, and will apply to all pre-apps
- Allow pending final plats submitted before January 1, 2021 up to 365 days of inactivity before the cases are voided.
- Allow neighborhood contact meetings to be held remotely using video conferencing technology.
- Extend the timeframe for imposing higher inclusionary housing rates outside the Central City and Gateway plan districts from January 1, 2021 to January 1, 2022.
- Extend the compliance period for sites subject to non-conforming upgrade covenants that are in effect on March 8, 2020 until January 1, 2022. (Typical compliance periods vary from 2 to 5 years based on site size).
- Extend the expiration of NW Master Plans already approved until January 1, 2024.

#### **General.**

Legislative amendments to the Comprehensive Plan goals, policies and map must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by City Council. (33.835.040 and 33.810.050).

The Comprehensive Plan requires that amendments to its elements, supporting documents, and implementation tools comply with the plan itself. "Comply" means that the amendments must be evaluated against the comprehensive plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan as a whole than the existing language or designation. (Policy 1.10)



Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, and plan district where the amendment is proposed, and any plan associated with the regulations. (33.835.040)

Legislative zoning map amendments must be found to comply with the Comprehensive Plan Map with a zone change to a corresponding zone of the Comprehensive Plan Map. The change also must demonstrate that there are adequate public services capable of supporting the uses allowed by the zone. In addition, the school district(s) within which the sites are located must have adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within the David Douglas School District, which has an adopted school facility plan that has been acknowledged by the City of Portland. (33.855.050)

1. **Finding:** The City Council has identified and addressed all relevant and applicable goals and policies in this document.
2. **Finding:** The City Council has considered public testimony and has found that the amendments are consistent and comply with all applicable policies.

## Part I. Statewide Planning Goals

State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the Statewide Planning Goals.

**The Statewide Planning Goals that apply to Portland are:**

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resource Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway

There are approximately 560 acres of land both within Portland’s municipal boundaries and beyond the regional urban service boundary that can be classified as rural land. In 1991, as part of Ordinance 164517, the City Council took an exception to Goal 3 and 4. the agriculture and forestry goals. Because of the acknowledged exception, the following goals do not apply:

- Goal 3 Agricultural Lands
- Goal 4 Forest Lands

Other Statewide Planning Goals apply only within Oregon’s coastal zone. Since Portland is not within Oregon’s coastal zone, the following goals do not apply to this decision:

- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

**Goal 1. Citizen Involvement.** To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

3. **Finding:** Portland adopted a Community Involvement Program on June 15, 2016. The Community Involvement Program serves as a framework to carry out policies from Chapter 2 — Community Involvement, of the 2035 Comprehensive Plan, and applies to legislative land use and transportation projects initiated by the City. Among the commitments that the City is asked to make in the Comprehensive Plan are the following:

- To provide a wide range of opportunities for involvement in planning and investment decisions.
- To achieve greater equity in land use actions through setting priorities and making decisions with meaningful involvement of under-served and under-represented communities.
- To meaningfully involve, in decision making, those who potentially will be adversely affected by the results of those decisions.
- To provide this meaningful involvement throughout the phases of planning and investment

projects - issue identification and project design through implementation, monitoring, evaluation and enforcement.

- To provide well-designed, relevant, responsive and culturally-responsive public involvement.
- To build community capacity for meaningful participation and leadership in planning and investment decisions.

A Community Involvement Committee was appointed in June 2018 to oversee implementation of the program. Council finds that community members were afforded opportunities to be involved in all phases of the planning process. Detailed findings outlining those opportunities are found in response to Comprehensive Plan Chapter 2 goals and policies.

**Goal 2. Land Use Planning.** To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

4. **Finding:** Goal 2, as it applies to the EDEP amendments, requires the City to follow its established procedures for legislative amendments to the Comprehensive Plan policies, the Comprehensive Plan map, the Zoning Code, and the Zoning Map. The amendments comply with this goal because, as demonstrated by these findings, the amendments were developed consistent with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, 2035 Comprehensive Plan and Portland Zoning Code, as detailed in this ordinance.

Other government agencies received notice from the 35-day DLCD notice and the City's legislative notice. The City did not receive any requests from other government agencies to modify the EDEP amendments.

The City Council's decision is based on the findings in this document, which are based on the factual evidence presented to the Planning and Sustainability Commission and City Council that are incorporated in the record that provides the adequate factual basis for this decision.

**Goal 5. Open Space, Scenic and Historic Areas, and Natural Resources.** To protect natural resources and conserve scenic and historic areas and open spaces.

5. **Finding:** Goal 5 addresses open spaces, scenic resources, historic resources, and natural resources.

**Open Spaces.** The EDEP amendments do not involve map changes, and the proposed code changes do not affect current regulations that apply to designated open spaces (OS map designations).

**Scenic Resources.** The City has designated scenic resources in an adopted inventory and protects them through an overlay zone (Chapter 33.480) which address landscaping, setbacks, screening, building facades and tree removal. The EDEP amendments do not change this program. The EDEP code amendments do not impact landscaping, setback, screening, tree removal, or building standards. Therefore, the EDEP package is consistent with the scenic elements of Goal 5.

**Historic Resources.** Historic resources are located throughout the City. Council is not amending historic resource protections (Chapter 33.445). Any proposed alteration to historic structures will require conformance with existing historic resource protection measures including historic resource review, demolition delay or review, or design standards as applicable. Therefore, the EDEP package is consistent with the historic elements of Goal 5.

**Natural Resources.** Existing natural resource protections are not amended with the EDEP package. Therefore, the EDEP package is consistent with the natural resource elements of Goal 5.

**Generally.** As noted below in the findings for the 2035 Comprehensive Plan, the EDEP amendments are consistent with the goals and policies of Chapter 4 (Design and Development, including Historic and Cultural Resources) and Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, EDEP amendments are consistent with the requirements of Statewide Planning Goal 5.

**Goal 6. Air, Water, and Land Resource Quality.** To maintain and improve the quality of the air, water and land resources of the state.

6. **Finding:** Goal 6 requires the maintenance and improvement of the quality of air, water, and land resources. The State has not yet adopted specific requirements for complying with Statewide Planning Goal 6. The City is in compliance with environmental standards and statutes, including the federal Clean Water Act and Clean Air Act. Existing City regulations including Title 10 (Erosion Control) and the Stormwater Management Manual will remain in effect and are applicable to future development. As noted below in the findings for the 2035 Comprehensive Plan, the EDEP amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the amendments are consistent with the requirements of Statewide Planning Goal 6.

**Goal 7, Areas Subject to Natural Disasters and Hazards.** To protect people and property from natural hazards.

**Finding:** The State has not yet adopted specific requirements for complying with Statewide Planning Goal 7. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, included a development constraint analysis that identified parts of Portland that are subject to natural hazards. The EDEP code changes will not expose people to additional hazards because the EDEP amendments do not include amendments to any programs or regulations that implement floodplain or landslide hazard policies. The EDEP amendments concern the land use review procedural requirements and affordable housing inclusionary zoning rates rather than site development or design standards. Floodplain and landslide hazard regulations would continue to apply to any development also subject to the EDEP amendments.

As noted below in the findings for the 2035 Comprehensive Plan, the EDEP amendments are consistent with the goals and policies of Chapter 7 (Environment and Watershed Health) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, these amendments continue to protect people and property from natural hazards, consistent with the requirements of Statewide Planning Goal 7.

**Goal 8. Recreational Needs.** To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

7. **Finding:** Goal 8 focuses on the provision of destination resorts. However, it does impose a general obligation on the City to plan for meeting its residents' recreational needs: "(1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements."

Goal 8 provides that "Recreation Needs -- refers to existing and future demand by citizens and visitors for recreations areas, facilities and opportunities." Goal 8 also provides that "Recreation

Areas, Facilities and Opportunities -- provide for human development and enrichment, and include but are not limited to: open space and scenic landscapes; recreational lands; history, archaeology and natural science resources; scenic roads and travelers; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities.”

The City of Portland has a robust and diverse system of parks, recreation areas and open spaces, and the EDEP amendments do not change this program. The EDEP amendments do not affect any land designated as open space nor development standards or use regulations. Therefore, there is no impact to Goal 8.

**Goal 9. Economic Development.** To provide adequate opportunities throughout the state for a variety of economic activities vital to health, welfare, and prosperity of Oregon’s citizens.

8. **Finding:** Goal 9 requires cities to consider economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Comprehensive plans for urban areas are required to include, among other things: an analysis of economic patterns, potentialities, strengths, and deficiencies; policies concerning economic development; and land use maps that provide for at least an adequate supply of sites for a variety of industrial and commercial uses.

The *2035 Comprehensive Plan* demonstrates compliance with Goal 9. Land needs for a variety of industrial and commercial uses are identified in the *Economic Opportunities Analysis* (EOA), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017.

The EDEP amendments can be grouped into two “buckets”. The first bucket contains several amendments that provide flexibility to deadlines and neighborhood contact during the land use review process, while the second bucket is an amendment that maintains an existing exception that allows a lower amount of affordable housing for Inclusionary Housing projects outside of the Central City and Gateway Plan Districts. All of the amendments are intended to grant some measure of relief to applicants affected by the COVID-19 pandemic during a time of economic uncertainty in the housing market. According to the U.S. Census Bureau, housing construction in March 2020 was down 22% over the previous month, the largest monthly decline since 1984. Without the relief provided by these amendments, some previously approved projects and some currently pending approvals will not be completed within the current statutory deadlines. The time delay and additional costs associated with reviewing projects a second time through a subsequent land use review procedure decreases the feasibility that such projects would therefore occur. Increasing the required rate of affordable units for inclusionary housing projects in less certain economic conditions impacts the ability for these projects to move forward. Without the relief provided by EDEP, the City’s ability to weather the impending economic downturn will be further hampered. This relief for economic activities is vital for the **health, welfare, and prosperity of Oregon’s citizens.**

**Goal 10. Housing.** To provide for the housing needs of citizens of the state.

9. **Finding:** Goal 10 specifies that each city must plan for and accommodate needed housing types. As used in ORS 197.307 “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, and includes attached and detached single-family housing and multiple family housing for both owner and renter occupancy.

Goal 10 requires each city to inventory its buildable residential lands, forecast future needs, and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Goal 10 and its implementing administrative rules contain the following specific requirements:

1. Identify future housing needs by amount, type, tenure and affordability;
2. Maintain a residential Buildable Lands Inventory (BLI) with sufficient land to meet identified needs;
3. Adopt land use maps, public facility plans and policies to accommodate needed housing (housing capacity, as well as type, tenure and affordability);
4. Meet minimum density and housing mix requirements (including the Metropolitan Housing Rule);
5. Adopt clear and objective standards for needed housing.

The adopted *2035 Comprehensive Plan* conducted city-wide analysis to demonstrate compliance with Goal 10. The City's Housing Needs Analysis, which was adopted (Ordinance 185657) and acknowledged by LCDC on June 11, 2014, consists of five distinct reports that analyzed the state of housing supply, housing affordability issues and the City's ability to meet projected housing demand. The Buildable Land Inventory (BLI), which was adopted (Ordinance 187831) and acknowledged by LCDC on April 25, 2017, identified the supply of land available to provide this needed housing.

As noted below in the findings for the 2035 Comprehensive Plan, the EDEP amendments are consistent with the goals and policies of Chapter 5 (Housing) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the EDEP amendments are consistent with the requirements of Statewide Planning Goal 10.

**Goal 11. Public Facilities and Services.** To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**10. Finding:** Statewide Planning Goal 11, Public Facilities, requires cities to adopt and update public facilities plans. Public facilities plans ensure that urban development is guided and supported by types and levels of water, sewer and transportation facilities appropriate for the needs and requirements of the urban areas to be serviced, and that those facilities and services are provided in a timely, orderly and efficient arrangement.

The adopted 2035 Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11.

As noted below in the findings for the 2035 Comprehensive Plan, the EDEP amendments are consistent with the goals and policies of Chapter 8 (Public Facilities and Services) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the EDEP amendments are consistent with the requirements of Statewide Planning Goal 11.

**Goal 12. Transportation.** To provide and encourage a safe, convenient and economic transportation system.

- 11. Finding** This goal requires Portland to adopt a *Transportation System Plan (TSP)* that supports safe, convenient and economical movement of people and goods, and supports a pattern of travel that will avoid air pollution, traffic and livability problems. Parts but not all of the City's *TSP* have to be adopted as part of the *Comprehensive Plan*

All cities are required to provide safe and convenient motor vehicle, pedestrian and bicycle travel on a well-connected network of streets. Larger cities are required to provide for transit service and to promote more efficient performance of existing transportation facilities through transportation system management and demand management measures.

Goal 12 rules require coordination with the state and regional transportation plans (such as the *Oregon Highway Plan* and the *Regional Transportation Plan*), and with other transportation providers. OAR 660-012-0060 states that if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would have a significant negative impact on an existing or planned transportation facility, then the local government must take mitigating action, or plan for additional facilities to accommodate the expected impact. Generally, a jurisdiction cannot take action that significantly increases traffic on a facility that is failing to meet state, regional, or local mobility standards.

The EDEP Code amendments do not increase housing allowances or modify existing residential or employment allocation beyond what has already been analyzed as part of the 2035 Comprehensive Plan and Transportation Systems Plan.

The EDEP Code amendments do not change the functional classification of an existing or planned transportation facility or change the standards implementing a functional classification system. Therefore, the amendments do not have a significant effect under (a), (b) or (c).

As noted below in the findings for the 2035 Comprehensive Plan, the EDEP Code amendments are consistent with the goals and policies of Chapter 9 (Transportation) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. Therefore, the EDEP Code amendments are consistent with the requirements of Statewide Planning Goal 12.

**Goal 13. Energy Conservation. To conserve energy.**

- 12. Finding:** The State has not adopted specific rules for complying with Statewide Planning Goal 13. Goal 13 generally requires that land use plans contribute to energy conservation.

The EDEP amendments do not adopt or amend a local energy policy or implementing provisions. The focus of the amendments is to provide more procedural deadline flexibility for land use review applicants and maintain current levels of financial impact for housing developments subject to affordability requirements. The amendments do not change any site or building development standards. The proposed amendment is consistent with this goal as it does not change the policy or intent of any of the existing regulations pertaining to energy conservation.

**Goal 14. Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

- 13. Finding:** Metro exercises Goal 14 obligations on behalf of Portland and other cities within the Metropolitan region. Metro has adopted an Urban Growth Management Functional Plan and

compliance with this plan by constituent cities assures compliance with Goal 14, which is discussed in Part II of this document and those findings are incorporated by reference.

The proposed amendments are consistent with this goal as they do not change the policy or intent of any of the existing regulations pertaining to urbanization.

**Goal 15. Willamette River Greenway.** To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

14. **Finding:** Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of uses along the river. The proposed amendments are consistent with this goal as they do not change the policy or intent of any of the existing regulations pertaining to the Willamette River Greenway.

## Part II. Metro Urban Growth Management Functional Plan

Under ORS 268.380 and its Charter, Metro has the authority to adopt regional plans and require city and county comprehensive plans to comply with the regional plan. Metro adopted its Urban Growth Management Functional Plan under this authority.

In Metro's June 2011 update to its 2010 compliance report Metro found, "The City of Portland is in compliance with all Urban Growth Management Functional Plan requirements in effect on December 15, 2010, except for Title 13, Nature in Neighborhoods." On January 16, 2013 the City received a letter from Metro stating that Portland had achieved compliance with Title 13.

**Title 1. Housing Capacity.** The Regional Framework Plan calls for a compact urban form and a "fair-share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity, especially in centers, corridors, main streets, and station communities, except as provided in section 3.07.120.

15. **Finding:** This element of the regional plan limits down-zoning in 2040 places – specifically Regional Centers, Town Centers, Corridors, Station Communities, and Main Streets. For purposes of this title, Metro measures "minimum zoned capacity." The title is clear that individual parcels may be down-zoned, provided the impact on the citywide minimum zoned capacity is negligible.

The EDEP Code land use process amendments will not change zoned housing capacity. The amendment related to inclusionary housing requirements will extend the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no impact on minimum zoned capacity in 2040 places.

**Title 2. Regional Parking Policy.** (Repealed Ord. 10-1241B, Sec. 6, 1997)

**Title 3. Water Quality and Flood Management.** To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

16. **Finding:** Title 3 calls for the protection of the beneficial water uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. Title 3 establishes performance standards for 1) flood management; 2) erosion and sediment control; and 3) water quality. The City has adopted overlay zones and land use regulations (33.430, 33.465, 33.537, 33.563, 33.564, 33.631, 33.640) as



well as Title 10 Erosion Control and the balanced cut-and-fill standards in Title 24 Building Regulations, that, in the June 2011 update to its 2010 compliance report, Metro found sufficient to comply with Title 3. This ordinance does not change any of these overlays or regulations. Therefore, the City remains in compliance with Title 3.

**Title 4. Industrial and Other Employment Areas.** The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

17. **Finding:** The purpose of Title 4 is to maintain a regional supply of existing industrial and employment land by limiting competing uses for this land. Metro has not adopted a Statewide Planning Goal 9 economic opportunities analysis for the region, so Title 4 is not based on an assessment of the land needed for various employment types, nor do the Title 4 maps necessarily depict lands most suitable to accommodate future job growth. Rather, Title 4 seeks to protect the manufacturing, warehousing, and distribution of goods within three types of mapped areas by limiting competing uses. These three areas are Regionally Significant Industrial Areas (RSIAs), Industrial Areas, and Employment Areas.

The EDEP amendments that relate to land use review procedural deadlines and do not change the policy or intent of any of the existing regulations pertaining to lands in Metro designated Employment Areas. The EDEP amendment that relates to inclusionary housing extends the provisions of an existing program for one year and does not significantly affect development and growth. These amendments have no direct impact on Regionally Significant Industrial Areas, Industrial Areas, and Employment Areas because they provide for more time for pending and approved projects to be permitted. Furthermore, industrial and employment base zones prohibit or discourage residential development, so the amendments relating to inclusionary housing are irrelevant in the context of Title 4. Therefore, the amendments are consistent with the requirements of Metro Title 4.

**Title 5. Neighboring Cities** (Repealed Ord. 10-1238A, Sec. 4, 1997)

**Title 6. Centers, Corridors, Station Communities and Main Streets.** The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

18. **Finding:** Title 6 establishes eligibility criteria for certain regional investments, and the use of more flexible trip generation assumptions when evaluating transportation impacts. Title 6 also contains aspirational activity level targets for different Metro 2040 place types. This title is incentive-based, so these findings simply serve to document intent. There are no specific mandatory compliance standards in Title 6 that apply to this ordinance. The EDEP amendments do not change actions or

planned investments in and around Centers, Corridors, Station Communities and Main Streets; therefore, the amendments are consistent with Title 6.

**Title 7. Housing Choice.** The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

19. **Finding:** Title 7 addresses housing choice. Metro adopted voluntary affordable housing goals for each city and county in the region for the years 2001 to 2006, but never updated them. Therefore, Title 7 does not apply. Nevertheless, the recently adopted *2035 Comprehensive Plan* includes city-wide affordable housing production goals that greatly exceed those adopted by the outdated Title 7 (Ordinance 178832). The EDEP amendments delay the imposition of higher rates of affordable units in projects outside the Central City and Gateway Regional Center that are subject to inclusionary housing requirements. The current effective rates are 8% of units must be affordable to households earning up to 60% of the median family income (MFI), or 15% of units must be affordable to households earning up to 80% MFI. These were supposed to increase to 10% and 20% respectively on January 1, 2021. However, this increase reduces the financial feasibility of projects to be delivered, and consequently no affordable units would be realized. By extending this date to January 1, 2022 this allows currently pending and future projects more financial headroom to deliver housing units at current inclusionary housing rates. This delay represents a small potential reduction in the delivery of affordable housing and may even provide sufficient relief for projects to move ahead with some affordable units as opposed to no units at all. Therefore, the EDEP amendments continue to support Title 7.

**Title 8. Compliance Procedures.** Title 8 addresses compliance procedures and establishes a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements. An amendment to a city or county comprehensive plan or land use regulation shall be deemed to comply with the functional plan upon the expiration of the appropriate appeal period specified in ORS 197.830 or 197.650 or, if an appeal is made, upon the final decision on appeal. Once the amendment is deemed to comply, the functional plan requirement shall no longer apply to land use decisions made in conformance with the amendment. A city or county proposing an amendment to a comprehensive plan or land use regulation shall submit the proposed amendment to Metro at least 35 days prior to the first evidentiary hearing on the amendment.

20. **Finding:** Required notice was provided to Metro. Title 8 also requires the City to provide findings of compliance with the *Urban Growth Management Functional Plan*. These findings meet this requirement. All applicable requirements of Title 8 have been met.

**Title 9. Performance Measures.** (repealed Ord. 10-1244B, Sec. 8, 2010)

**Title 10. Functional Plan Definitions.** Title 10 contains definitions. When 2035 Comprehensive Plan uses a term found in Title 10 either the term has the same meaning found in Title 10, or the difference is explained.

21. **Finding:** When 2035 Comprehensive Plan uses a term found in Title 10 either the term has the same meaning found in Title 10, or the difference is explained. The EDEP amendments do not

change any definitions in the 2035 Comprehensive Plan that are also found in Title 10. All applicable requirements of Title 10 requirements have been met.

**Title 11. Planning for New Urban Areas.** The purpose of Title 11 to guide long range planning for urban reserves and areas added to the UGB. It also provides interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

22. **Finding:** The amendments do not add areas to the UGB. Therefore, this Title is not applicable.

**Title 12. Protection of Residential Neighborhoods.** Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise, and crime and to provide adequate levels of public services.

In order to protect these areas, Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as Neighborhood. In addition, specific limits on access to commercial services are applied to commercial uses within designated neighborhood centers in order to reduce air pollution and traffic congestion. This Title also calls on Cities to establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.

23. **Finding:** Title 12 addresses protection of residential neighborhoods. This title largely restricts Metro's authority to plan and regulate density in single-family neighborhoods. The 2035 Comprehensive Plan does not employ any of the optional provisions of Title 12. The EDEP amendments do not employ any of the optional provisions of Title 12. Therefore, this title does not apply to this ordinance.

**Title 13. Nature in Neighborhoods.** The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

24. **Finding:** Title 13 is expressly intended to provide a minimum baseline level of protection for identified Habitat Conservation Areas. Local jurisdictions may achieve substantial compliance with Title 13 using regulatory and/or non-regulatory tools. The City of Portland implements Title 13 through its adopted Natural Resources Inventory (NRI) and subsequent protection measures through the environmental overlay zones, which Metro has found to be in substantial compliance with Title 13.

No changes to the environmental overlay zones are proposed as part of this project. Therefore, the amendments are consistent with the requirements of Title 13.

**Title 14. Urban Growth Management Plan.** Title 14 addresses the regional urban growth boundary.

25. **Finding:** This ordinance does not require, nor initiate, a boundary change, Title 14 does not apply.

#### **Summary, Urban Growth Management Functional Plan Findings**

26. **Finding:** The Metro Title 10 definition of comply or compliance means "substantial" rather than absolute compliance. "Substantial compliance" means city comprehensive plans and implementing

ordinances, on the whole, conform with the purposes of the performance standards in the functional plan and any failure to meet individual performance standard requirements is technical or minor in nature.

For the facts and reasons stated above this ordinance substantially complies with all Urban Growth Management Functional Plan requirements applicable to the EDEP amendments.

## Part III. Portland's Comprehensive Plan –

Portland's 2035 Comprehensive Plan was adopted as part of Task Four of Periodic Review. Task Four was adopted by Ordinance No. 187832 on June 15, 2016. The 2035 Comprehensive Plan was amended as part of Task Five of Periodic Review, which was adopted by Ordinance No. 188177 on December 21, 2016. Both ordinances were made effective on May 24, 2018 by Ordinance No. 188695, and both Tasks Four and Five were approved by LCDC Order 18 – WKTSK – 001897 on August 8, 2018.

27. **Finding:** The City Council has identified the following guiding principles, goals and policies to be applicable to the EDEP amendments. If a Comprehensive Plan policy is not addressed below, it was determined to not apply to this proposal.

### Guiding Principles

The 2035 Comprehensive Plan adopted five “guiding principles” in addition to the goals and policies typically included in a comprehensive plan. These principles were adopted to reinforce that implementation of the plan needs to be balanced, integrated and multi-disciplinary, and the influence of each principle helps to shape the overall policy framework of the plan. While the policies in the Comprehensive Plan effectively ensure that the guiding principles are met, the findings below further demonstrate that in addition to meeting those specific policies on balance, the EDEP amendments are consistent with these guiding principles as described below.

**Economic Prosperity.** Support a low-carbon economy and foster employment growth, competitiveness and equitably distributed household prosperity.

28. **Finding:** The EDEP amendments do not change the comprehensive plan designations on any currently designated employment lands. The EDEP amendments include extensions to land use review deadlines in an effort to provide relief to applicants impacted by COVID-19 and the resulting economic disruption. They do not change any zoning code development regulations that apply to commercial or employment areas, but do extend the timeframe before mandatory inclusionary housing rates are increased in areas outside the Central City and Gateway regional center. These changes are temporary extensions to provide necessary economic relief to foster employment growth and reduce impacts on the overall economy and prosperity during and following the COVID-19 crisis.

**Human Health.** Avoid or minimize negative health impacts and improve opportunities for Portlanders to lead healthy, active lives.

29. **Finding:** Homelessness and the housing cost burden has a direct health impact on many Portlanders – either through added economic stress and the inability to afford medical care, or through the direct impact of living outdoors. The EDEP is supporting human health because it helps to keep current and planned housing projects feasible by maintaining current levels of inclusionary housing requirements and extending expiration dates to reduce the need for projects to reapply for approvals.

**Environmental Health.** Weave nature into the city and foster a healthy environment that sustains people, neighborhoods, and fish and wildlife. Recognize the intrinsic value of nature and sustain the ecosystem services of Portland's air, water and land.

30. **Finding:** This guiding principle is to support a healthy environment that sustains people, neighborhoods, and fish and wildlife. The EDEP amendments do not affect existing rules that weave nature into the city and foster a healthy environment. Therefore, there is no direct impact to environmental health.

**Equity.** Promote equity and environmental justice by reducing disparities, minimizing burdens, extending community benefits, increasing the amount of affordable housing, affirmatively furthering fair housing, proactively fighting displacement, and improving socio-economic opportunities for under-served and under-represented populations. Intentionally engage under-served and under-represented populations in decisions that affect them. Specifically recognize, address and prevent repetition of the injustices suffered by communities of color throughout Portland's history.

31. **Finding:** The EDEP amendments support the continued development of more affordable and market-rate housing units. The amendments related to land use review processes support this guiding principal by keeping projects that are in the design and permitting stages of development moving forward during the economic disruption caused by COVID-19. The proposal to extend the expiration date an additional one year for the lower inclusionary housing rates that apply outside the Central City and Gateway plan districts will continue to support the development of affordable housing by providing flexibility to developers that may otherwise not be able to build more inclusionary housing units because of the uncertainties of the market due to COVID-19. This flexibility will increase the likelihood that developers are able to provide much needed new affordable and market-rate housing units. These amendments advance housing stability for historically inequitably burdened communities of color, underserved and under-represented communities, and other vulnerable populations.

**Resilience.** Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts.

32. **Finding:** The EDEP amendments are a response to an unanticipated health and economic disaster. The amendments provide resilience for the development and construction market, an important sector of Portland's economic system. This response reduces risk and improves the ability of individuals, communities, and economic systems to withstand, recover from, and adapt to changes from natural hazards and human-made disasters.

## Chapter 1: The Plan

**Goal 1.A: Multiple goals.** Portland’s Comprehensive Plan provides a framework to guide land use, development, and public facility investments. It is based on a set of Guiding Principles that call for integrated approaches, actions, and outcomes that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.

**Goal 1.B: Regional partnership.** Portland’s Comprehensive Plan acknowledges Portland’s role within the region, and it is coordinated with the policies of governmental partners.

**Goal 1.C: A well-functioning plan.** Portland’s Comprehensive Plan is effective, its elements are aligned, and it is updated periodically to be current and to address mandates, community needs, and identified problems.

**Goal 1.D: Implementation tools.** Portland’s Comprehensive Plan is executed through a variety of implementation tools, both regulatory and non-regulatory. Implementation tools comply with the Comprehensive Plan and are carried out in a coordinated and efficient manner. They protect the public’s current and future interests and balance the need for providing certainty for future development with the need for flexibility and the opportunity to promote innovation.

**Goal 1.E: Administration.** Portland’s Comprehensive Plan is administered efficiently and effectively and in ways that forward the intent of the Plan. It is administered in accordance with regional plans and state and federal law.

**33. Finding:** As noted above, the EDEP amendments are consistent with the guiding principles of the Comprehensive Plan. As part of an integrated approach to meet multiple goals, the City Council has considered applicable policies to determine that this ordinance complies with the Comprehensive Plan. As described below, the City Council’s decision to adopt the EDEP amendments has considered the multiple goals of the comprehensive plan, including the guiding principles, to determine that the adoption of this ordinance will ensure that Portland is prosperous, healthy, equitable, and resilient.

The findings in this exhibit demonstrate how the EDEP amendments are consistent with the 2035 Comprehensive Plan including advancing multiple goals and utilizing regulatory implementation tools that promote current and future interests, provide certainty in terms of development entitlements while allowing flexibility in uncertain times. The findings additionally show how the amendments are consistent with the Urban Growth Management Functional Plan, and the Statewide Planning Goals. Metro, TriMet, and other state agencies received notice of the proposed EDEP amendments from the 35-day DLCD notice and the City’s legislative notice.

*Note: Council finds that only specific policies are applicable and provides responsive findings for the applicable policies below.*

### The Comprehensive Plan

**Policy 1.1. Comprehensive Plan elements.** Maintain a Comprehensive Plan that includes these elements:

- **Vision and Guiding Principles.** The Vision is a statement of where the City aspires to be in 2035. The Guiding Principles call for decisions that meet multiple goals to ensure Portland is prosperous, healthy, equitable, and resilient.
- **Goals and policies.** The goals and policies of the Comprehensive Plan, including the Urban Design Framework, provide the long-range planning direction for the development and

redevelopment of the city.

- **Comprehensive Plan Map.** The Comprehensive Plan Map is the official long-range planning guide for spatially defining the desired land uses and development in Portland. The Comprehensive Plan Map is a series of maps, which together show the boundaries of municipal incorporation, the Urban Service Boundary, land use designations, and the recognized boundaries of the Central City, Gateway regional center, town centers, and neighborhood centers.
- **List of Significant Projects.** The List of Significant Projects identifies the public facility projects needed to serve designated land uses through 2035 including expected new housing and jobs. It is based on the framework provided by a supporting Public Facilities Plan (PFP). The Citywide Systems Plan (CSP) is the City's public facilities plan. The Transportation System Plan (TSP) includes the transportation-related list of significant projects. The list element of the TSP is also an element of the Comprehensive Plan.
- **Transportation policies, street classifications, and street plans.** The policies, street classifications, and street plan maps contained in the Transportation System Plan (TSP) are an element of the Comprehensive Plan. Other parts of the TSP function as a supporting document, as described in Policy 1.2.

34. **Finding:** The EDEP amendments do not change the structure of these plan elements. This policy does not apply.

## Supporting Documents

**Policy 1.2. Comprehensive Plan supporting documents.** Maintain and periodically update the following Comprehensive Plan supporting documents.

1. **Inventories and analyses.** The following inventories and analyses are supporting documents to the Comprehensive Plan:
  - Economic Opportunities Analysis (EOA)
  - Buildable Lands Inventory (BLI)
  - Natural Resource Inventory (NRI)
  - Housing Needs Analysis (HNA)

35. **Finding:** The above-noted supporting documents are not impacted by the EDEP amendments. This Policy is not applicable.

2. **Public Facilities Plan.** The Public Facilities Plan (PFP) is a coordinated plan for the provision of urban public facilities and services within Portland's Urban Services Boundary. The Citywide Systems Plan (CSP) is the City's public facilities plan.

36. **Finding:** As demonstrated in the findings for Statewide Planning Goal 11, the EDEP amendments do not significantly impact the provision of public services and are consistent with the adopted Citywide Systems Plan (CSP). The CSP, which was adopted (Ordinance 185657) and acknowledged by LCDL on April 25, 2017, includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects, consistent with the requirements of Statewide Planning Goal 11. The EDEP amendments do not amend the Citywide Systems Plan (CSP)

3. **Transportation System Plan (TSP).** The TSP is the detailed long-range plan to guide transportation system functions and investments. The TSP ensures that new development and

allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities. The TSP includes a financial plan to identify revenue sources for planned transportation facilities included on the List of Significant Projects. The TSP is the transportation element of the Public Facilities Plan. Certain components of the TSP are elements of the Comprehensive Plan. *See Policy 1.1.*

**37. Finding:** As demonstrated in the findings for Statewide Planning Goal 12 (Transportation) and the goals and policies of Chapter 9 (Transportation), the EDEP amendments do not impact key facilities on the surrounding transportation system. The EDEP land use process amendments extend the timelines for land use processes that evaluate transportation impacts within the parameters of those reviews. The Inclusionary Housing amendment extends the provisions of an existing program for one year and does not significantly affect development and growth.

**4. School Facility Plans.** School facility plans that were developed in consultation with the City, adopted by school districts serving the City, and that meet the requirements of ORS 195 are considered supporting documents to the Comprehensive Plan.

**38. Finding:** The EDEP land use process amendments extend the timelines for land use processes that evaluate school facility impacts within the parameters of those reviews. The Inclusionary Housing amendment extends the provisions of an existing program for one year. These amendments do not significantly affect development and growth.

## Implementation tools

**Policy 1.3. Implementation tools subject to the Comprehensive Plan.** Maintain Comprehensive Plan implementation tools that are derived from, and comply with, the Comprehensive Plan.

*Implementation tools include those identified in policies 1.4 through 1.9.*

**39. Finding:** The EDEP amendments maintain and amend the comprehensive plan implementation tools as described below in Policies 1.4 through 1.9. Consistency with the applicable comprehensive policies and guiding principles for relevant amendments are demonstrated elsewhere in these findings.

**Policy 1.4. Zoning Code.** Maintain a Zoning Code that establishes the regulations that apply to various zones, districts, uses, and development types.

**Policy 1.5 Zoning Map.** Maintain a Zoning Map that identifies the boundaries of various zones, districts, and other special features.

**Policy 1.6 Service coordination agreements.** Maintain coordination agreements with local governments of adjoining jurisdictions concerning mutual recognition of urban service boundaries; special service districts concerning public facilities and services within Portland's Urban Services Boundary; and public school districts concerning educational facilities within Portland's Urban Services Boundary.

**Policy 1.7 Annexations.** Provide a process incorporating urban and urbanizable land within the City's Urban Services Boundary through annexation. See policies 8.11-8.19 for service extension requirements for annexations.

**Policy 1.8 Urban renewal plans.** Coordinate Comprehensive Plan implementation with urban renewal plans and implementation activities. A decision to adopt a new urban renewal district, adopt or amend goals and objectives that will guide investment priorities within a district, or amend the boundaries of an existing district, must comply with the Comprehensive Plan.



**Policy 1.9 Development agreements.** Consider development agreements entered into by the City of Portland and pursuant to Oregon Revised Statute 94 a Comprehensive Plan implementation tool.

## Administration

**Policy 1.10. Compliance with the Comprehensive Plan.** Ensure that amendments to the Comprehensive Plan's elements, supporting documents, and implementation tools comply with the Comprehensive Plan. "Comply" means that amendments must be evaluated against the Comprehensive Plan's applicable goals and policies and on balance be equally or more supportive of the Comprehensive Plan than the existing language or designation.

**1.10.a** Legislative amendments to the Comprehensive Plan's elements and implementation tools must also comply with the Guiding Principles.

**1.10.b** Legislative amendments to the Comprehensive Plan's elements should be based on the factual basis established in the supporting documents as updated and amended over time.

**1.10.c** Amendments to the Zoning Map are in compliance with the Comprehensive Plan if they are consistent with the Comprehensive Plan Map.

**40. Finding:** The City Council finds that this is a fundamental policy of the Comprehensive Plan that guides the manner in which the Council considers amendments to the Plan itself or any implementing regulations, such as the Zoning Code. These findings identify how the EDEP amendments comply with the 2035 Comprehensive Plan. Council finds all applicable policies are met and are consistent and compliant with the Comprehensive Plan.

**Policy 1.11. Consistency with Metro Urban Growth Management Functional Plan and Urban Growth Boundary.** Ensure that the Comprehensive Plan remains consistent with the Metro Urban Growth Management Functional Plan and supports a tight urban growth boundary for the Portland Metropolitan area.

**Policy 1.12. Consistency with Statewide Planning Goals.** Ensure that the Comprehensive Plan, supporting documents, and implementation tools remain consistent with the Oregon Statewide Planning Goals.

**41. Finding:** As noted earlier in these findings, the EDEP amendments are consistent with and designed to further the applicable elements of the Metro Urban Growth Management Functional Plan and Statewide Planning Goals, consistent with the directives of policies 1.11 and 1.12.

**Policy 1.13. Consistency with state and federal regulations.** Ensure that the Comprehensive Plan remains consistent with all applicable state and federal regulations, and that implementation measures for the Comprehensive Plan are well coordinated with other City activities that respond to state and federal regulations.

**42. Finding:** The EDEP amendments were developed to be consistent with applicable state and federal regulations, including the fair housing act.

**Policy 1.14. Public facility adequacy.** Consider impacts on the existing and future availability and capacity of urban public facilities and services when amending Comprehensive Plan elements and implementation tools. Urban public facilities and services include those provided by the City, neighboring jurisdictions, and partners within Portland's urban services boundaries, as established by Policies 8.2 and 8.6.

43. **Finding:** As demonstrated in the findings for Statewide Planning Goal 11 and Chapter 8 (Public Facilities and Services) of the Comprehensive Plan, the EDEP amendments do not significantly impact the provision of public services to these sites.

**Policy 1.15. Intergovernmental coordination.** Strive to administer the Comprehensive Plan elements and implementation tools in a manner that supports the efforts and fiscal health of the City, county and regional governments, and partner agencies such as school districts and transit agencies.

44. **Finding:** As demonstrated in the findings for Statewide Planning Goal 2, the City filed the required 35-day notice with Oregon Department of Land Conservation and Development to notify other government agencies of the proposed EDEP amendments. There were no other government agencies that raised issues or concerns with the EDEP amendments.

**Policy 1.16. Planning and Sustainability Commission review.** Ensure the Planning and Sustainability Commission (PSC) reviews and makes recommendations to the City Council on all proposed legislative amendments to Comprehensive Plan elements, supporting documents, and implementation tools. The PSC advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. The membership and powers and duties of the PSC are described in the Zoning Code.

45. **Finding:** On May 26, 2020, the PSC was given a briefing on the Proposed Draft of the EDEP amendments. The PSC held a public hearing the same day on May 26, 2020. At the hearing, testimony was received on the Proposed Draft. On May 26, 2020, the PSC considered amendments and voted on the final Recommended Draft to be forwarded to City Council.

**Policy 1.17. Community Involvement Committee.** Establish a Community Involvement Committee to oversee the Community Involvement Program as recognized by Oregon Statewide Planning Goal 1 – Community Involvement and policies 2.15-2.18 of this Comprehensive Plan.

46. **Finding:** The Community Involvement Committee was appointed in June 2018 and reviews and advises the way City staff engage with the public in land use and transportation planning. The EDEP amendments have no impact on the establishment or undertakings of the CIC. This project's community involvement program is detailed more in the findings for Chapter 2, Community Involvement.

**Policy 1.18. Quasi-judicial amendments to the Comprehensive Plan Map.** Applicants for quasi-judicial amendments to the Comprehensive Plan Map must show that the requested change adheres to Policies 1.10 through 1.15 and:

- Is compatible with the land use pattern established by the Comprehensive Plan Map.
- Is not in conflict with applicable adopted area-specific plans as described in Policy 1.19, or the applicable hearings body determines that the identified conflict represents a circumstance where the area specific plan is in conflict with the Comprehensive Plan and the proposed amendment is consistent with the Comprehensive Plan.

The Hearings Officer must review and make recommendations to the City Council on all quasi-judicial amendments to the Comprehensive Plan Map using procedures outlined in the Zoning Code.

47. **Finding:** This policy concerns quasi-judicial amendments to the Comprehensive Plan Map and is not applicable to this project, which is a legislative project.

**Policy 1.19. Area-specific plans.** Use area-specific plans to provide additional detail or refinements applicable at a smaller geographic scale, such as for centers and corridors, within the policy

framework provided by the overall Comprehensive Plan.

**1.19.a** Area-specific plans that are adopted after May 24, 2018, should clearly identify which components amend Comprehensive Plan elements, supporting documents, or implementation tools. Such amendments should be appropriate to the scope of the Comprehensive Plan; be intended to guide land use decisions; and provide geographically-specific detail. Such amendments could include policies specific to the plan area, land use designation changes, zoning map changes, zoning code changes, and public facility projects necessary to serve designated land uses.

**1.19.b** Area-specific plan components intended as context, general guidance, or directives for future community-driven efforts should not amend the Comprehensive Plan elements or implementation tools but be adopted by resolution as intent. These components include vision statements, historical context, existing conditions, action plans, design preferences, and other background information.

**1.19.c** Community, area, neighborhood, and other area-specific plans that were adopted by ordinance prior to January 1, 2018 are still in effect. However, the elements of this Comprehensive Plan supersede any goals or policies of a community, area, or neighborhood plan that are inconsistent with this Plan.

- 48. Finding:** The EDEP amendments do not include or amend area specific plans. Policy 1.19 directs that existing area-specific plans be used to provide additional detail or refinements at a smaller geographic scale, like centers or corridors. The EDEP land use review amendments are administrative in nature and will apply citywide and will apply uniformly in all areas of the city. The EDEP Inclusionary Housing amendment applies to all areas of the city outside of the Central City and the Gateway Regional Center. It extends an existing program for one year and will have minimal impact on growth and development in areas outside of the Central City and Gateway. The community, area, neighborhood and other area specific plans do not specify review deadlines, and while some may speak to the need for engaging with residents early as part of more significant development plans, the manner for such engagement is not prescribed, and does not contradict the proposed allowances for holding meetings with neighborhoods virtually. The findings included herein demonstrate that the amendments are consistent with the 2035 comprehensive plan.

## Chapter 2: Community Involvement

**Goal 2.A: Community involvement as a partnership.** The City of Portland works together as a genuine partner with all Portland communities and interests. The City promotes, builds, and maintains relationships, and communicates with individuals, communities, neighborhoods, businesses, organizations, institutions, and other governments to ensure meaningful community involvement in planning and investment decisions.

**Goal 2.B: Social justice and equity.** The City of Portland seeks social justice by expanding choice and opportunity for all community members, recognizing a special responsibility to identify and engage, as genuine partners, under-served and under-represented communities in planning, investment, implementation, and enforcement processes, particularly those with potential to be adversely affected by the results of decisions. The City actively works to improve its planning and investment-related decisions to achieve equitable distribution of burdens and benefits and address past injustices.

**Goal 2.C: Value community wisdom and participation.** Portland values and encourages community and civic participation. The City seeks and considers community wisdom and diverse cultural perspectives, and integrates them with technical analysis, to strengthen land use decisions.

**Goal 2.D: Transparency and accountability.** City planning and investment decision-making processes are clear, open, and documented. Through these processes a diverse range of community interests are heard and balanced. The City makes it clear to the community who is responsible for making decisions and how community input is considered. Accountability includes monitoring and reporting outcomes.

**Goal 2.E: Meaningful participation.** Community members have meaningful opportunities to participate in and influence all stages of planning and decision making. Public processes engage the full diversity of affected community members, including under-served and under-represented individuals and communities. The City will seek and facilitate the involvement of those potentially affected by planning and decision making.

**Goal 2.F: Accessible and effective participation.** City planning and investment decision-making processes are designed to be culturally accessible and effective. The City draws from acknowledged best practices and uses a wide variety of tools, including those developed and recommended by under-served and under-represented communities, to promote inclusive, collaborative, culturally-specific, and robust community involvement.

**Goal 2.G: Strong civic infrastructure.** Civic institutions, organizations, and processes encourage active and meaningful community involvement and strengthen the capacity of individuals and communities to participate in planning processes and civic life.

**49. Finding:** The public engagement process provided opportunities for all interested parties to comment on and influence the recommended draft and the final decision before City Council.

*Proposed Draft.* The Proposed Draft was published on April 27, 2020 in preparation for the Planning and Sustainability Commission (PSC) hearing on May 26, 2020. As part of the Proposed Draft publication and legislative process requirements, the following legal notices were also sent:

- Form 1 Notice  
Sent to the Department of Land Conservation and Development (DLCD)
- Legislative Notice  
Sent to interested parties, recognized organizations, affected bureaus, TriMet, Metro and ODOT and published in the Daily Journal of Commerce

In addition to these legal requirements, information about the PSC hearings was featured in a blog post on the project website. Staff engaged directly with the public or made the following presentations during the Proposed Draft phase:

- Presentation to the BDS Development Review Advisory Committee (DRAC) on April 16, 2020
- Presentation to the Portland Building and Urban Development Council on May 5, 2020

Staff gave a briefing to the Planning and Sustainability Commission (PSC) on May 26, 2020. The PSC also held a public hearing on May 26, 2020, deliberated on the Proposed Draft, and voted to recommend the changes to City Council. The PSC hearing was held using Zoom virtual meeting software and including opportunities for the public to testify both online or by telephone. The meeting was streamed live and is also available for viewing on the Bureau website.

On June 2, 2020 the Recommended Draft was published, presenting the PSC's recommendations to City Council. On June 18, 2020, a legislative notice of the City Council Hearing was sent to interested parties and anyone who testified to the PSC on the proposed draft and supplied contact information. City Council held a public hearing on July 8, 2020, to receive testimony on the Recommended Draft.

On July 8, 2020, City Council held a public hearing on the Recommended Draft and several amendments were introduced to that draft based on testimony and communication with the public and stakeholders:

1. Retroactivity amendment: The Recommended Draft contained language that would set the "start date" for the proposal as three years prior to the effective date of this ordinance. Because the impacts of the pandemic on city permitting functions and on the economy began in March 2020, Council decided to apply the EDEP land use review extension amendment retroactively, but carving out land division approvals and those approvals that applied to the unincorporated county under Title 33 jurisdiction ("County pockets") pursuant to ORS 92.285 and ORS 215.110.

There was a request from a testifier at the hearing to extend the retroactivity further back in time, for a start date of September 1, 2016. Council addressed this request at the hearing and noted that the request exceeded the scope of the project's goal of providing relief to applicants that were impacted by the COVID-19 pandemic and, therefore, the proposal would not be extended further to meet this request.

2. Neighborhood Contact amendment: Further extend the allowance for virtual neighborhood contact meetings from January 1, 2021 to January 1, 2024. Council felt that extending the virtual public meeting allowance was necessary because it is not clear how long the pandemic's effects will last and there seems to be some benefit to virtual neighborhood contact in allowing more people to participate in the meetings.
3. Inclusionary Housing amendment: Reduce the extension for the lower provision of affordable housing outside the Central City from three years to one year. Council felt the reduction from three years to one year would give staff one year to further study the IH program and identify steps to better calibrate the program to maximize affordable housing.

Testimony was presented to Council in support of the original proposal to extend the lower IH rates for three years. Council deliberated the timeframe for the extension and felt that the one-year extension was the appropriate amount of time to allow staff more time to

study the rates without locking in the lower rates for three years. It was noted that, if deemed necessary, the lower rates could be further extended before the end of the one-year extension.

As noted below in these findings, the EDEP amendments are consistent with the goals and policies of Chapter 2 (Community Involvement) of the 2035 Comprehensive Plan and the findings in response to those goals and policies are incorporated by reference. The events and outreach strategies summarized here demonstrate consistency with the requirements of Statewide Planning Goal 1. The amendments introduced at the first Council hearing were developed in partnership with the community and reflect community wisdom and participation.

The BPS website had a project page with the available documents and the public was provided opportunities to express concerns and suggest amendments in front of both the PSC and City Council. In summary, the public engagement process provided opportunities for interested parties to comment on and influence the Recommended Draft and the final decision before City Council supporting the goal of meaningful community involvement.

*Note: Council finds that only specific policies are applicable and provides responsive findings for the applicable policies below.*

## Partners in decision making

**Policy 2.1. Partnerships and coordination.** Maintain partnerships and coordinate land use engagement with:

**2.1.a** Individual community members.

**2.1.b** Communities of color, low-income populations, Limited English Proficient (LEP) communities, Native American communities, and other under-served and under-represented communities.

**2.1.c** District coalitions, neighborhood associations, and business district associations as local experts and communication channels for place-based projects.

**2.1.d** Businesses, unions, employees, and related organizations that reflect Portland's diversity as the center of regional economic and cultural activity.

**2.1.e** Community-based, faith-based, artistic and cultural, and interest-based non-profits, organizations, and groups.

**2.1.f** Institutions, governments, and Sovereign tribes.

**Policy 2.2. Broaden partnerships.** Work with district coalitions, neighborhood associations, and business district associations to increase participation and to help them reflect the diversity of the people and institutions they serve. Facilitate greater communication and collaboration among district coalitions, neighborhood associations, business district associations, culturally-specific organizations, and community-based organizations.

**50. Finding:** The EDEP amendment to the neighborhood contact requirements of Chapter 705 supports these policies by allowing public meetings to be held virtually during the COVID-19 pandemic. As a result, land use review applicants and developers can continue to coordinate and receive feedback on projects while still meeting social distancing guidelines.

## Environmental justice

**Policy 2.3. Extend benefits.** Ensure plans and investments promote environmental justice by

extending the community benefits associated with environmental assets, land use, and public investments to communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision. Maximize economic, cultural, political, and environmental benefits through ongoing partnerships.

**Policy 2.4. Eliminate burdens.** Ensure plans and investments eliminate associated disproportionate burdens (e.g. adverse environmental, economic, or community impacts) for communities of color, low-income populations, and other under-served or under-represented groups impacted by the decision.

**2.4.a,** Minimize or mitigate disproportionate burdens in cases where they cannot be eliminated.

**2.4.b,** Use plans and investments to address disproportionate burdens of previous decisions.

51. **Finding:** The EDEP amendments provide regulatory relief in the form of extended expiration deadlines to reduce financial burdens on applicants, especially impacted lower income applicants to reduce the need for reapplication/plan modification which can come with considerable expense. Therefore, these policies are better served with the temporary relief provided through EDEP.

## Invest in education and training

**Policy 2.5. Community capacity building.** Enhance the ability of community members, particularly those in under-served and/or under-represented groups, to develop the relationships, knowledge, and skills to effectively participate in plan and investment processes.

**Policy 2.6. Land use literacy.** Provide training and educational opportunities to build the public's understanding of land use, transportation, housing, and related topics, and increase capacity for meaningful participation in planning and investment processes.

**Policy 2.7. Agency capacity building.** Increase City staff's capacity, tools, and skills to design and implement processes that engage a broad diversity of affected and interested communities, including under-served and under-represented communities, in meaningful and appropriate ways.

## Community assessment

**Policy 2.8. Channels of communication.** Maintain channels of communication among City Council, the Planning and Sustainability Commission (PSC), project advisory committees, City staff, and community members.

52. **Finding:** The City Council interprets this policy to create opportunities for the community and advisory committees to communicate their issues and concerns to the PSC and City Council outside of the formal legislative process. These changes are a legislative process with formal opportunities to testify to communicate directly with City Council. Therefore, this policy does not apply.

**Policy 2.9. Community analysis.** Collect and evaluate data, including community-validated population data and information, to understand the needs, priorities, and trends and historical context affecting different communities in Portland.

**Policy 2.10. Community participation in data collection.** Provide meaningful opportunities for individuals and communities to be involved in inventories, mapping, data analysis, and the development of alternatives.

**Policy 2.11, Open data.** Ensure planning and investment decisions are a collaboration among stakeholders, including those listed in Policy 2.1. Where appropriate, encourage publication, accessibility, and wide-spread sharing of data collected and generated by the City.

## Transparency and accountability

**Policy 2.12. Roles and responsibilities.** Establish clear roles, rights, and responsibilities for participants and decision makers in planning and investment processes. Address roles of City bureaus, elected officials, and participants, including community and neighborhood leadership, business, organizations, and individuals.

**Policy 2.13. Project scope.** Establish clear expectations about land use project sponsorship, purpose, design, and how decision makers will use the process results.

**Policy 2.14. Community influence.** At each stage of the process, identify which elements of a planning and investment process can be influenced or changed through community involvement. Clarify the extent to which those elements can be influenced or changed.

**Policy 2.15. Documentation and feedback.** Provide clear documentation for the rationale supporting decisions in planning and investment processes. Communicate to participants about the issues raised in the community involvement process, how public input affected outcomes, and the rationale used to make decisions.

53. **Finding:** As described in the findings above, the legislative process was clearly outlined in notices, documents and on the project website as to how to testify to influence the Proposed Draft at the PSC. The Recommended Draft was published with information about how to testify.

Throughout this process, BPS staff contacted, met with, and coordinated with stakeholders to inform them how to engage in the decision-making process, how the process was structured, and additional opportunities to participate when such opportunities existed.

## Community involvement program

**Policy 2.16. Community Involvement Program.** Maintain a Community Involvement Program that supports community involvement as an integral and meaningful part of the planning and investment decision-making process.

**Policy 2.17. Community engagement manual.** Create, maintain, and actively implement a community engagement manual that details how to conduct community involvement for planning and investment projects and decisions.

**Policy 2.18. Best practices engagement methods.** Utilize community engagement methods, tools, and technologies that are recognized as best practices.

**Policy 2.19. Community Involvement Committee.** The Community Involvement Committee (CIC), an independent advisory body, will evaluate and provide feedback to City staff on community involvement processes for individual planning and associated investment projects, before, during, and at the conclusion of these processes.

**Policy 2.20. Review bodies.** Maintain review bodies, such as the Planning and Sustainability Commission (PSC), Design Commission, Historic Landmarks Commission, and Adjustment Committee, to provide an opportunity for community involvement and provide leadership and expertise for specialized topic areas.

**Policy 2.21. Program evaluation.** Periodically evaluate the effectiveness of the Community Involvement Program and recommend and advocate for program and policy improvements. The Community Involvement Committee (CIC) will advise City staff regarding this evaluation.

**Policy 2.22. Shared engagement methods.** Coordinate and share methods, tools, and technologies that lead to successful engagement practices with both government and community partners and solicit engagement methods from the community.

**Policy 2.23. Adequate funding and human resources.** Provide a level of funding and human resources



allocated to the Community Involvement Program sufficient to make community involvement an integral part of the planning, policy, investment and development process.

54. **Finding:** These policies concern the City's Community Involvement Program. The adopted Community Involvement Program policies were followed for the EDEP project.

## Process design and evaluation

**Policy 2.24. Representation.** Facilitate participation of a cross-section of the full diversity of affected Portlanders during planning and investment processes. This diversity includes individuals, stakeholders, and communities represented by race, color, national origin, English proficiency, gender, age, disability, religion, sexual orientation, gender identity, and source of income.

**Policy 2.25. Early involvement.** Improve opportunities for interested and affected community members to participate early in planning and investment processes, including identifying and prioritizing issues, needs, and opportunities; participating in process design; and recommending and prioritizing projects and/or other types of implementation.

**Policy 2.26. Verifying data.** Use data, including community-validated population data, to guide planning and investment processes and priority setting and to shape community involvement and decision-making efforts.

**Policy 2.27. Demographics.** Identify the demographics of potentially affected communities when initiating a planning or investment project.

**Policy 2.28. Historical understanding.** To better understand concerns and conditions when initiating a project, research the history, culture, past plans, and other needs of the affected community, particularly under-represented and under-served groups, and persons with limited English proficiency (LEP). Review preliminary findings with members of the community who have institutional and historical knowledge.

**Policy 2.29. Project-specific needs.** Customize community involvement processes to meet the needs of those potentially affected by the planning or investment project. Use community involvement techniques that fit the scope, character, and potential impact of the planning or investment decision under consideration.

**Policy 2.30. Culturally-appropriate processes.** Consult with communities to design culturally-appropriate processes to meet the needs of those affected by a planning or investment project. Evaluate, use, and document creative and culturally-appropriate methods, tools, technologies, and spaces to inform and engage people from under-served and under-represented groups about planning or investment projects.

**Policy 2.31. Innovative engagement methods.** Develop and document innovative methods, tools, and technologies for community involvement processes for plan and investment projects.

**Policy 2.32. Inclusive participation beyond Portland residents.** Design public processes for planning and investment projects to engage affected and interested people who may not live in Portland such as property owners, employees, employers, and students, among others, as practicable.

**Policy 2.33. Inclusive participation in Central City planning.** Design public processes for the Central City that recognize its unique role as the region's center. Engage a wide range of stakeholders from the Central City and throughout the region including employees, employers, social service providers, students, and visitors, as well as regional tourism, institutional, recreation, transportation, and local/regional government representatives, as appropriate.

**Policy 2.34. Accessibility.** Ensure that community involvement processes for planning and investment projects are broadly accessible in terms of location, time, and language, and that they support the engagement of individuals with a variety of abilities and limitations on participation.

**Policy 2.35. Participation monitoring.** Evaluate and document participant demographics throughout planning and investment processes to assess whether participation reflects the demographics of affected communities. Adapt involvement practices and activities accordingly to increase effectiveness at reaching targeted audiences.

**Policy 2.36. Adaptability.** Adapt community involvement processes for planning and investment projects as appropriate to flexibly respond to changes in the scope and priority of the issues, needs, and other factors that may affect the process.

**Policy 2.37. Process evaluation.** Evaluate each community involvement process for planning or investment projects from both the City staff and participants' perspectives, and consider feedback and lessons learned to enhance future involvement efforts.

55. **Finding:** Policies 2.24 through 2.37 concern how the community involvement program is designed and developed to support planning and investment projects. The EDEP process was conducted to be accessible to a range of community stakeholders. Information on these zoning code amendments was made available to the public through a project website and mailers sent as part of the legislative notice. Additionally, City staff presented changes to the BDS Development Review Advisory Committee on April 16, 2020 and the Portland Building and Urban Development Council on May 5, 2020.

## Information design and development

**Policy 2.38. Accommodation.** Ensure accommodations to let individuals with disabilities participate in administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

**Policy 2.39. Notification.** Notify affected and interested community members and recognized organizations about administrative, quasi-judicial, and legislative land use decisions with enough lead time to enable effective participation. Consider notification to both property owners and renters.

**Policy 2.40. Tools for effective participation.** Provide clear and easy access to information about administrative, quasi-judicial, and legislative land use decisions in multiple formats and through technological advancements and other ways.

**Policy 2.41. Limited English Proficiency (LEP).** Ensure that limited English proficient (LEP) individuals are provided meaningful access to information about administrative, quasi-judicial, and legislative land use decisions, consistent with federal regulations.

56. **Finding:** The community involvement process for the EDEP was conducted during a time the City was under a public health emergency declaration, which limited public gatherings and mandated social distancing. Given the time-sensitive nature and urgency of this project, the project proceeded using the community involvement tools available. All community involvement events and public hearings were conducted remotely using video conferencing technology. The hearings were accessible to community members using personal computers, mobile devices, and land-line telephones. Information was provided online and a legislative notice was mailed to interested parties, including neighborhood associations, business associations, and other affected jurisdictions, that have requested notice of proposed land use changes. Information about accommodation and translation was provided on all notices. The City sent a legislative notice on April 24, 2020 to interested parties and stakeholders of the May 26, PSC hearing in order for them

to provide testimony. Additionally, legislative notice was sent on June 18, 2020 to interested parties, and others that participated in the PSC hearings to inform them of the opportunity to testify at the July 8, 2020 City Council public hearing.

## Chapter 3: Urban Form

**GOAL 3.A: A city designed for people.** Portland’s built environment is designed to serve the needs and aspirations of all Portlanders, promoting prosperity, health, equity, and resiliency. New development, redevelopment, and public investments reduce disparities and encourage social interaction to create a healthy connected city.

**GOAL 3.B: A climate and hazard resilient urban form.** Portland’s compact urban form, sustainable building development practices, green infrastructure, and active transportation system reduce carbon emissions, reduce natural hazard risks and impacts, and improve resilience to the effects of climate change.

**GOAL 3.C: Focused growth.** Household and employment growth is focused in the Central City and other centers, corridors, and transit station areas, creating compact urban development in areas with a high level of service and amenities, while allowing the relative stability of lower-density single-family residential areas.

**GOAL 3.D: A system of centers and corridors.** Portland’s interconnected system of centers and corridors provides diverse housing options and employment opportunities, robust multimodal transportation connections, access to local services and amenities, and supports low-carbon complete, healthy, and equitable communities.

**GOAL 3.E: Connected public realm and open spaces.** A network of parks, streets, City Greenways, and other public spaces supports community interaction; connects neighborhoods, districts, and destinations; and improves air, water, land quality, and environmental health.

**GOAL 3.F: Employment districts.** Portland supports job growth in a variety of employment districts to maintain a diverse economy.

**GOAL 3.G: Nature in the city.** A system of habitat corridors weaves nature into the city, enhances habitat connectivity, and preserves natural resources and the ecosystem services they provide.

57. **Finding:** These goals address the broad form of and spatial layout of the city as a whole, considering the natural and urban conditions that shape the city, the unique districts that give the city a diverse character, and the network of corridors that link the city internally and with the region. The EDEP land use process amendments primarily extend the timelines for land use processes. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year. These amendments do not significantly affect the growth patterns and urban form of the city.

*Note: Council finds that only specific policies are applicable and provides responsive findings for the applicable policies below.*

### Citywide design and development

**Policy 3.1 Urban Design Framework.** Use the Urban Design Framework (UDF) as a guide to create inclusive and enduring places, while providing flexibility for implementation at the local scale to meet the needs of local communities.

**Policy 3.2. Growth and stability.** Direct most growth and change to centers, corridors, and transit station areas, allowing the continuation of the scale and characteristics of Portland’s residential neighborhoods.

**58. Finding:** These policies and the UDF encourage a centers and corridors based growth pattern. The EDEP land use process amendments primarily impact the timelines for land use review processes. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year. These amendments do not significantly affect the growth patterns and urban form of the city.

**Policy 3.3. Equitable development.** Guide development, growth, and public facility investment to reduce disparities, ensure equitable access to opportunities, and produce positive outcomes for all Portlanders.

**3.3.a.** Anticipate, avoid, reduce, and mitigate negative public facility and development impacts, especially where those impacts inequitably burden communities of color, under-served and under-represented communities, and other vulnerable populations.

**3.3.b.** Make needed investments in areas that are deficient in public facilities to reduce disparities and increase equity. Accompany these investments with proactive measures to avoid displacement and increase affordable housing.

**3.3.c.** Encourage use of community benefit agreements to ensure equitable outcomes from development projects that benefit from public facility investments, increased development allowances, or public financial assistance. Consider community benefit agreements as a tool to mitigate displacement and housing affordability impacts.

**3.3.d.** Incorporate requirements into the Zoning Code to provide public and community benefits as a condition of development projects to receive increased development allowances.

**3.3.e.** When private property value is increased by public plans and investments, require development to address or mitigate displacement impacts and impacts on housing affordability, in ways that are related and roughly proportional to these impacts.

**3.3.f.** Coordinate housing, economic development, and public facility plans and investments to create an integrated community development approach to restore communities impacted by past decisions.

**3.3.g.** Encourage developers to engage directly with a broad range of impacted communities to identify potential impacts to private development projects, develop mitigation measures, and provide community benefits to address adverse impacts.

**59. Finding:** The EDEP Inclusionary Housing amendment advances equitable development through the creation and integration of permanently affordable housing units into new construction residential development. The Inclusionary Housing Zoning Code advances economic and social integration and support community stabilization for households at risk of displacement. While these amendments delay the effective date for higher rates of inclusionary housing outside Central City and Gateway plan districts, they are intended to keep currently planned projects feasible under current rates until the economic outlook improves. This means that some projects that may have been made infeasible under the higher inclusionary rates will still be able to move forward and deliver some affordable units, albeit at the current required rate.

**Policy 3.4. All ages and abilities.** Strive for a built environment that provides a safe, healthful, and attractive environment for people of all ages and abilities.

**Policy 3.5. Energy and resource efficiency.** Support energy-efficient, resource-efficient, and sustainable development and transportation patterns through land use and transportation planning.

**Policy 3.6. Land efficiency.** Provide strategic investments and incentives to leverage infill, redevelopment, and promote intensification of scarce urban land while protecting environmental quality.

**Policy 3.7. Integrate nature.** Integrate nature and use green infrastructure throughout Portland.

**Policy 3.8. Leadership and innovation in design.** Encourage high-performance design and development that demonstrates Portland’s leadership in the design of the built environment, commitment to a more equitable city, and ability to experiment and generate innovative design solutions.

60. **Finding:** Policies 3.5 through 3.8 address energy, resource and land efficiency, integration of nature into design, and high-performance design. The EDEP land use process amendments primarily extend the timelines for land use processes. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year. These amendments do not change any design-related development standards, or natural resources standards and have no direct impact on land efficiency.

**Policy 3.9. Growth and development.** Evaluate the potential impacts of planning and investment decisions, significant new infrastructure, and significant new development on the physical characteristics of neighborhoods and their residents, particularly under-served and under-represented communities, with attention to displacement and affordability impacts. Identify and implement strategies to mitigate the anticipated impacts.

61. **Finding:** The EDEP land use process amendments primarily impact the timelines for land use review processes. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on citywide growth and development.

**Policy 3.10. Rural, urbanizable, and urban land.** Preserve the rural character of rural land outside the Regional Urban Growth Boundary. Limit urban development of urbanizable land beyond the City Limits until it is annexed and full urban services are extended.

62. **Finding:** The EDEP amendments affect land within the City Limits, and do not impact rural land outside the UGB. This policy does not apply.

**Policy 3.11. Significant places.** Enhance and celebrate significant places throughout Portland with symbolic features or iconic structures that reinforce local identity, histories, and cultures and contribute to way-finding throughout the city. Consider these especially at:

- High-visibility intersections
- Attractions
- Schools, libraries, parks, and other civic places
- Bridges
- Rivers
- Viewpoints and view corridor locations
- Historically or culturally significant places
- Connections to volcanic buttes and other geologic and natural landscape features
- Neighborhood boundaries and transitions

63. **Finding:** The EDEP land use process amendments affect land use reviews that would evaluate how a proposal impacts significant places within the city. The Inclusionary Housing amendments extend an existing program by one year and would not significantly affect development and growth. This policy is not applicable.

## Centers

**Policy 3.12. Role of centers.** Enhance centers as anchors of complete neighborhoods that include concentrations of commercial and public services, housing, employment, gathering places, and green spaces.

**Policy 3.13. Variety of centers.** Plan for a range of centers across the city to enhance local, equitable access to services, and expand housing opportunities.

**Policy 3.14. Housing in centers.** Provide housing capacity for enough population to support a broad range of commercial services, focusing higher-density housing within a half-mile of the center core.

**Policy 3.15. Investments in centers.** Encourage public and private investment in infrastructure, economic development, and community services in centers to ensure that all centers will support the populations they serve.

**Policy 3.16. Government services.** Encourage the placement of services in centers, including schools and colleges, health services, community centers, daycare, parks and plazas, library services, and justice services.

**Policy 3.17. Arts and culture.** Ensure that land use plans and infrastructure investments allow for and incorporate arts, culture, and performance arts as central components of centers.

**Policy 3.18. Accessibility.** Design centers to be compact, safe, attractive, and accessible places, where the street environment makes access by transit, walking, biking, and mobility devices such as wheelchairs, safe and attractive for people of all ages and abilities.

**Policy 3.19. Center connections.** Connect centers to each other and to other key local and regional destinations, such as schools, parks, and employment areas, by frequent and convenient transit, bicycle sharing, bicycle routes, pedestrian trails and sidewalks, and electric vehicle charging stations.

**Policy 3.20. Green infrastructure in centers.** Integrate nature and green infrastructure into centers and enhance public views and connections to the surrounding natural features.

64. **Finding:** Policies 3.12 through 3.20 provide guidance on how centers identified on the comprehensive plan map should evolve over time. The policies address investments, uses, the relationship of centers to transportation networks, design, and development. The EDEP amendments do not directly affect planned investments in Centers, or any of the ways centers are connected to the rest of the City. These policies are not applicable.

## Central City

**Policy 3.21. Role of the Central City.** Encourage continued growth and investment in the Central City, and recognize its unique role as the region's premier center for jobs, services, and civic and cultural institutions that support the entire city and region.

**Policy 3.22. Model Urban Center.** Promote the Central City as a living laboratory that demonstrates how the design and function of a dense urban center can concurrently provide equitable benefits to human health, the natural environment, and the local economy.

**Policy 3.23. Central City employment.** Encourage the growth of the Central City's regional share of employment and continue its growth as the region's unique center for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

**Policy 3.24. Central City housing.** Encourage the growth of the Central City as Portland's and the region's largest center with the highest concentrations of housing and with a diversity of housing options and services.

**Policy 3.25. Transportation hub.** Enhance the Central City as the region's multimodal transportation hub and optimize regional access as well as the movement of people and goods among key destinations.

**Policy 3.26. Public places.** Promote public places and the Willamette River waterfront in the Central City as places of business and social activity and gathering for the people of its districts and the broader region.

65. **Finding:** The EDEP land use review amendments are process oriented and do not affect growth and development within the Central City. The EDEP Inclusionary Housing amendment does not apply in the Central City Plan District. These policies are not applicable.

## Gateway Regional Center

**Policy 3.27 Role of Gateway.** Encourage growth and investment in Gateway to enhance its role as East Portland's center of employment, commercial, and public services.

**Policy 3.28 Housing.** Encourage housing in Gateway, to create East Portland's largest concentration of high-density housing.

**Policy 3.29 Transportation.** Enhance Gateway's role as a regional high-capacity transit hub that serves as an anchor for East Portland's multimodal transportation system.

**Policy 3.30 Public places.** Enhance the public realm and public places in Gateway to provide a vibrant and attractive setting for business and social activity that serves East Portland residents and the region.

66. **Finding:** The EDEP land use review amendments are process oriented and do not affect growth and development within the Gateway Regional Center. The EDEP Inclusionary Housing amendment does not apply in the Gateway Plan District. These policies are not applicable.

## Town Centers

**Policy 3.31 Role of Town Centers.** Enhance Town Centers as successful places that serve the needs of surrounding neighborhoods as well as a wider area, and contain higher concentrations of employment, institutions, commercial and community services, and a wide range of housing options.

**Policy 3.32 Housing.** Provide for a wide range of housing types in Town Centers, which are intended to generally be larger in scale than the surrounding residential areas. There should be sufficient zoning capacity within a half-mile walking distance of a Town Center to accommodate 7,000 households.

**Policy 3.33 Transportation.** Improve Town Centers as multimodal transportation hubs that optimize access from the broad area of the city they serve and are linked to the region's high-capacity transit system.

**Policy 3.34 Public places.** Provide parks or public squares within or near Town Centers to support their roles as places of focused business and social activity.



**67. Finding:** Policies 3.31 through 3.34 provide direction on the desired characteristics and functions of the town centers. The EDEP amendments do not change the boundary any of the Town Centers on the Urban Design Framework. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on town centers.

## Neighborhood Centers

**Policy 3.35 Role of Neighborhood Centers.** Enhance Neighborhood Centers as successful places that serve the needs of surrounding neighborhoods. In Neighborhood Centers, provide for higher concentrations of development, employment, commercial and community services, and a wider range of housing options than the surrounding neighborhoods.

**Policy 3.36 Housing.** Provide for a wide range of housing types in Neighborhood Centers, which are intended to generally be larger in scale than the surrounding residential areas, but smaller than Town Centers. There should be sufficient zoning capacity within a half-mile walking distance of a Neighborhood Center to accommodate 3,500 households.

**Policy 3.37 Transportation.** Design Neighborhood Centers as multimodal transportation hubs that are served by frequent-service transit and optimize pedestrian and bicycle access from adjacent neighborhoods.

**Policy 3.38 Public places.** Provide small parks or plazas within or near Neighborhood Centers to support their roles as places of local activity and gathering.

**68. Finding:** Policies 3.35 through 3.38 provide direction on the desired characteristics and functions of neighborhood centers. The EDEP amendments do not change the neighborhood center boundaries on the Urban Design Framework. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on neighborhood centers.

## Inner Ring Districts

**Policy 3.39 Growth.** Expand the range of housing and employment opportunities in the Inner Ring Districts. Emphasize growth that replaces gaps in the historic urban fabric, such as redevelopment of surface parking lots and 20th century auto-oriented development.

**Policy 3.40 Corridors.** Guide growth in corridors to transition to mid-rise scale close to the Central City, especially along Civic Corridors.

**Policy 3.41 Distinct identities.** Maintain and enhance the distinct identities of the Inner Ring Districts and their corridors. Use and expand existing historic preservation and design review tools to accommodate growth in ways that identify and preserve historic resources and enhance the distinctive characteristics of the Inner Ring Districts, especially in areas experiencing significant development.

**Policy 3.42 Diverse residential areas.** Provide a diversity of housing opportunities in the Inner Ring Districts' residential areas. Encourage approaches that preserve or are compatible with existing historic properties in these areas. Acknowledge that these areas are historic assets and should retain their established characteristics and development patterns, even as Inner Ring centers and corridors grow. Apply base zones in a manner that takes historic character and adopted design guidelines into

account.

**Policy 3.43 Active transportation.** Enhance the role of the Inner Ring Districts' extensive transit, bicycle, and pedestrian networks in conjunction with land uses that optimize the ability for more people to utilize this network. Improve the safety of pedestrian and bike connections to the Central City. Strengthen transit connections between the Inner Ring Districts and to the Central City.

69. **Finding:** Policies 3.39 through 3.43 provide direction on the desired characteristics and functions of the Inner Ring Districts. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on the character or function of inner ring districts.

## Corridors

**Policy 3.44. Growth and mobility.** Coordinate transportation and land use strategies along corridors to accommodate growth and mobility needs for people of all ages and abilities.

**Policy 3.45. Connections.** Improve corridors as multimodal connections providing transit, pedestrian, bicycle, and motor vehicle access and that serve the freight needs of centers and neighborhood business districts.

**Policy 3.46. Design.** Encourage street design that balances the important transportation functions of corridors with their roles as the setting for commercial activity and residential living.

**Policy 3.47. Green infrastructure in corridors.** Enhance corridors with distinctive green infrastructure, including landscaped stormwater facilities, extensive tree plantings, and other landscaping that both provide environmental function and contribute to a quality pedestrian environment.

70. **Finding:** Policies 3.44 through 3.47 provide direction on the desired characteristics and functions of corridors as well as street design and future land use changes. The EDEP amendments do not change the boundary of corridors on the Urban Design Framework, impact transportation facility design, or amend the TSP. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on the characteristics and functions of corridors.

## Civic Corridors

**Policy 3.48. Integrated land use and mobility.** Enhance Civic Corridors as distinctive places that are models of ecological urban design, with transit-supportive densities of housing and employment, prominent street trees and other green features, and high-quality transit service and pedestrian and bicycle facilities.

**Policy 3.49. Design great places.** Improve public streets and sidewalks along Civic Corridors to support the vitality of business districts, create distinctive places, provide a safe, healthy, and attractive pedestrian environment, and contribute to quality living environments for residents.

**Policy 3.50. Mobility corridors.** Improve Civic Corridors as key mobility corridors of citywide importance that accommodate all modes of transportation within their right-of-way or on nearby parallel routes.

**Policy 3.51. Freight.** Maintain freight mobility and access on Civic Corridors that are also Major or Priority Truck Streets.

71. **Finding:** Policies 3.48 through 3.51 provide direction on the desired characteristics and functions of civic corridors as well as street design and future land use changes. The EDEP amendments do not change the boundary of corridors on the Urban Design Framework, impact transportation facility design, or amend the TSP. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on the characteristics and functions of civic corridors.

## Neighborhood Corridors

**Policy 3.52. Neighborhood Corridors.** Enhance Neighborhood Corridors as important places that support vibrant neighborhood business districts with quality multi-family housing, while providing transportation connections that link neighborhoods.

72. **Finding:** This policy provides direction on the desired characteristics and functions of corridors as well as street design and future land use changes. The EDEP amendments do not change the boundary of neighborhood corridors on the Urban Design Framework or amend the TSP. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on the characteristics and functions of neighborhood corridors.

## Transit Station Areas

**Policy 3.53. Transit-oriented development.** Encourage transit-oriented development and transit-supportive concentrations of housing and jobs, and multimodal connections at and adjacent to high-capacity transit stations.

**Policy 3.54. Community connections.** Integrate transit stations into surrounding communities and enhance pedestrian and bicycle facilities (including bike sharing) to provide safe and accessible connections to key destinations beyond the station area.

**Policy 3.55. Transit station area safety.** Design transit areas to improve pedestrian, bicycle, and personal safety.

**Policy 3.56. Center stations.** Encourage transit stations in centers to provide high density concentrations of housing and commercial uses that maximize the ability of residents to live close to both high-quality transit and commercial services.

**Policy 3.57. Employment stations.** Encourage concentrations of jobs and employment-focused land uses in and around stations in employment-zoned areas.

**Policy 3.58. Transit neighborhood stations.** Encourage concentrations of mixed-income residential development and supportive commercial services close to transit neighborhood stations. Transit neighborhood stations serve mixed-use areas that are not in major centers.

**Policy 3.59. Destination stations.** Enhance connections between major destinations and transit facilities and strengthen the role of these station areas as places of focused activity.

73. **Finding:** These policies generally relate to station planning and supportive active transportation infrastructure and future land use changes. The EDEP amendments do not change the boundary of station areas on the Urban Design Framework or amend the TSP. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the

provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on station areas.

## City Greenways

**Policy 3.60. Connections.** Create a network of distinctive and attractive City Greenways that link centers, parks, schools, rivers, natural areas, and other key community destinations.

**Policy 3.61. Integrated system.** Create an integrated City Greenways system that includes regional trails through natural areas and along Portland’s rivers, connected to neighborhood greenways, and heritage parkways.

**Policy 3.62. Multiple benefits.** Design City Greenways that provide multiple benefits that contribute to Portland’s pedestrian, bicycle, green infrastructure, and parks and open space systems.

**Policy 3.63. Design.** Use design options such as distinctive street design, motor vehicle diversion, landscaping, tree plantings, scenic views, and other appropriate design options, to create City Greenways that extend the experience of open spaces and nature into neighborhoods, while improving stormwater management and calming traffic.

**74. Finding:** These policies primarily relate to the design and construction of improvements for City Greenways and not to the development requirements for lots that abut them. This policy does not apply.

## Urban habitat corridors

**Policy 3.64. Urban habitat corridors.** Establish a system of connected, well-functioning, and diverse habitat corridors that link habitats in Portland and the region, facilitate safe fish and wildlife access and movement through and between habitat areas, enhance the quality and connectivity of existing habitat corridors, and establish new habitat corridors in developed areas.

**Policy 3.65. Habitat connection tools.** Improve habitat corridors using a mix of tools including natural resource protection, property acquisition, natural resource restoration, tree planting and landscaping with native plants, and ecological design integrated with new development.

**Policy 3.66. Connect habitat corridors.** Ensure that planned connections between habitat corridors, greenways, and trails are located and designed to support the functions of each element, and create positive interrelationships between the elements, while also protecting habitat functions, fish, and wildlife.

**75. Finding:** Habitat corridors are mapped on Figure 3-6 of the Comprehensive Plan. The EDEP amendments do not affect limits on building coverage, nor change Title 11 tree preservation and density requirements that apply in development situations. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on urban habitat corridors.

## Employment areas

**Policy 3.67. Employment area geographies.** Consider the land development and transportation needs of Portland’s employment geographies when creating and amending land use plans and making infrastructure investments.

**Policy 3.68. Regional Truck Corridors.** Enhance designated streets to accommodate forecast freight growth and support intensified industrial use in nearby freight districts. *See Figure 3-7 — Employment*

*Areas.* Designated regional truckways and priority truck streets (Transportation System Plan classifications are shown to illustrate this network).

**76. Finding:** The City Council interprets this policy to acknowledge the role that regional truck corridors play in our transportation system and to take steps to improve those functions. Portland’s approach to regional truck corridors is unchanged because the EDEP amendments do not amend the Citywide System Plan or the Transportation System Plan. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment will have no direct impact on employment areas because it is only applicable to residential development. Therefore, the City continues to plan for public infrastructure investments to maintain and strengthen the regional truck corridors in the employment areas.

## Rivers Pattern Area

**Policy 3.69. Historic and multi-cultural significance.** Recognize, restore, and protect the historic and multi-cultural significance of the Willamette and Columbia Rivers, including current activities such as subsistence fishing of legally-permitted fish species.

**Policy 3.70. River transportation.** Recognize and enhance the roles of the Willamette and Columbia rivers as part of Portland’s historic, current, and future transportation infrastructure, including for freight, commerce, commuting, and other public and private transportation functions.

**Policy 3.71. Recreation.** Improve conditions along and within the Willamette and Columbia rivers to accommodate a diverse mix of recreational users and activities. Designate and invest in strategically-located sites along the length of Portland’s riverfronts for passive or active recreation activities that are compatible with nearby land uses, historically and culturally important sites, significant habitat areas, restoration sites, and native fish and wildlife usage.

**Policy 3.72 Industry and port facilities.** Enhance the regionally significant economic infrastructure that includes Oregon’s largest seaport and largest airport, unique multimodal freight, rail, and harbor access; the region’s critical energy hub; and proximity to anchor manufacturing and distribution facilities.

**Policy 3.73. Habitat.** Enhance the roles of the Willamette and Columbia rivers and their confluence as an ecological hub that provides locally and regionally significant habitat for fish and wildlife and habitat restoration opportunities.

**Policy 3.74. Commercial activities.** Enhance the roles of the Willamette and Columbia rivers in supporting local and regional business and commerce, including commercial fishing, tourism, recreation, and leisure.

**Policy 3.75. River neighborhoods.** Enhance the strong river orientation of residential areas that are located along the Willamette and Columbia Rivers.

**Policy 3.76. River access.** Enhance and complete Portland’s system of river access points and riverside trails, including the Willamette Greenway Trail, and strengthen active transportation connections between neighborhoods and the rivers.

**Policy 3.77. River management and coordination.** Coordinate with federal, state, regional, special districts, and other agencies to address issues of mutual interest and concern, including economic development, recreation, water transportation, flood and floodplain management and protection, regulatory compliance, permitting, emergency management, endangered species recovery, climate change preparation, Portland Harbor Superfund, brownfield cleanup, and habitat restoration.

**Policy 3.78 Columbia River.** Enhance the role of the Columbia River for river dependent industry, fish and wildlife habitat, subsistence and commercial fisheries, floating- and land-based neighborhoods, recreational uses, and water transportation.

**Policy 3.79 Willamette River North Reach.** Enhance the role of the Willamette River North Reach for river dependent industry, fish and wildlife habitat, and as an amenity for riverfront neighborhoods and recreational users.

**Policy 3.80. Willamette River Central Reach.** Enhance the role of the Willamette River Central Reach as the Central City and region's primary riverfront destination for recreation, history and culture, emergency response, water transportation, and as habitat for fish and wildlife.

**Policy 3.81 Willamette River South Reach.** Enhance the role of the Willamette River South Reach as fish and wildlife habitat, a place to recreate, and as an amenity for riverfront neighborhoods and others.

**Policy 3.82. Willamette River Greenway.** Maintain multi-objective plans and regulations to guide development, infrastructure investments, and natural resource protection and enhancement within and along the Willamette Greenway.

77. **Finding:** The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on the Rivers Pattern Area.

### Central City Pattern Area

**Policy 3.83. Central City districts.** Enhance the distinct identities of the Central City's districts.

**Policy 3.84. Central City river orientation.** Enhance and strengthen access and orientation to the Willamette River in the Central City and increase river-focused activities.

**Policy 3.85. Central City pedestrian system.** Maintain and expand the Central City's highly interconnected pedestrian system.

**Policy 3.86. Central City bicycle system.** Expand and improve the Central City's bicycle system.

78. **Finding:** The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment does not apply within the Central City Plan District. These amendments have no direct impact on the Central City Pattern Area.

### Inner Neighborhoods Pattern Area

**Policy 3.87 Inner Neighborhoods main streets.** Maintain and enhance the Streetcar Era pattern of street-oriented buildings along Civic and Neighborhood corridors.

**Policy 3.88 Inner Neighborhoods street patterns.** Preserve the area's urban fabric of compact blocks and its highly interconnected grid of streets.

**Policy 3.89 Inner Neighborhoods infill.** Fill gaps in the urban fabric through infill development on vacant and underutilized sites and in the reuse of historic buildings on adopted inventories.

**Policy 3.90 Inner Neighborhoods active transportation.** Use the extensive street, sidewalk, and bikeway system and multiple connections to the Central City as a key part of Portland's active transportation system

**Policy 3.91 Inner Neighborhoods residential areas.** Continue the patterns of small, connected blocks,

regular lot patterns, and streets lined by planting strips and street trees in Inner Neighborhood residential areas.

**79. Finding:** Policies 3.87 through 3.91 provide direction on the desired characteristics and functions of the Inner Neighborhoods. The Inner Neighborhoods were developed and shaped during the Streetcar Era of the late 19th and early 20th centuries. The Inner Neighborhoods are characterized by a regular pattern of neighborhood business districts located along former streetcar streets interspersed with residential areas. These policies express the overall design approach in Inner Neighborhoods. They address block patterns, infill development, building orientation and design, and active transportation. The EDEP land use review amendments are process oriented. The EDEP Inclusionary Housing amendment extends the provisions of an existing program for one year and do not significantly affect development and growth. These amendments have no direct impact on desired characteristics and functions of the Inner Neighborhoods Pattern Area.

### **Eastern Neighborhoods Pattern Area**

**Policy 3.92 Eastern Neighborhoods street, block, and lot pattern.** Guide the evolving street and block system in the Eastern Neighborhoods in ways that build on positive aspects of the area's large blocks, such as opportunities to continue mid-block open space patterns and create new connections through blocks that make it easier to access community destinations.

**Policy 3.93 Eastern Neighborhoods site development.** Require that land be aggregated into larger sites before land divisions and other redevelopment occurs. Require site plans which advance design and street connectivity goals.

**Policy 3.94 Eastern Neighborhoods trees and natural features.** Encourage development and right-of-way design that preserves and incorporates Douglas fir trees and groves, and that protects the area's streams, forests, wetlands, steep slopes, and buttes.

**Policy 3.95 Eastern Neighborhoods buttes.** Enhance public views of the area's skyline of buttes and stands of tall Douglas fir trees.

**Policy 3.96 Eastern Neighborhoods corridor landscaping.** Encourage landscaped building setbacks along residential corridors on major streets.

**Policy 3.97 Eastern Neighborhoods active transportation.** Enhance access to centers, employment areas, and other community destinations in Eastern Neighborhoods by ensuring that corridors have safe and accessible pedestrian and bicycle facilities and creating additional secondary connections that provide low-stress pedestrian and bicycle access.

**80. Finding:** Policies 3.92 through 3.97 provide direction on the desired characteristics and functions of the Eastern Neighborhoods Pattern Area. They address street patterns, site development, natural features, and active transportation. The EDEP amendments are primarily process oriented or extend an existing program by one year and do not change any site development standards, transportation standards, or natural resources standards. These amendments have no direct impact on desired characteristics and functions of the Eastern Neighborhoods Pattern Area.

### **Western Neighborhoods Pattern Area**

**Policy 3.98 Western Neighborhoods village character.** Enhance the village character of the Western Neighborhoods' small commercial districts and increase opportunities for more people to live within walking distance of these neighborhood anchors.

**Policy 3.99 Western Neighborhoods active transportation.** Provide safe and accessible pedestrian and bicycle connections, as well as off-street trail connections, to and from residential neighborhoods.

**Policy 3.100 Western Neighborhoods development.** Encourage new development and infrastructure to be designed to minimize impacts on the area's streams, ravines, and forested slopes.

**Policy 3.101 Western Neighborhoods habitat corridors.** Preserve, enhance, and connect the area's network of habitat areas and corridors, streams, parks, and tree canopy.

**Policy 3.102 Western Neighborhoods trails.** Develop pedestrian-oriented connections and enhance the Western Neighborhoods' distinctive system of trails to increase safety, expand mobility, access to nature, and active living opportunities in the area.

**81. Finding:** Policies 3.98 through 3.102 provide direction on the desired characteristics and functions of the Western Neighborhoods Pattern Area. They address commercial development patterns, natural features, and trails. The EDEP amendments are primarily process oriented or extend an existing program by one year and do not change any site development standards, transportation standards, or natural resources standards. These amendments have no direct impact on desired characteristics and functions of the Western Neighborhoods Pattern Area.



## Chapter 4: Design and Development

**Goal 4.A: Context-sensitive design and development.** New development is designed to respond to and enhance the distinctive physical, historic, and cultural qualities of its location, while accommodating growth and change.

**Goal 4.B: Historic and cultural resources.** Historic and cultural resources are integral parts of an urban environment that continue to evolve and are preserved.

**Goal 4.C: Human and environmental health.** Neighborhoods and development are efficiently designed and built to enhance human and environmental health: they protect safety and livability; support local access to healthy food; limit negative impacts on water, hydrology, and air quality; reduce carbon emissions; encourage active and sustainable design; protect wildlife; address urban heat islands; and integrate nature and the built environment.

**Goal 4.D: Urban resilience.** Buildings, streets, and open spaces are designed to ensure long-term resilience and to adjust to changing demographics, climate, and economy, and withstand and recover from natural disasters.

**82. Finding:** These goals and many of the policies in this chapter address site and building design. The EDEP amendments are primarily process oriented or extend existing inclusionary housing rates for one year and do not change any site development standards, transportation standards, or natural resources standards. The policies of this chapter are not affected by these amendments.

### Context

**Policy 4.1. Pattern areas.** Encourage building and site designs that respect the unique built, natural, historic, and cultural characteristics of Portland's five pattern areas described in Chapter 3: Urban Form.

**Policy 4.2. Community identity.** Encourage the development of character-giving design features that are responsive to place and the cultures of communities.

**Policy 4.3. Site and context.** Encourage development that responds to and enhances the positive qualities of site and context — the neighborhood, the block, the public realm, and natural features.

**Policy 4.4. Natural features and green infrastructure.** Integrate natural and green infrastructure such as trees, green spaces, ecoroofs, gardens, green walls, and vegetated stormwater management systems, into the urban environment. Encourage stormwater facilities that are designed to be a functional and attractive element of public spaces, especially in centers and corridors.

**Policy 4.5. Pedestrian-oriented design.** Enhance the pedestrian experience throughout Portland through public and private development that creates accessible, safe, and attractive places for all those who walk and/or use wheelchairs or other mobility devices.

**Policy 4.6. Street orientation.** Promote building and site designs that enhance the pedestrian experience with windows, entrances, pathways, and other features that provide connections to the street environment.

**Policy 4.7. Development and public spaces.** Guide development to help create high-quality public places and street environments while considering the role of adjacent development in framing, shaping, and activating the public space of streets and urban parks.

**Policy 4.8. Alleys.** Encourage the continued use of alleys for parking access, while preserving pedestrian access. Expand the number of alley-facing accessory dwelling units.

**Policy 4.9. Transitional urbanism.** Encourage temporary activities and structures in places that are transitioning to urban areas to promote job creation, entrepreneurship, active streets, and human interaction.

## Health and safety

**Policy 4.10. Design for active living.** Encourage development and building and site design that promotes a healthy level of physical activity in daily life.

**Policy 4.11. Access to light and air.** Provide for public access to light and air by managing and shaping the height and mass of buildings while accommodating urban-scale development.

**Policy 4.12. Privacy and solar access.** Encourage building and site designs that consider privacy and solar access for residents and neighbors while accommodating urban-scale development.

**Policy 4.13. Crime-preventive design.** Encourage building, site, and public infrastructure design approaches that help prevent crime.

**Policy 4.14. Fire prevention and safety.** Encourage building and site design that improves fire prevention, safety, and reduces seismic risks.

## Residential areas

**Policy 4.15. Residential area continuity and adaptability.** Encourage more housing choices to accommodate a wider diversity of family sizes, incomes, and ages, and the changing needs of households over time. Allow adaptive reuse of existing buildings, the creation of accessory dwelling units, and other arrangements that bring housing diversity that is compatible with the general scale and patterns of residential areas.

**Policy 4.16. Scale and patterns.** Encourage design and development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow for a range of architectural styles and expression.

**Policy 4.17. Demolitions.** Encourage alternatives to the demolition of sound housing, such as rehabilitation and adaptive reuse, especially affordable housing, and when new development would provide no additional housing opportunities beyond replacement.

**Policy 4.18. Compact single-family options.** Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

**Policy 4.19. Resource efficient and healthy residential design and development.** Support resource efficient and healthy residential design and development.

## Design and development of centers and corridors

**Policy 4.20. Walkable scale.** Focus services and higher-density housing in the core of centers to support a critical mass of demand for commercial services and more walkable access for customers.

**Policy 4.21. Street environment.** Encourage development in centers and corridors to include amenities that create a pedestrian-oriented environment and provide places for people to sit, spend time, and gather.

**Policy 4.22. Relationship between building height and street size.** Encourage development in centers and corridors that is responsive to street space width, thus allowing taller buildings on wider streets.

**Policy 4.23. Design for pedestrian and bicycle access.** Provide accessible sidewalks, high-quality

bicycle access, and frequent street connections and crossings in centers and corridors.

**Policy 4.24. Drive-through facilities.** Prohibit drive through facilities in the Central City, and limit new development of new ones in the Inner Ring Districts and centers to support a pedestrian-oriented environment.

**Policy 4.25. Residential uses on busy streets.** Improve the livability of places and streets with high motor vehicle volumes. Encourage landscaped front setbacks, street trees, and other design approaches to buffer residents from street traffic.

**Policy 4.26. Active gathering places.** Locate public squares, plazas, and other gathering places in centers and corridors to provide places for community activity and social connections. Encourage location of businesses, services, and arts adjacent to these spaces that relate to and promote the use of the space.

**Policy 4.27. Protect defining features.** Protect and enhance defining places and features of centers and corridors, including landmarks, natural features, and historic and cultural resources.

**Policy 4.28. Historic buildings in centers and corridors.** Protect and encourage the restoration and improvement of historic resources in centers and corridors.

**Policy 4.29. Public art.** Encourage new development and public places to include design elements and public art that contribute to the distinct identities of centers and corridors, and that highlight the history and diverse cultures of neighborhoods.

## Transitions

**Policy 4.30. Scale transitions.** Create transitions in building scale in locations where higher-density and higher-intensity development is adjacent to smaller-scale single-dwelling zoning. Ensure that new high-density and large-scale infill development adjacent to single dwelling zones incorporates design elements that soften transitions in scale and limit light and privacy impacts on adjacent residents.

**Policy 4.31. Land use transitions.** Improve the interface between non-residential uses and residential uses in areas where commercial or employment uses are adjacent to residentially-zoned land.

**Policy 4.32. Industrial edge.** Protect non-industrially zoned parcels from the adverse impacts of facilities and uses on industrially zoned parcels using a variety of tools, including but not limited to vegetation, physical separation, land acquisition, and insulation to establish buffers between industrial sanctuaries and adjacent residential or mixed-use areas to protect both the viability of long-term industrial operations and the livability of adjacent areas.

## Off-site impacts

**Policy 4.33. Off-site impacts.** Limit and mitigate public health impacts, such as odor, noise, glare, light pollution, air pollutants, and vibration that public facilities, land uses, or development may have on adjacent residential or institutional uses, and on significant fish and wildlife habitat areas. Pay attention to limiting and mitigating impacts to under-served and under-represented communities.

**Policy 4.34. Auto-oriented facilities, uses, and exterior displays.** Minimize the adverse impacts of highways, auto-oriented uses, vehicle areas, drive-through areas, signage, and exterior display and storage areas on adjacent residential uses.

**Policy 4.35. Noise impacts.** Encourage building and landscape design and land use patterns that limit and/or mitigate negative noise impacts to building users and residents, particularly in areas near freeways, regional truckways, major city traffic streets, and other sources of noise.

**Policy 4.36. Air quality impacts.** Encourage building and landscape design and land use patterns that limit and/or mitigate negative air quality impacts to building users and residents, particularly in areas near freeways, regional truckways, high traffic streets, and other sources of air pollution.

**Policy 4.37. Diesel emissions.** Encourage best practices to reduce diesel emissions and related impacts when considering land use and public facilities that will increase truck or train traffic.

**Policy 4.38. Light pollution.** Encourage lighting design and practices that reduce the negative impacts of light pollution, including sky glow, glare, energy waste, impacts to public health and safety, disruption of ecosystems, and hazards to wildlife.

**Policy 4.39. Airport noise.** Partner with the Port of Portland to require compatible land use designations and development within the noise-affected area of Portland International Airport, while providing disclosure of the level of aircraft noise and mitigating the potential impact of noise within the affected area.

**Policy 4.40. Telecommunication facility impacts.** Mitigate the visual impact of telecommunications and broadcast facilities near residentially zoned areas through physical design solutions.

## Scenic resources

**Policy 4.41. Scenic resources.** Enhance and celebrate Portland's scenic resources to reinforce local identity, histories, and cultures and contribute toward way-finding throughout the city. Consider views of mountains, hills, buttes, rivers, streams, wetlands, parks, bridges, the Central City skyline, buildings, roads, art, landmarks, or other elements valued for their aesthetic appearance or symbolism.

**Policy 4.42. Scenic resource protection.** Protect and manage designated significant scenic resources by maintaining scenic resource inventories, protection plans, regulations, and other tools.

**Policy 4.43. Vegetation management.** Maintain regulations and other tools for managing vegetation in a manner that preserves or enhances designated significant scenic resources.

**Policy 4.44. Building placement, height, and massing.** Maintain regulations and other tools related to building placement, height, and massing to preserve designated significant scenic resources.

**Policy 4.45. Future development.** Encourage new public and private development to create new public viewpoints providing views of Portland's rivers, bridges, surrounding mountains, hills and buttes, the Central City skyline, and other landmark features.

## Historic and cultural resources

**Policy 4.46. Historic and cultural resource protection.** Protect and encourage the restoration of historic buildings, places, and districts that contribute to the distinctive character and history of Portland's evolving urban environment.

**Policy 4.47. State and federal historic resource support.** Advocate for state and federal policies, programs, and legislation that would enable stronger historic resource designations, protections, and rehabilitation programs.

**Policy 4.48. Continuity with established patterns.** Encourage development that fills in vacant and underutilized gaps within the established urban fabric, while preserving and complementing historic resources.

**Policy 4.49. Resolution of conflicts.** Adopt and periodically update design guidelines for unique historic districts. Refine base zoning in historic districts to consider the character of the historic resources in the district.

**Policy 4.50. Demolition.** Protect historic resources from demolition. Provide opportunities for public comment, and encourage pursuit of alternatives to demolition or other actions that mitigate for the loss.

**Policy 4.51. City-owned historic resources.** Maintain City-owned historic resources with necessary upkeep and repair.

**Policy 4.52. Historic Resources Inventory.** Maintain and periodically update Portland's Historic Resources Inventory to inform historic and cultural resource preservation strategies.

**Policy 4.53. Preservation equity.** Expand historic preservation inventories, regulations, and programs to encourage historic preservation in areas and in communities that have not benefited from past historic preservation efforts, especially in areas with high concentrations of under-served and/or under-represented people.

**Policy 4.54. Cultural diversity.** Work with Portland's diverse communities to identify and preserve places of historic and cultural significance.

**Policy 4.55. Cultural and social significance.** Encourage awareness and appreciation of cultural diversity and the social significance of historic places and their roles in enhancing community identity and sense of place.

**Policy 4.56. Community structures.** Encourage the adaptive reuse of historic community structures, such as former schools, meeting halls, and places of worship, for arts, cultural, and community uses that continue their role as anchors for community and culture.

**Policy 4.57. Economic viability.** Provide options for financial and regulatory incentives to allow for the productive, reasonable, and adaptive reuse of historic resources.

**Policy 4.58. Archaeological resources.** Protect and preserve archaeological resources, especially those sites and objects associated with Native American cultures. Work in partnership with Sovereign tribes, Native American communities, and the state to protect against disturbance to Native American archaeological resources.

## Public art

**Policy 4.59. Public art and development.** Create incentives for public art as part of public and private development projects.

## Resource-efficient design and development

**Policy 4.60. Rehabilitation and adaptive reuse.** Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.

**Policy 4.61. Compact housing.** Promote the development of compact, space- and energy-efficient housing types that minimize use of resources such as smaller detached homes or accessory dwellings and attached homes.

**Policy 4.62. Seismic and energy retrofits.** Promote seismic and energy-efficiency retrofits of historic buildings and other existing structures to reduce carbon emissions, save money, and improve public safety.

**Policy 4.63. Life cycle efficiency.** Encourage use of technologies, techniques, and materials in building design, construction, and removal that result in the least environmental impact over the life cycle of the structure.

**Policy 4.64. Deconstruction.** Encourage salvage and reuse of building elements when demolition is necessary or appropriate.

**Policy 4.65. Materials and practices.** Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

**Policy 4.66. Water use efficiency.** Encourage site and building designs that use water efficiently and manage stormwater as a resource.

**Policy 4.67. Optimizing benefits.** Provide mechanisms to evaluate and optimize the range of benefits from solar and renewable resources, tree canopy, eeroofs, and building design.

**Policy 4.68. Energy efficiency.** Encourage and promote energy efficiency significantly beyond the Statewide Building Code and the use of solar and other renewable resources in individual buildings and at a district scale.

**Policy 4.69. Reduce carbon emissions.** Encourage a development pattern that minimizes carbon emissions from building and transportation energy use.

**Policy 4.70. District energy systems.** Encourage and remove barriers to the development and expansion of low-carbon heating and cooling systems that serve multiple buildings or a broader district.

**Policy 4.71. Ecodistricts.** Encourage ecodistricts, where multiple partners work together to achieve sustainability and resource efficiency goals at a district scale.

**Policy 4.72. Energy-producing development.** Encourage and promote development that uses renewable resources, such as solar, wind, and water to generate power on-site and to contribute to the energy grid.

## Designing with nature

**Policy 4.73. Design with nature.** Encourage design and site development practices that enhance, and avoid the degradation of, watershed health and ecosystem services and that incorporate trees and vegetation.

**Policy 4.74. Flexible development options.** Encouraging flexibility in the division of land, the siting and design of buildings, and other improvements to reduce the impact of development on environmentally-sensitive areas and to retain healthy native and beneficial vegetation and trees.

**Policy 4.75. Low-impact development and best practices.** Encourage use of low-impact development, habitat-friendly development, bird-friendly design, and green infrastructure.

**Policy 4.76. Impervious surfaces.** Limit use of and strive to reduce impervious surfaces and associated impacts on hydrologic function, air and water quality, habitat connectivity, tree canopy, and urban heat island effects.

**Policy 4.77. Hazards to wildlife.** Encourage building, lighting, site, and infrastructure design and practices that provide safe fish and wildlife passage, and reduce or mitigate hazards to birds, bats, and other wildlife.

**Policy 4.78. Access to nature.** Promote equitable, safe, and well-designed physical and visual access to nature for all Portlanders, while also maintaining the functions and values of significant natural resources, fish, and wildlife. Provide access to major natural features, including:

- Water bodies such as the Willamette and Columbia rivers, Smith and Bybee Lakes, creeks, streams, and sloughs.

- Major topographic features such as the West Hills, Mt. Tabor, and the East Buttes.
- Natural areas such as Forest Park and Oaks Bottom.

## Hazard-resilient design

**Policy 4.79. Natural hazards and climate change risks and impacts.** Limit development in or near areas prone to natural hazards, using the most current hazard and climate change-related information and maps.

**Policy 4.80. Geological hazards.** Evaluate slope and soil characteristics, including liquefaction potential, landslide hazards, and other geologic hazards.

**Policy 4.81. Disaster-resilient development.** Encourage development and site-management approaches that reduce the risks and impacts of natural disasters or other major disturbances and that improve the ability of people, wildlife, natural systems, and property to withstand and recover from such events.

**Policy 4.83. Urban heat islands.** Encourage development, building, landscaping, and infrastructure design that reduce urban heat island effects.

**Policy 4.82. Portland Harbor Facilities.** Reduce natural hazard risks to critical public and private energy and transportation facilities in the Portland Harbor.

**Policy 4.84. Planning and disaster recovery.** Facilitate effective disaster recovery by providing recommended updates to land use designations and development codes, in preparation for natural disasters.

## Healthy food

**Policy 4.85. Grocery stores and markets in centers.** Facilitate the retention and development of grocery stores, neighborhood-based markets, and farmer's markets offering fresh produce in centers.

**Policy 4.86. Neighborhood food access.** Encourage small, neighborhood-based retail food opportunities, such as corner markets, food co-ops, food buying clubs, and community-supported agriculture pickup/drop-off sites, to fill in service gaps in food access across the city.

**Policy 4.87. Growing food.** Increase opportunities to grow food for personal consumption, donation, sales, and educational purposes.

**Policy 4.88. Access to community gardens.** Ensure that community gardens are allowed in areas close to or accessible via transit to people living in areas zoned for mixed-use or multi-dwelling development, where residents have few opportunities to grow food in yards.

## Chapter 5: Housing

**Goal 5.A: Housing diversity.** Portlanders have access to high-quality affordable housing that accommodates their needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.

**Goal 5.B: Equitable access to housing.** Portland ensures equitable access to housing, making a special effort to remove disparities in housing access for people with disabilities, people of color, low-income households, diverse household types, and older adults.

**Goal 5.C: Healthy connected city.** Portlanders live in safe, healthy housing that provides convenient access to jobs and to goods and services that meet daily needs. This housing is connected to the rest of the city and region by safe, convenient, and affordable multimodal transportation.

**Goal 5.D: Affordable housing.** Portland has an adequate supply of affordable housing units to meet the needs of residents vulnerable to increasing housing costs.

**Goal 5.E: High-performance housing.** Portland residents have access to resource-efficient and high-performance housing for people of all abilities and income levels.

**Finding:** The EDEP land use review process amendments support these Housing goals by extending the expiration date of approved land use actions, many of which include housing development. The EDEP Inclusionary Housing amendment is consistent with these policies because it supports the creation and integration of permanently affordable housing units at or below 80 percent Area Median Income into new construction residential development, providing housing for different levels of financial capabilities. This will lead to income diversity within individual buildings and at the neighborhood level, advancing economic and social integration and supporting community stabilization for households at risk of displacement. As noted in the findings for Chapter 2, Community Involvement, an amendment was introduced at the first City Council hearing to shorten this extension from three years to one year. This amendment continues to support these Housing goals as noted here. It gives staff one year to further study the IH program and identify steps to better calibrate the program to maximize affordable housing. If Council determines at the end of the one year that more time is needed, further Council action can extend the lower rate provision.

While the EDEP amendments extend the timeframe for lower inclusionary housing rates by one year, this extension is found to be a necessary step for the City to take. The current inclusionary housing rate for projects outside the Central City and Gateway are 8% of units at 60% MFI and 15% of units at 80% MFI. These rates were set to increase to 10% and 20% of units respectively on January 1, 2021. The Bureau of Planning and Sustainability and Portland Housing Bureau closely monitor the City's Inclusionary Housing program to ensure that the program is producing affordable units through multi-family development. There are currently a significant number of projects with Inclusionary Housing units already permitted or in the permitting process. The disruption to the national and regional economy due to the COVID-19 pandemic is creating uncertainty for residential development projects. This amendment will alleviate some of that uncertainty, and better enable these projects to move forward. The risk of not extending this timeframe is that projects become less feasible, and consequently may not get built. The result of which is that no affordable units are produced, and the supply of market rate housing is also impacted.

*Note: Council finds that only specific policies are applicable and provides responsive findings for the applicable policies below.*



## Diverse and expanding housing supply

**Policy 5.1. Housing supply.** Maintain sufficient residential development capacity to accommodate Portland's projected share of regional household growth.

83. **Finding:** The EDEP amendments support this policy by providing flexibility for applicants impacted by the COVID-19 pandemic. This flexibility will allow proposed housing projects that may have been delayed or abandoned to instead proceed, expanding the housing supply.

**Policy 5.2. Housing growth.** Strive to capture at least 25 percent of the seven-county region's residential growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

**Policy 5.3. Housing potential.** Evaluate plans and investments for their impact on housing capacity, particularly the impact on the supply of housing units that can serve low- and moderate-income households, and identify opportunities to meet future demand.

**Policy 5.4. Housing types.** Encourage new and innovative housing types that meet the evolving needs of Portland households, and expand housing choices in all neighborhoods. These housing types include but are not limited to single-dwelling units; multi-dwelling units; accessory dwelling units; small units; pre-fabricated homes such as manufactured, modular, and mobile homes; co-housing; and clustered housing/clustered services.

**Policy 5.5. Housing in centers.** Apply zoning in and around centers that allows for and supports a diversity of housing that can accommodate a broad range of households, including multi-dwelling and family-friendly housing options.

**Policy 5.6. Middle housing.** Enable and encourage development of middle housing. This includes multi-unit or clustered residential buildings that provide relatively smaller, less expensive units; more units; and a scale transition between the core of the mixed use center and surrounding single family areas. Where appropriate, apply zoning that would allow this within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations, and within the Inner Ring around the Central City.

**Policy 5.7. Adaptable housing.** Encourage adaption of existing housing and the development of new housing that can be adapted in the future to accommodate the changing variety of household types.

**Policy 5.8. Physically-accessible housing.** Allow and support a robust and diverse supply of affordable, accessible housing to meet the needs of older adults and people with disabilities, especially in centers, station areas, and other places that are proximate to services and transit.

**Policy 5.9. Accessible design for all.** Encourage new construction and retrofitting to create physically-accessible housing, extending from the individual unit to the community, using Universal Design Principles.

**Policy 5.10. Coordinate with fair housing programs.** Foster inclusive communities, overcome disparities in access to community assets, and enhance housing choice for people in protected classes throughout the city by coordinating plans and investments to affirmatively further fair housing.

84. **Finding:** The Comprehensive Plan defines "foster" to mean "encourage or guide the incremental development of something over a long period of time." The EDEP Inclusionary Housing amendments encourage and enhance housing choice by supporting the production of market rate

and affordable housing units through development projects subject to Inclusionary Housing Program requirements.

## Housing access

**Policy 5.11. Remove barriers.** Remove potential regulatory barriers to housing choice for people in protected classes to ensure freedom of choice in housing type, tenure, and location.

**Policy 5.12. Impact analysis.** Evaluate plans and investments, significant new infrastructure, and significant new development to identify potential disparate impacts on housing choice, access, and affordability for protected classes and low-income households. Identify and implement strategies to mitigate the anticipated impacts.

**Policy 5.13. Housing stability.** Coordinate plans and investments with programs that prevent avoidable, involuntary evictions and foreclosures.

**Policy 5.14. Preserve communities.** Encourage plans and investments to protect and/or restore the socioeconomic diversity and cultural stability of established communities.

**Policy 5.15. Gentrification/displacement risk.** Evaluate plans and investments, significant new infrastructure, and significant new development for the potential to increase housing costs for, or cause displacement of communities of color, low- and moderate-income households, and renters. Identify and implement strategies to mitigate the anticipated impacts.

**Policy 5.16. Involuntary displacement.** When plans and investments are expected to create neighborhood change, limit the involuntary displacement of those who are under-served and under-represented. Use public investments and programs, and coordinate with nonprofit housing organizations (such as land trusts and housing providers) to create permanently-affordable housing and to mitigate the impacts of market pressures that cause involuntary displacement.

**85. Finding:** The City Council interprets Policies 5.12 to 5.16 as requiring evaluation and analysis as to who will benefit and who will be burdened by a planning decision, including amendments to the Comprehensive Plan, the Comprehensive Plan Map, the Zoning Code, and the Zoning Map. The EDEP Inclusionary Housing amendments help to continue advancing economic and social integration of affordable housing into market rate development projects. Permanent affordable units provided under the Inclusionary Housing program requirements advance long term community stability. The Council interprets “involuntary displacement” to occur when a resident is forced to relocate due to factors that are beyond the resident’s control including but not limited to increased rents. Affordable housing units dedicated in compliance with the Inclusionary Housing program create opportunities mitigating impacts of displacement in areas that are experiencing increases in housing costs and development of new multi-family development.

**Policy 5.17. Land banking.** Support and coordinate with community organizations to hold land in reserve for affordable housing, as an anti-displacement tool, and for other community development purposes.

**Policy 5.18. Rebuild communities.** Coordinate plans and investments with programs that enable communities impacted by involuntary displacement to maintain social and cultural connections, and re-establish a stable presence and participation in the impacted neighborhoods.

**Policy 5.19. Aging in place.** Encourage a range of housing options and supportive environments to enable older adults to remain in their communities as their needs change.

## Housing location

**Policy 5.20. Coordinate housing needs in high-poverty areas.** Meet the housing needs of under-served and under-represented populations living in high-poverty areas by coordinating plans and investments with housing programs.

86. **Finding:** The EDEP Inclusionary Housing amendment supports the development of new affordable housing units in high poverty areas and aligns resources of existing incentive programs at the Portland Housing Bureau to advance goals of mixed-income neighborhoods.

**Policy 5.21. Access to opportunities.** Improve equitable access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities in areas with high concentrations of under-served and under-represented populations and an existing supply of affordable housing.

**Policy 5.22. New development in opportunity areas.** Locate new affordable housing in areas that have high/medium levels of opportunity in terms of access to active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities.

87. **Finding:** The City Council interprets this policy to equate the term opportunity area to the concept of complete neighborhoods in the Portland Plan's Healthy Connected City strategy. The Inclusionary Housing Zoning Code supports the development of new affordable housing units in high/medium opportunity areas.

**Policy 5.23. Higher-density housing.** Locate higher-density housing, including units that are affordable and accessible, in and around centers to take advantage of the access to active transportation, jobs, open spaces, schools, and various services and amenities.

**Policy 5.24. Impact of housing on schools.** Evaluate plans and investments for the effect of housing development on school enrollment, financial stability, and student mobility. Coordinate with school districts to ensure plans are aligned with school facility plans.

## Housing affordability

**Policy 5.25. Housing preservation.** Preserve and produce affordable housing to meet needs that are not met by the private market by coordinating plans and investments with housing providers and organizations.

88. **Finding:** The EDEP Inclusionary Housing amendments support the inclusion of affordable housing in market rate development projects to advance goals of mixed-income communities.

**Policy 5.26. Regulated affordable housing target.** Strive to produce at least 10,000 new regulated affordable housing units citywide by 2035 that will be affordable to households in the 0-80 percent MFI bracket.

89. **Finding:** The EDEP Inclusionary Housing amendment helps advance the policy to produce at least 10,000 new regulated affordable housing units under 80 percent MFI by 2035.

**Policy 5.27. Funding plan.** Encourage development or financial or regulatory mechanisms to achieve the regulated affordable housing target set forth for 2035.

**Policy 5.28. Inventory of regulated affordable housing.** Coordinate periodic inventories of the supply of regulated affordable housing in the four-county (Clackamas, Clark, Multnomah and Washington) region with Metro.

**Policy 5.29. Permanently-affordable housing.** Increase the supply of permanently-affordable housing, including both rental and homeownership opportunities.

90. **Finding:** The EDEP Inclusionary Housing amendment applies to both rental and ownership housing for new buildings with 20 or more units. The amendment supports an increase in the supply of permanently-affordable housing by extending the lower inclusion rate to provide greater stability for the private housing development market as it adjusts to changing economic conditions.

**Policy 5.30. Housing cost burden.** Evaluate plans and investments for their impact on household cost, and consider ways to reduce the combined cost of housing, utilities, and/or transportation. Encourage energy-efficiency investments to reduce overall housing costs.

**Policy 5.31. Household prosperity.** Facilitate expanding the variety of types and sizes of affordable housing units, and do so in locations that provide low-income households with greater access to convenient transit and transportation, education and training opportunities, the Central City, industrial districts, and other employment areas.

91. **Finding:** The EDEP Inclusionary Housing amendment supports the development of new affordable housing units in high/medium opportunity areas that have good access to transit, employment, schools, parks and daily needs.

**Policy 5.32 Affordable Housing in Centers.** Encourage income diversity in and around centers by allowing a mix of housing types and tenures.

**Policy 5.33. Central City affordable housing.** Encourage the preservation and production of affordable housing in the Central City to take advantage of the area's unique concentration of active transportation access, jobs, open spaces, and supportive services and amenities.

92. **Finding:** The EDEP Inclusionary Housing amendment does not apply in the Central City. This policy does not apply.

**Policy 5.34. Affordable housing resources.** Pursue a variety of funding sources and mechanisms including new financial and regulatory tools to preserve and develop housing units and various assistance programs for households whose needs are not met by the private market.

93. **Finding:** The EDEP Inclusionary Housing amendment supports an increase the supply of permanently-affordable housing with a lower inclusion rate to give more time for the private market adjust to the new higher rate requirements.

**Policy 5.35. Inclusionary housing.** Use inclusionary zoning and other regulatory tools to effectively link the production of affordable housing to the production of market-rate housing.

94. **Finding:** Inclusionary housing is intended to leverage the private market to support the production of permanent affordable housing. The EDEP Inclusionary Housing amendment supports a phasing in of inclusion rates to best leverage market rate development to provide affordable housing through the Inclusionary Housing program requirements.

**Policy 5.36. Impact of regulations on affordability.** Evaluate how existing and new regulations affect private development of affordable housing, and minimize negative impacts where possible. Avoid regulations that facilitate economically-exclusive neighborhoods.

**Policy 5.37. Mobile home parks.** Encourage preservation of mobile home parks as a low/moderate-income housing option. Evaluate plans and investments for potential redevelopment pressures on existing mobile home parks and impacts on park residents and protect this low/moderate-income housing option. Facilitate replacement and alteration of manufactured homes within an existing

mobile home park.

**Policy 5.38. Workforce housing.** Encourage private development of a robust supply of housing that is affordable to moderate-income households located near convenient multimodal transportation that provides access to education and training opportunities, the Central City, industrial districts, and other employment areas.

95. **Finding:** The EDEP Inclusionary Housing amendment supports the development feasibility of workforce housing at the 60 to 80 percent Area Median Income level by supporting market rate development feasibility through an extension of time to meet higher inclusionary housing rates in the face of changing market conditions.

**Policy 5.39. Compact single-family options.** Encourage development and preservation of small resource-efficient and affordable single-family homes in all areas of the city.

**Policy 5.40 Employer-assisted housing.** Encourage employer-assisted affordable housing in conjunction with major employment development.

96. **Finding:** The EDEP amendments do not change employment-related development regulations.

**Policy 5.41 Affordable homeownership.** Align plans and investments to support improving homeownership rates and locational choice for people of color and other groups who have been historically under-served and under-represented.

**Policy 5.42 Homeownership retention.** Support opportunities for homeownership retention for people of color and other groups who have been historically under-served and under-represented.

**Policy 5.43 Variety in homeownership opportunities.** Encourage a variety of ownership opportunities and choices by allowing and supporting including but not limited to condominiums, cooperatives, mutual housing associations, limited equity cooperatives, land trusts, and sweat equity.

**Policy 5.44 Regional cooperation.** Facilitate opportunities for greater regional cooperation in addressing housing needs in the Portland Metropolitan area, especially for the homeless, low- and moderate-income households, and historically under-served and under-represented communities.

**Policy 5.45 Regional balance.** Encourage development of a “regional balance” strategy to secure greater regional participation to address the housing needs of homeless people and communities of color, low- and moderate-income households, and historically under-served and under-represented communities throughout the region.

## Homelessness

**Policy 5.46. Housing continuum.** Prevent homelessness and reduce the time spent being homeless by ensuring that a continuum of safe and affordable housing opportunities and related supportive services are allowed, including but not limited to Permanent Supportive Housing, transitional housing, self-built micro housing communities, emergency shelters, temporary shelters such as warming centers, and transitional campgrounds.

## Health, safety, and well-being

**Policy 5.47 Healthy housing.** Encourage development and maintenance of all housing, especially multi-dwelling housing, that protects the health and safety of residents and encourages healthy

lifestyles and active living.

**Policy 5.48 Housing safety.** Require safe and healthy housing free of hazardous materials such as lead, asbestos, and radon.

**Policy 5.49. Housing quality.** Encourage housing that provides high indoor air quality, access to sunlight and outdoor spaces, and is protected from excessive noise, pests, and hazardous environmental conditions.

**Policy 5.50. High-performance housing.** Encourage energy efficiency, green building practices, materials, and design to produce healthy, efficient, durable, and adaptable homes that are affordable or reasonably priced.

**Policy 5.51. Healthy and active living.** Encourage housing that provides features supportive of healthy eating and active living such as useable open areas, recreation areas, community gardens, crime-preventive design, and community kitchens in multifamily housing.

**Policy 5.52. Walkable surroundings.** Encourage active transportation in residential areas through the development of pathways, sidewalks, and high-quality onsite amenities such as secure bicycle parking.

**Policy 5.53. Responding to social isolation.** Encourage site designs and relationship to adjacent developments that reduce social isolation for groups that often experience it, such as older adults, people with disabilities, communities of color, and immigrant communities.

97. **Finding:** Policies 5.47 through 5.53 relate to the design of housing. The EDEP amendments do not change any development standards that govern the design of housing. These policies do not apply.

**Policy 5.54 Renter protections.** Enhance renter health, safety, and stability through education, expansion of enhanced inspections, and support of regulations and incentives that protect tenants and prevent involuntary displacement.

98. **Finding:** The EDEP amendments do not alter regulations establishing tenant protections including required relocation assistance when properties are sold and/or redeveloped (PCC 30.01.085). As a result, this policy does not apply.

## Chapter 6: Economic Development

**Goal 6.A: Prosperity.** Portland has vigorous economic growth and a healthy, diverse economy that supports prosperity and equitable access to employment opportunities for an increasingly diverse population. A strong economy that is keeping up with population growth and attracting resources and talent can:

- Create opportunity for people to achieve their full potential.
- Improve public health.
- Support a healthy environment.
- Support the fiscal well-being of the city.

**Goal 6.B: Development.** Portland supports an attractive environment for industrial, commercial, and institutional job growth and development by: 1) maintaining an adequate land supply; 2) a local development review system that is nimble, predictable, and fair; and 3) high-quality public facilities and services.

**Goal 6.C: Business district vitality.** Portland implements land use policy and investments to:

- Ensure that commercial, institutional, and industrial districts support business retention and expansion.
- Encourage the growth of districts that support productive and creative synergies among local businesses.
- Provide convenient access to goods, services, and markets.
- Take advantage of our location and quality of life advantages as a gateway to world-class natural landscapes in Northwest Oregon, Southwest Washington, and the Columbia River Basin, and a robust interconnected system of natural landscapes within the region's Urban Growth Boundary.

99. **Finding:** The EDEP amendments can be grouped into two "buckets". The first bucket contains several amendments that provide deadline flexibility in land use review processes, while the second bucket is an amendment that maintains an existing exception that allows a lower amount of affordable housing for Inclusionary Housing projects outside of the Central City and Gateway Plan Districts. All of the amendments are intended to grant some measure of relief to applicants affected by the COVID-19 pandemic during a time of economic uncertainty in the housing market. Without the options provided by these amendments, some previously approved projects and some currently pending approval will not be able to be completed within the current statutory deadlines. The time delay and additional costs associated with reviewing these projects a second time through a subsequent land use review procedure decrease the feasibility that such projects would therefore occur. With regard to inclusionary housing rate changes, increasing the required rate of affordable units for projects in less certain economic conditions impacts the ability for these projects to move forward. Without the relief provided by EDEP, the City's ability to weather the impending economic downturn will be further hampered. This relief for economic activities is vital for supporting prosperity and equitable access to employment opportunities for an increasingly diverse population.

*Note: Council finds that only specific policies are applicable and provides responsive findings for the applicable policies below.*

## **Diverse, expanding city economy**

**Policy 6.1. Diverse and growing community.** Expand economic opportunity and improve economic equity for Portland's diverse, growing population through sustained business growth.

**Policy 6.2. Diverse and expanding economy.** Align plans and investments to maintain the diversity of Portland's economy and status as Oregon's largest job center with growth across all sectors (commercial, industrial, creative, and institutional) and across all parts of the city.

**Policy 6.3. Employment growth.** Strive to capture at least 25 percent of the seven-county region's employment growth (Multnomah, Washington, Clackamas, Yamhill, Columbia, Clark, and Skamania counties).

**Policy 6.4. Fiscally-stable city.** Promote a high citywide jobs-to-households ratio that supports tax revenue growth at pace with residential demand for municipal services.

**Policy 6.5. Economic resilience.** Improve Portland's economic resilience to impacts from climate change and natural disasters through a strong local economy and equitable opportunities for prosperity.

**Policy 6.6. Low-carbon and renewable energy economy.** Align plans and investments with efforts to improve energy efficiency and reduce lifecycle carbon emissions from business operations. Promote employment opportunities associated with energy efficiency projects, waste reduction, production of more durable goods, and recycling.

**Policy 6.7. Competitive advantages.** Maintain and strengthen the city's comparative economic advantages including access to a high-quality workforce, business diversity, competitive business climate, and multimodal transportation infrastructure.

**Policy 6.8. Business environment.** Use plans and investments to help create a positive business environment in the city and provide strategic assistance to retain, expand, and attract businesses.

**Policy 6.9. Small business development.** Facilitate the success and growth of small businesses and coordinate plans and investments with programs that provide technical and financial assistance to promote sustainable operating practices.

**Policy 6.10. Business innovation.** Encourage innovation, research, development, and commercialization of new technologies, products, and services through responsive regulations and public sector approaches.

**Policy 6.11. Sharing economy.** Encourage mechanisms that enable individuals, corporations, non-profits, and government to market, distribute, share, and reuse excess capacity in goods and services. This includes peer-to-peer transactions, crowd funding platforms, and a variety of business models to facilitate borrowing and renting unused resources.

**Policy 6.12. Economic role of livability and ecosystem services.** Conserve and enhance Portland's cultural, historic, recreational, educational, food-related, and ecosystem assets and services for their contribution to the local economy and their importance for retention and attraction of skilled workers and businesses.

**100.Finding:** Policies 6.1 through 6.12 provide direction regarding economic and employment growth.

The EDEP amendments support economic and employment growth by providing greater flexibility



for applicants who may find it taking longer to secure financing and initiate construction during the economic uncertainties created by COVID-19. Many of the measures are temporary in nature, designed to provide relief during the downturn. The only permanent effective change to the code is the extension of expiration for pre-app meeting notes from 1-year to 2-years. However, pre-apps do not vest applicants in certain code requirements. This change merely alleviates the need for an applicant to file for another pre-app meeting (at about \$6,000) if filing their land use application within the two-year time period. This could be a slight cost saving measure for applicants, but has no lasting impact on application of other newly adopted development requirements that support the policies of the 2035 Comprehensive Plan.

## Land development

**Policy 6.13. Land supply.** Provide supplies of employment land that are sufficient to meet the long-term and short-term employment growth forecasts, adequate in terms of amounts and types of sites, available and practical for development and intended uses. Types of sites are distinguished primarily by employment geographies identified in the Economic Opportunities Analysis, although capacity needs for building types with similar site characteristics can be met in other employment geographies.

**101.Finding:** The EDEP amendments do not change the comprehensive plan designations of any currently designated employment lands. Therefore, there is no impact to employment capacity.

**Policy 6.14. Brownfield redevelopment.** Overcome financial-feasibility gaps to cleanup and redevelop 60 percent of brownfield acreage by 2035.

**Policy 6.15. Regionally-competitive development sites.** Improve the competitiveness of vacant and underutilized sites located in Portland's employment areas using incentives, and regional and state assistance for needed infrastructure and site readiness improvements.

**Policy 6.16. Regulatory climate.** Improve development review processes and regulations to encourage predictability and support local and equitable employment growth and encourage business retention, including:

**6.16.a.** Assess and understand cumulative regulatory costs to promote Portland's financial competitiveness with other comparable cities.

**6.16.b.** Promote certainty for new development through appropriate allowed uses and "clear and objective" standards to permit typical development types without a discretionary review.

**6.16.c.** Allow discretionary-review to facilitate flexible and innovative approaches to meet requirements.

**6.16.d.** Design and monitor development review processes to avoid unnecessary delays.

**6.16.e.** Promote cost effective compliance with federal and state mandates, productive intergovernmental coordination, and efficient, well-coordinated development review and permitting procedures.

**Policy 6.17. Short-term land supply.** Provide for a competitive supply of development-ready sites with different site sizes and types, to meet five-year demand for employment growth in the Central City, industrial areas, campus institutions, and neighborhood business districts.

**Policy 6.18. Evaluate land needs.** Update the Economic Opportunities Analysis and short-term land supply strategies every five to seven years.

**Policy 6.19. Corporate headquarters.** Provide land opportunities for development of corporate

headquarters campuses in locations with suitable transportation facilities.

102. **Finding:** Policies 6.13 through 6.16 provide direction regarding land supply and development sites and regulations in employment areas. The EDEP amendments do not change the comprehensive plan designations or regulations affecting any currently designated employment lands. The amendments do not change the development standards or requirements for designated employment lands. Therefore, these policies are not applicable.

## Traded sector competitiveness

**Policy 6.20. Traded sector competitiveness.** Align plans and investments with efforts to improve the city and regional business environment for traded sector and export growth. Participate in regional and statewide initiatives.

**Policy 6.21. Traded sector diversity.** Encourage partnerships to foster the growth, small business vitality, and diversity of traded sectors.

**Policy 6.22. Clusters.** Align plans and investments with efforts that direct strategic business development resources to enhance the competitiveness of businesses in traded sector clusters.

**Policy 6.23. Trade and freight hub.** Encourage investment in transportation systems and services that will retain and expand Portland's competitive position as a West Coast trade gateway and freight distribution hub.

**Policy 6.24. Traded sector land supply.** Foster traded sector retention, growth, and competitive advantages in industrial districts and the Central City. Recognize the concentration of traded-sector businesses in these districts.

**Policy 6.25. Import substitution.** Encourage local goods production and service delivery that substitute for imports and help keep the money Portlanders earn in the local economy.

**Policy 6.26. Business opportunities in urban innovation.** Strive to have Portland's built environment, businesses, and infrastructure systems showcase examples of best practices of innovation and sustainability.

103. **Finding:** The EDEP amendments address land use review processes and affordable housing provision and do not impact the city's traded sector. Policies 6.20 through 6.26 do not apply.

## Equitable household prosperity

**Policy 6.27. Income self-sufficiency.** Expand access to self-sufficient wage levels and career ladders for low-income people by maintaining an adequate and viable supply of employment land and public facilities to support and expand opportunities in Portland for middle- and high-wage jobs that do not require a 4-year college degree.

**6.27.a.** Support the role of industrial districts as a leading source of middle-wage jobs that do not require a 4-year college degree and as a major source of wage-disparity reduction for under-served and under-represented communities.

**6.27.b.** Evaluate and limit negative impacts of plans and investments on middle and high wage job creation and retention.

**Policy 6.28. East Portland job growth.** Improve opportunities for East Portland to grow as a business destination and source of living wage jobs.

**Policy 6.29. Poverty reduction.** Encourage investment in, and alignment of, poverty-reduction efforts that address economic development, land use, transportation, housing, social services, public health,

community development, and workforce development.

**Policy 6.30. Disparity reduction.** Encourage investment in, and alignment of, public efforts to reduce racial, ethnic, and disability-related disparities in income and employment opportunity.

**Policy 6.31. Minority-owned, woman-owned and emerging small business (MWESB) assistance.** Ensure that plans and investments improve access to contracting opportunities for minority-owned, woman-owned, and emerging small businesses.

**Policy 6.32. Urban renewal plans.** Encourage urban renewal plans to primarily benefit existing residents and businesses within the urban renewal area through:

- Revitalization of neighborhoods.
- Expansion of housing choices.
- Creation of business and job opportunities.
- Provision of transportation linkages.
- Protection of residents and businesses from the threats posed by gentrification and displacement.
- The creation and enhancement of those features which improve the quality of life within the urban renewal area.

104. **Finding:** Policies 6.27 through 6.32 address industrial districts, job creation, access to employment opportunities, reduction of employment disparities, and the creation of urban renewal plans. The EDEP amendments do not address or amend urban renewal plans or access to employment opportunity. These policies do not apply.

## Central City

**Policy 6.33. Central City.** Improve the Central City's regional share of employment and continue its growth as the unique center of both the city and the region for innovation and exchange through commerce, employment, arts, culture, entertainment, tourism, education, and government.

**Policy 6.34. Central City industrial districts.** Protect and facilitate the long-term success of Central City industrial districts, while supporting their evolution into places with a broad mix of businesses with high employment densities.

**Policy 6.35. Innovation districts.** Provide for expanding campus institutions in the Central City and Marquam Hill, and encourage business development that builds on their research and development strengths.

105. **Finding:** The EDEP land use review amendments do not address employment opportunity or location. The EDEP Inclusionary Housing amendment does not apply in the Central City. These policies do not apply.

## Industrial and employment districts

**Policy 6.36. Industrial land.** Provide industrial land that encourages industrial business retention, growth, and traded sector competitiveness as a West Coast trade and freight hub, a regional center of diverse manufacturing, and a widely-accessible base of family-wage jobs, particularly for under-served and under-represented people.

**Policy 6.37. Industrial sanctuaries.** Protect industrial land as industrial sanctuaries identified on the Comprehensive Plan Map primarily for manufacturing and distribution uses and to encourage the growth of industrial activities in the city.

**Policy 6.38. Prime industrial land retention.** Protect the multimodal freight-hub industrial districts at

the Portland Harbor, Columbia Corridor, and Brooklyn Yard as prime industrial land that is prioritized for long-term retention.

**6.38.a.** Protect prime industrial lands from quasi-judicial Comprehensive Plan Map amendments that convert prime industrial land to non-industrial uses, and consider the potential for other map amendments to otherwise diminish the economic competitiveness or viability of prime industrial land.

**6.38.b.** Limit conversion of prime industrial land through land use plans, regulations, or public land acquisition for non-industrial uses, especially land that can be used by river-dependent and river-related industrial uses.

**6.38.c.** Limit regulatory impacts on the capacity, affordability, and viability of industrial uses in the prime industrial area while ensuring environmental resources are also protected.

**6.38.d.** Strive to offset the reduction of development capacity as needed, with additional prime industrial capacity that includes consideration of comparable site characteristics. Offsets may include but are not limited to additional brownfield remediation, industrial use intensification, strategic investments, and other innovative tools and partnerships that increase industrial utilization of industrial land.

**6.38.e.** Protect prime industrial land for siting of parks, schools, large-format places of assembly, and large-format retail sales.

**6.38.f.** Promote efficient use of freight hub infrastructure and prime industrial land by limiting non-industrial uses that do not need to be in the prime industrial area.

**Policy 6.39. Harbor access lands.** Limit use of harbor access lands to river- or rail-dependent or related industrial land uses due to the unique and necessary infrastructure and site characteristics of harbor access lands for river-dependent industrial uses.

**Policy 6.40. Portland Harbor Superfund Site.** Take a leadership role to facilitate a cleanup of the Portland Harbor that moves forward as quickly as possible and that allocates cleanup costs fairly and equitably. Encourage a science-based and cost-effective cleanup solution that facilitates re-use of land for river- or rail-dependent or related industrial uses.

**Policy 6.41. Multimodal freight corridors.** Encourage freight-oriented industrial development to locate where it can maximize the use of and support reinvestment in multimodal freight corridors.

**Policy 6.42. Columbia East.** Provide a mix of industrial and limited business park development in Columbia East (east of 82nd Avenue) that expand employment opportunities supported by proximity to Portland International Airport and multimodal freight access.

**Policy 6.43. Dispersed employment areas.** Provide small, dispersed employment areas for a flexible and affordable mix of office, creative services, small-scale manufacturing, traded sector and distribution, and other small-format light industrial and commercial uses with access to nearby freeways or truck streets.

**Policy 6.44. Industrial land use intensification.** Encourage reinvestment in, and intensification of, industrial land use, as measured by output and throughput per acre.

**Policy 6.45. Industrial brownfield redevelopment.** Provide incentives, investments, technical assistance and other direct support to overcome financial-feasibility gaps to enable remediation and redevelopment of brownfields for industrial growth.

**Policy 6.46. Impact analysis.** Evaluate and monitor the impacts on industrial land capacity that may

result from land use plans, regulations, public land acquisition, public facility development, and other public actions to protect and preserve existing industrial lands.

**Policy 6.47. Clean, safe, and green.** Encourage improvements to the cleanliness, safety, and ecological performance of industrial development and freight corridors by facilitating adoption of market feasible new technology and design.

**Policy 6.48. Fossil fuel distribution.** Limit fossil fuels distribution and storage facilities to those necessary to serve the regional market.

**Policy 6.49. Industrial growth and watershed health.** Facilitate concurrent strategies to protect and improve industrial capacity and watershed health in the Portland Harbor and Columbia Corridor areas.

**Policy 6.50. District expansion.** Provide opportunities for expansion of industrial areas based on evaluation of forecasted need and the ability to meet environmental, social, economic, and other goals.

**Policy 6.51. Golf course reuse and redevelopment.** Facilitate a mix of industrial, natural resource, and public open space uses on privately-owned golf course sites in the Columbia Corridor that property owners make available for reuse.

**Policy 6.52. Residential and commercial reuse.** Facilitate compatible industrial or employment redevelopment on residential or commercial sites that become available for reuse if the site is in or near prime industrial areas, and near a freeway or on a freight street.

**Policy 6.55. Neighborhood park use.** Allow neighborhood park development within industrial zones where needed to provide adequate park service within one-half mile of every resident.

106. **Finding:** Policies 6.36 through 6.55 provide direction regarding industrial and employment districts. The EDEP amendments do not change the comprehensive plan designations or regulations affecting any currently designated industrial or employment lands. Therefore, there is no impact to the development capacity of the City's industrial and employment districts.

## Campus institutions

**Policy 6.56. Campus institutions.** Provide for the stability and growth of Portland's major campus institutions as essential service providers, centers of innovation, workforce development resources, and major employers.

**Policy 6.57. Campus land use.** Provide for major campus institutions as a type of employment land, allowing uses typically associated with health care and higher education institutions. Coordinate with institutions in changing campus zoning to provide land supply that is practical for development and intended uses.

**Policy 6.58. Development impacts.** Protect the livability of surrounding neighborhoods through adequate infrastructure and campus development standards that foster suitable density and attractive campus design. Minimize off-site impacts in collaboration with institutions and neighbors, especially to reduce automobile traffic and parking impacts.

**Policy 6.59. Community amenities and services.** Encourage campus development that provides amenities and services to surrounding neighborhoods, emphasizing the role of campuses as centers of community activity.

**Policy 6.60. Campus edges.** Provide for context-sensitive, transitional uses, and development at the edges of campus institutions to enhance their integration into surrounding neighborhoods, including

mixed-use and neighborhood-serving commercial uses where appropriate.

**Policy 6.61. Satellite facilities.** Encourage opportunities for expansion of uses, not integral to campus functions, to locate in centers and corridors to support their economic vitality.

**107.Finding.** Policies 6.56 through 6.61 provide direction regarding campus institutions. The EDEP land use review amendments apply citywide and do not have any direct impacts to institutionally-designated lands. The temporary deadline relief provided by EDEP amendments serve to support the stability and growth of Portland’s major campus institutions as essential service providers, centers of innovation, workforce development resources, and major employers by enabling longer timeframes to achieve planned uses and other improvements that may not be feasible within the standard land use process timeframes given the economic downturn. The EDEP Inclusionary Housing amendment extends the provision of an existing program and does not significantly affect development and growth and will have no direct impact to campus institutions, many of which are already exempt from inclusionary housing requirements (colleges, medical centers).

## Neighborhood business districts

**Policy 6.62. Neighborhood business districts.** Provide for the growth, economic equity, and vitality of neighborhood business districts.

**Policy 6.63. District function.** Enhance the function of neighborhood business districts as a foundation of neighborhood livability.

**Policy 6.64. Small, independent businesses.** Facilitate the retention and growth of small and locally-owned businesses.

**Policy 6.65. Home-based businesses.** Encourage and expand allowances for small, low-impact home based businesses in residential areas, including office or personal service uses with infrequent or by-appointment customer or client visits to the site. Allow a limited number of employees, within the scale of activity typical in residential areas. Allow home-based businesses on sites with accessory dwelling units.

**Policy 6.66. Neighborhood-serving business.** Provide for neighborhood business districts and small commercial nodes in areas between centers to expand local access to goods and services. Allow nodes of small-scale neighborhood-serving commercial uses in large planned developments and as a ground floor use in high density residential areas.

**Policy 6.67. Retail development.** Provide for a competitive supply of retail sites that support the wide range of consumer needs for convenience, affordability, accessibility, and diversity of goods and services, especially in under-served areas of Portland.

**Policy 6.68. Investment priority.** Prioritize commercial revitalization investments in neighborhoods that serve communities with limited access to goods and services.

**Policy 6.69. Non-conforming neighborhood business uses.** Limit non-conforming uses to reduce adverse impacts on nearby residential uses while avoiding displacement of existing neighborhood businesses.

**Policy 6.70. Involuntary commercial displacement.** Evaluate plans and investments for their impact on existing businesses.

**6.70.a.** Limit involuntary commercial displacement in areas at risk of gentrification, and incorporate tools to reduce the cost burden of rapid neighborhood change on small business owners vulnerable to displacement.

**6.70.b.** Encourage the preservation and creation of affordable neighborhood commercial space to support a broad range of small business owners.

**Policy 6.71. Temporary and informal markets and structures.** Acknowledge and support the role that temporary markets (farmer’s markets, craft markets, flea markets, etc.) and other temporary or mobile-vending structures play in enabling startup business activity. Also, acknowledge that temporary uses may ultimately be replaced by more permanent development and uses.

**Policy 6.72. Community economic development.** Encourage collaborative approaches to align land use and neighborhood economic development for residents and business owners to better connect and compete in the regional economy.

**6.72.a.** Encourage broad-based community coalitions to implement land use and economic development objectives and programs.

**6.72.b.** Enhance opportunities for cooperation and partnerships between public and private entities that promote economic vitality in communities most disconnected from the regional economy.

**6.72.c.** Encourage cooperative efforts by area businesses, Business Associations, and Neighborhood Associations to work together on commercial revitalization efforts, sustainability initiatives, and transportation demand management.

**Policy 6.73. Centers.** Encourage concentrations of commercial services and employment opportunities in centers.

**6.73.a.** Encourage a broad range of neighborhood commercial services in centers to help residents and others in the area meet daily needs and/or serve as neighborhood gathering places.

**6.73.b.** Encourage the retention and further development of grocery stores and local markets as essential elements of centers.

**6.73.c.** Enhance opportunities for services and activities in centers that are responsive to the needs of the populations and cultural groups of the surrounding area.

**6.73.d.** Require ground-level building spaces in core areas of centers accommodate commercial or other street-activating uses and services.

**6.73.e.** Encourage employment opportunities as a key function of centers, including connections between centers, institutions, and other major employers to reinforce their roles as vibrant centers of activity.

**108.Finding:** Policies 6.62 through 6.73 provide direction regarding neighborhood commercial districts. The EDEP code amendments do not change commercial revitalization priorities, or affect the base land uses, non-conforming uses, or development capacity in the commercial/mixed-use zones. These policies are not applicable.

## Chapter 7: Environmental and Watershed Health

**Goal 7.A: Climate.** Carbon emissions are reduced to 50 percent below 1990 levels by 2035.

**Goal 7.B: Healthy watersheds and environment.** Ecosystem services and ecosystem functions are maintained and watershed conditions have improved over time, supporting public health and safety, environmental quality, fish and wildlife, cultural values, economic prosperity, and the intrinsic value of nature.

**Goal 7.C: Resilience.** Portland's built and natural environments function in complementary ways and are resilient in the face of climate change and natural hazards.

**Goal 7.D: Environmental equity.** All Portlanders have access to clean air and water, can experience nature in their daily lives, and benefit from development designed to lessen the impacts of natural hazards and environmental contamination.

**Goal 7.E: Community stewardship.** Portlanders actively participate in efforts to maintain and improve the environment, including watershed health.

**109.Finding:** These goals focus on City programs and actions to improve environmental quality, watershed health, and resilience. They also provide direction regarding planning for natural resource protection, and provide a framework governing the City's environmental overlay zones. There are also a number of watershed specific policies in this Chapter that provide additional guidance. The EDEP land use review amendments are process oriented and administrative in nature while the EDEP Inclusionary Housing amendment extends an existing program guiding the amount of affordable housing required in new housing projects. These amendments do not include changes to any programs or regulations that implement these goals and do not address site design or design standards. The goals and policies of Chapter 7 are not applicable to the EDEP.

### Improving environmental quality and resilience

**Policy 7.1. Environmental quality.** Protect or support efforts to protect air, water, and soil quality, and associated benefits to public and ecological health and safety, through plans and investments.

**Policy 7.2. Environmental equity.** Prevent or reduce adverse environment-related disparities affecting under-served and under-represented communities through plans and investments. This includes addressing disparities relating to air and water quality, natural hazards, contamination, climate change, and access to nature.

**Policy 7.3. Ecosystem services.** Consider the benefits provided by healthy ecosystems that contribute to the livability and economic health of the city.

**Policy 7.4. Climate change.** Update and implement strategies to reduce carbon emissions and impacts and increase resilience through plans and investments and public education.

**7.4.a. Carbon sequestration.** Enhance the capacity of Portland's urban forest, soils, wetlands, and other water bodies to serve as carbon reserves.

**7.4.b. Climate adaptation and resilience.** Enhance the ability of rivers, streams, wetlands, floodplains, urban forest, habitats, and wildlife to limit and adapt to climate-exacerbated flooding, landslides, wildfire, and urban heat island effects.

**Policy 7.5. Air quality.** Improve, or support efforts to improve, air quality through plans and investments, including reducing exposure to air toxics, criteria pollutants, and urban heat island effects. Consider the impacts of air quality on the health of all Portlanders.



**Policy 7.6. Hydrology.** Through plans and investments, improve or support efforts to improve watershed hydrology to achieve more natural flow and enhance conveyance and storage capacity in rivers, streams, floodplains, wetlands, and aquifers. Minimize impacts from development and associated impervious surfaces, especially in areas with poorly-infiltrating soils and limited public stormwater discharge points, and encourage restoration of degraded hydrologic functions.

**Policy 7.7. Water quality.** Improve, or support efforts to improve, water quality in rivers, streams, floodplains, groundwater, and wetlands through land use plans and investments, to address water quality issues including toxics, bacteria, temperature, metals, and sediment pollution. Consider the impacts of water quality on the health of all Portlanders.

**Policy 7.8. Biodiversity.** Strive to achieve and maintain self-sustaining populations of native species, including native plants, native resident and migratory fish and wildlife species, at-risk species, and beneficial insects (such as pollinators) through plans and investments.

**Policy 7.9. Habitat and biological communities.** Ensure that plans and investments are consistent with and advance efforts to improve, or support efforts to improve fish and wildlife habitat and biological communities. Use plans and investments to enhance the diversity, quantity, and quality of habitats habitat corridors, and especially habitats that:

- Are rare or declining.
- Support at-risk plant and animal species and communities.
- Support recovery of species under the Endangered Species Act, and prevent new listings.
- Provide culturally important food sources, including those associated with Native American fishing rights.

**Policy 7.10. Habitat connectivity.** Improve or support efforts to improve terrestrial and aquatic habitat connectivity for fish and wildlife by using plans and investments, to:

- Prevent and repair habitat fragmentation.
- Improve habitat quality.
- Weave habitat into sites as new development occurs.
- Enhance or create habitat corridors that allow fish and wildlife to safely access and move through and between habitat areas.
- Promote restoration and protection of floodplains.

**Policy 7.11. Urban forest.** Improve, or support efforts to improve the quantity, quality, and equitable distribution of Portland's urban forest through plans and investments.

**7.11.a. Tree preservation.** Require or encourage preservation of large healthy trees, native trees and vegetation, tree groves, and forested areas.

**7.11.b. Urban forest diversity.** Coordinate plans and investments with efforts to improve tree species diversity and age diversity.

**7.11.c. Tree canopy.** Support progress toward meeting City tree canopy targets.

**7.11.d. Tree planting.** Invest in tree planting and maintenance, especially in low-canopy areas, neighborhoods with under-served or under-represented communities, and within and near urban habitat corridors.

**7.11.e. Vegetation in natural resource areas.** Require native trees and vegetation in significant natural resource areas.

**7.11.f. Resilient urban forest.** Encourage planting of Pacific Northwest hardy and climate change resilient native trees and vegetation generally, and especially in urban habitat corridors.

**7.11.g. Trees in land use planning.** Identify priority areas for tree preservation and planting in land use plans.

**7.11.h. Managing wildfire risk.** Address wildfire hazard risks and management priorities through plans and investments.

**Policy 7.12. Invasive species.** Prevent the spread of invasive plants, and support efforts to reduce the impacts of invasive plants, animals, and insects, through plans, investments, and education.

**Policy 7.13. Soils.** Coordinate plans and investments with programs that address human-induced soil loss, erosion, contamination, or other impairments to soil quality and function.

**Policy 7.14. Natural hazards.** Prevent development-related degradation of natural systems and associated increases in landslide, wildfire, flooding, and earthquake risks.

**Policy 7.15. Brownfield remediation.** Improve environmental quality and watershed health by promoting and facilitating brownfield remediation and redevelopment that incorporates ecological site design and resource enhancement.

**Policy 7.16. Adaptive management.** Evaluate trends in watershed and environmental health using current monitoring data and information to guide and support improvements in the effectiveness of City plans and investments.

**Policy 7.18. Community stewardship.** Encourage voluntary cooperation between property owners, community organizations, and public agencies to restore or re-create habitat on their property, including removing invasive plants and planting native species.

## Planning for natural resource protection

**Policy 7.19. Natural resource protection.** Protect the quantity, quality, and function of significant natural resources identified in the City's natural resource inventory, including:

- Rivers, streams, sloughs, and drainageways.
- Floodplains.
- Riparian corridors.
- Wetlands.
- Groundwater.
- Native and other beneficial vegetation species and communities.
- Aquatic and terrestrial habitats, including special habitats or habitats of concern, large anchor habitats, habitat complexes and corridors, rare and declining habitats such as wetlands, native oak, bottomland hardwood forest, grassland habitat, shallow water habitat, and habitats that support special-status or at-risk plant and wildlife species.
- Other resources identified in natural resource inventories.

**Policy 7.20. Natural resource inventory.** Maintain an up-to-date inventory by identifying the location and evaluating the relative quantity and quality of natural resources.

**Policy 7.21. Environmental plans and regulations.** Maintain up-to-date environmental protection plans and regulations that specify the significant natural resources to be protected and the types of protections to be applied, based on the best data and science available and on an evaluation of cumulative environmental, social, and economic impacts and tradeoffs. *See Figure 7-2 — Adopted Environmental Plans.*

**7.21.a.** Improve the effectiveness of environmental protection plans and regulations to protect and encourage enhancement of ecological functions and ecosystem services.

**Policy 7.22. Land acquisition priorities and coordination.** Maintain a land acquisition program as a tool to protect and support natural resources and their functions. Coordinate land acquisition with the programs of City bureaus and other agencies and organizations.

## Protecting natural resources in development situations

**Policy 7.23. Impact evaluation.** Evaluate the potential adverse impacts of proposed development on significant natural resources, their functions, and the ecosystem services they provide to inform and guide development design and mitigation consistent with policies 7.24-7.26. and other relevant Comprehensive Plan policies.

**Policy 7.24. Regulatory hierarchy: avoid, minimize, mitigate.** Maintain regulations requiring that the potential adverse impacts of new development on significant natural resources and their functions first be avoided where practicable, then minimized, then lastly, mitigated.

**Policy 7.25. Mitigation effectiveness.** Require that mitigation approaches compensate fully for adverse impacts on locally and regionally significant natural resources and functions. Require mitigation to be located as close to the impact as possible. Mitigation must also take place within the same watershed or portion of the watershed that is within the Portland Urban Services Boundary, unless mitigating outside of these areas will provide a greater local ecological benefit. Mitigation will be subject to the following preference hierarchy:

- On the site of the resource subject to impact with the same kind of resource; if that is not possible, then
- Off-site with the same kind of resource; if that is not possible, then
- On-site with a different kind of resource; if that is not possible, then
- Off-site with a different kind of resource.

**Policy 7.26. Improving environmental conditions through development.** Encourage ecological site design, site enhancement, or other tools to improve ecological functions and ecosystem services in conjunction with new development and alterations to existing development.

## Aggregate resources

**Policy 7.27. Aggregate resource protection.** Protect aggregate resource sites for current and future use where there are no major conflicts with urban needs, or where these conflicts may be resolved.

**Policy 7.28. Aggregate resource development.** When aggregate resources are developed, ensure that development minimizes adverse environmental impacts and impacts on adjacent land uses.

**Policy 7.29. Mining site reclamation.** Ensure that the reclamation of mining sites protects public health and safety, protects fish and wildlife (including at-risk species), enhances or restores habitat (including rare and declining habitat types), restores adequate watershed conditions and functions on the site, and is compatible with the surrounding land uses and conditions of nearby land.

## Columbia River Watershed

**Policy 7.30. In-water habitat.** Enhance in-water habitat for native fish and wildlife, particularly in the Oregon Slough and near-shore environments along the Columbia River.

**Policy 7.31. Sensitive habitats.** Enhance grassland, beach, riverbanks, wetlands, bottomland forests, shallow water habitats, and other key habitats for wildlife traveling along the Columbia River migratory corridor, while continuing to manage the levees and floodplain for flood control.

**Policy 7.32. River-dependent and river-related uses.** Maintain plans and regulations that recognize the needs of river-dependent and river-related uses while also supporting ecologically-sensitive site design and practices.

## Willamette River Watershed

**Policy 7.33. Fish habitat.** Provide adequate intervals of ecologically-functional shallow-water habitat for native fish along the entire length of the Willamette River within the city, and at the confluences of its tributaries.

**Policy 7.34. Stream connectivity.** Improve stream connectivity between the Willamette River and its tributaries.

**Policy 7.35. River bank conditions.** Preserve existing river bank habitat and encourage the rehabilitation of river bank sections that have been significantly altered due to development with more fish and wildlife friendly riverbank conditions.

**Policy 7.36. South Reach ecological complex.** Enhance habitat quality and connections between Ross Island, Oaks Bottom, and riverfront parks and natural areas south of the Central City to enhance the area as a functioning ecological complex.

**Policy 7.37. Contaminated sites.** Promote and support programs that facilitate the cleanup, reuse, and restoration of the Portland Harbor Superfund site and other contaminated upland sites.

**Policy 7.38. Sensitive habitats.** Protect and enhance grasslands, beaches, floodplains, wetlands, remnant native oak, bottomland hardwood forest, and other key habitats for native wildlife including shorebirds, waterfowl, and species that migrate along the Pacific Flyway and the Willamette River corridor.

**Policy 7.39. Riparian corridors.** Increase the width and quality of vegetated riparian buffers along the Willamette River.

**Policy 7.40. Connected upland and river habitats.** Enhance habitat quality and connectivity between the Willamette riverfront, the Willamette's floodplain, and upland natural resource areas.

**Policy 7.41. River-dependent and river-related uses.** Develop and maintain plans and regulations that recognize the needs of river-dependent and river-related uses, while also supporting ecologically-sensitive site design and practices.

**Policy 7.42. Forest Park.** Enhance Forest Park as an anchor habitat and recreational resource.

## Columbia Slough Watershed

**Policy 7.43. Fish passage.** Restore in-stream habitat and improve fish passage within the Columbia Slough, including for salmonids in the lower slough.

**Policy 7.44. Flow constriction removal.** Reduce constriction, such as culverts, in the slough channels, to improve the flow of water and water quality.

**Policy 7.45. Riparian corridors.** Increase the width, quality, and native plant diversity of vegetated riparian buffers along Columbia Slough channels and other drainageways within the watershed, while also managing the slough for flood control.

**Policy 7.46. Sensitive habitats.** Enhance grasslands and wetland habitats in the Columbia Slough, such as those found in the Smith and Bybee Lakes and at the St. Johns Landfill site, to provide habitat for sensitive species, and for wildlife traveling along the Columbia and Willamette river migratory corridors.

**Policy 7.47. Connected rivers habitats.** Enhance upland habitat connections to the Willamette and Columbia rivers.

**Policy 7.48. Contaminated sites.** Ensure that plans and investments are consistent with and advance programs that facilitate the cleanup, reuse, and restoration of contaminated sites that are adjacent, or that discharge stormwater, to the Columbia Slough.

**Policy 7.49. Portland International Airport.** Protect, restore, and enhance natural resources and functions in the Portland International Airport plan district, as identified in Portland International Airport/Middle Columbia Slough Natural Resources Inventory. Accomplish this through regulations, voluntary strategies, and the implementation of special development standards.

## Fanno and Tryon Creek Watersheds

**Policy 7.50. Stream connectivity.** Encourage the daylighting of piped portions of Tryon and Fanno creeks and their tributaries.

**Policy 7.51. Riparian and habitat corridors.** Protect and enhance riparian habitat quality and connectivity along Tryon and Fanno creeks and their tributaries. Enhance connections between riparian areas, parks, anchor habitats, and areas with significant tree canopy. Enhance in-stream and upland habitat connections between Tryon Creek State Natural Area and the Willamette River.

**Policy 7.52. Reduced hazard risks.** Reduce the risks of landslides and streambank erosion by protecting trees and vegetation that absorb stormwater, especially in areas with steep slopes or limited access to stormwater infrastructure.

## Johnson Creek Watershed

**Policy 7.53. In-stream and riparian habitat.** Enhance in-stream and riparian habitat and improve fish passage for salmonids along Johnson Creek and its tributaries.

**Policy 7.54. Floodplain restoration.** Enhance Johnson Creek floodplain functions to increase flood-storage capacity, improve water quality, and enhance fish and wildlife habitat.

**Policy 7.55. Connected floodplains, springs, and wetlands.** Enhance hydrologic and habitat connectivity between the Johnson Creek floodplain and its springs and wetlands.

**Policy 7.56. Reduced natural hazards.** Reduce the risks of landslides, streambank erosion and downstream flooding by protecting seeps, springs, trees, vegetation, and soils that absorb stormwater in the East Buttes.

**Policy 7.57. Greenspace network.** Enhance the network of parks, trails, and natural areas near the Springwater Corridor Trail and the East Buttes to enhance habitat connectivity and nature-based recreation in East Portland.

## Chapter 8: Public Facilities and Services

**Goal 8.A: Quality public facilities and services.** High-quality public facilities and services provide Portlanders with optimal levels of service throughout the city, based on system needs and community goals, and in compliance with regulatory mandates.

**Goal 8.B: Multiple benefits.** Public facility and service investments improve equitable service provision, support economic prosperity, and enhance human and environmental health.

**Goal 8.C: Reliability and resiliency.** Public facilities and services are reliable, able to withstand or recover from catastrophic natural and manmade events, and are adaptable and resilient in the face of long-term changes in the climate, economy, and technology.

**Goal 8.D: Public rights-of-way.** Public rights-of-way enhance the public realm and provide a multi-purpose, connected, safe, and healthy physical space for movement and travel, public and private utilities, and other appropriate public functions and uses.

**Goal 8.E: Sanitary and stormwater systems.** Wastewater and stormwater are managed, conveyed, and/or treated to protect public health, safety, and the environment, and to meet the needs of the community on an equitable, efficient, and sustainable basis.

**Goal 8.F: Flood management.** Flood management systems and facilities support watershed health and manage flooding to reduce adverse impacts on Portlanders' health, safety, and property.

**Goal 8.G: Water.** Reliable and adequate water supply and delivery systems provide sufficient quantities of high-quality water at adequate pressures to meet the needs of the community on an equitable, efficient, and sustainable basis.

**Goal 8.H: Parks, natural areas, and recreation.** All Portlanders have safe, convenient, and equitable access to high-quality parks, natural areas, trails, and recreational opportunities in their daily lives, which contribute to their health and well-being. The City manages its natural areas and urban forest to protect unique urban habitats and offer Portlanders an opportunity to connect with nature.

**Goal 8.I: Public safety and emergency response.** Portland is a safe, resilient, and peaceful community where public safety, emergency response, and emergency management facilities and services are coordinated and able to effectively and efficiently meet community needs.

**Goal 8.J: Solid waste management.** Residents and businesses have access to waste management services and are encouraged to be thoughtful consumers to minimize upstream impacts and avoid generating waste destined for the landfill. Solid waste — including food, yard debris, recyclables, electronics, and construction and demolition debris — is managed, recycled, and composted to ensure the highest and best use of materials.

**Goal 8.K: School facilities.** Public schools are honored places of learning as well as multifunctional neighborhood anchors serving Portlanders of all ages, abilities, and cultures.

**Goal 8.L: Technology and communications.** All Portland residences, businesses, and institutions have access to universal, affordable, and reliable state-of-the-art communication and technology services.

**Goal 8.M: Energy infrastructure and services.** Residents, businesses, and institutions are served by reliable energy infrastructure that provides efficient, low-carbon, affordable energy through decision-making based on integrated resource planning.

**110.Finding:** The policies and the goals in this chapter generally address provision of public services, and adequacy of services as it relates to growth and development. The adopted 2035

Comprehensive Plan includes the Citywide Systems Plan (CSP), which was adopted (Ordinance 185657) and acknowledged by LCDC on April 25, 2017. The CSP includes the Public Facilities Plan with information on current and future transportation, water, sanitary sewer, and stormwater infrastructure needs and projects.

These goals and policies are not applicable because they guide public agencies that provide public facilities on how those facilities should be provided or address site design. The EDEP land use review amendments are process oriented and administrative in nature while the EDEP Inclusionary Housing amendment extends an existing program guiding the amount of affordable housing required in new housing projects. These amendments do not include changes to any programs or regulations that implement these goals and do not address site design or availability of services. The goals and policies of Chapter 8 are not affected by the EDEP amendments.

## Service provision and urbanization

**Policy 8.1. Urban services boundary.** Maintain an Urban Services Boundary for the City of Portland that is consistent with the regional urban growth policy, in cooperation with neighboring jurisdictions. The Urban Services Boundary is shown on the Comprehensive Plan Map.

**Policy 8.2. Rural, urbanizable, and urban public facility needs.** Recognize the different public facility needs in rural, urbanizable and urban land as defined by the Regional Urban Growth Boundary, the City Urban Services Boundary, and the City Boundaries of Municipal Incorporation. See Figure 8-1 — Urban, Urbanizable, and Rural Lands.

**Policy 8.3. Urban service delivery.** Provide the following public facilities and services at urban levels of service to urban lands within the City’s boundaries of incorporation:

- Public rights-of-way, streets, and public trails
- Sanitary sewers and wastewater treatment
- Stormwater management and conveyance
- Flood management
- Protection of the waterways of the state
- Water supply
- Police, fire, and emergency response
- Parks, natural areas, and recreation
- Solid waste regulation

**Policy 8.4. Supporting facilities and systems.** Maintain supporting facilities and systems, including public buildings, technology, fleet, and internal service infrastructure, to enable the provision of public facilities and services.

**Policy 8.5. Planning service delivery.** Provide planning, zoning, building, and subdivision control services within the boundaries of incorporation, and as otherwise provided by intergovernmental agreement within the City’s Urban Services Boundary.

## Service coordination

**Policy 8.6. Interagency coordination.** Maintain interagency coordination agreements with neighboring jurisdictions and partner agencies that provide urban public facilities and services within the City of Portland’s Urban Services Boundary to ensure effective and efficient service delivery. See Policy 8.3 for

the list of services included. Such jurisdictions and agencies include, but may not be limited to:

- Multnomah County for transportation facilities and public safety.
- State of Oregon for transportation and parks facilities and services.
- TriMet for public transit facilities and services.
- Port of Portland for air and marine facilities and services.
- Metro for regional parks and natural areas, and for solid waste, composting, and recycling facilities and transfer stations.
- Gresham, Milwaukie, Clackamas County Service District #1, and Clean Water Services for sanitary sewer conveyance and treatment.
- Multnomah County Drainage District No. 1, Peninsula Drainage District No. 1, and Peninsula Drainage District No. 2 for stormwater management and conveyance, and for flood mitigation, protection, and control.
- Rockwood People's Utility District; Sunrise Water Authority; and the Burlington, Tualatin Valley, Valley View, West Slope, Palatine Hill, Alto Park, and Clackamas River Water Districts for water distribution.
- Portland Public Schools and the David Douglas, Parkrose, Reynolds, Centennial, and Riverdale school districts for public education, park, trail, and recreational facilities.

**Policy 8.7. Outside contracts.** Coordinate with jurisdictions and agencies outside of Portland where the City provides services under agreement.

**Policy 8.8. Public service coordination.** Coordinate with the planning efforts of agencies providing public education, public health services, community centers, urban forest management, library services, justice services, energy, and technology and communications services.

**Policy 8.9. Internal coordination.** Coordinate planning and provision of public facilities and services, including land acquisition, among City agencies, including internal service bureaus.

**Policy 8.10. Co-location.** Encourage co-location of public facilities and services across providers where co-location improves service delivery efficiency and access for historically under-represented and under-served communities.

## Service extension

**Policy 8.11. Annexation.** Require annexation of unincorporated urbanizable areas within the City's Urban Services Boundary as a prerequisite to receive urban services.

**Policy 8.12. Feasibility of service.** Evaluate the physical feasibility and cost-effectiveness of extending urban public services to candidate annexation areas to ensure sensible investment and to set reasonable expectations.

**Policy 8.13. Orderly service extension.** Establish or improve urban public services in newly-annexed areas to serve designated land uses at established levels of service, as funds are available and as responsible engineering practice allows.

**Policy 8.14. Coordination of service extension.** Coordinate provision of urban public services to newly-annexed areas so that provision of any given service does not stimulate development that significantly hinders the City's ability to provide other urban services at uniform levels.



**Policy 8.15. Services to unincorporated urban pockets.** Plan for future delivery of urban services to urbanizable areas that are within the Urban Services Boundary but outside the city limits.

**Policy 8.16. Orderly urbanization.** Coordinate with counties, neighboring jurisdictions, and other special districts to ensure consistent management of annexation requests, and to establish rational and orderly process of urbanization that maximize efficient use of public funds.

**Policy 8.17. Services outside the city limits.** Prohibit City provision of new urban services, or expansion of the capacity of existing services, in areas outside city limits, except in cases where the City has agreements or contracts in place.

**Policy 8.18. Service district expansion.** Prohibit service district expansion or creation within the City's Urban Services Boundary without the City's expressed consent.

**Policy 8.19. Rural service delivery.** Provide the public facilities and services identified in Policy 8.3 in rural areas only at levels necessary to support designated rural residential land uses and protect public health and safety. Prohibit sanitary sewer extensions into rural land and limit other urban services.

## Public investment

**Policy 8.20. Regulatory compliance.** Ensure public facilities and services remain in compliance with state and federal regulations. Work toward cost-effective compliance with federal and state mandates through intergovernmental coordination and problem solving.

**Policy 8.21. System capacity.** Establish, improve, and maintain public facilities and services at levels appropriate to support land use patterns, densities, and anticipated residential and employment growth, as physically feasible and as sufficient funds are available.

**Policy 8.22. Equitable service.** Provide public facilities and services to alleviate service deficiencies and meet level-of-service standards for all Portlanders, including individuals, businesses, and property owners.

**8.22.a.** In places that are not expected to grow significantly but have existing deficiencies, invest to reduce disparity and improve livability.

**8.22.b.** In places that lack basic public facilities or services and also have significant growth potential, invest to enhance neighborhoods, fill gaps, maintain affordability, and accommodate growth.

**8.22.c.** In places that are not expected to grow significantly and already have access to complete public facilities and services, invest primarily to maintain existing facilities and retain livability.

**8.22.d.** In places that already have access to complete public facilities and services, but also have significant growth potential, invest to fill remaining gaps, maintain affordability, and accommodate growth.

**Policy 8.23. Asset management.** Improve and maintain public facility systems using asset management principles to optimize preventative maintenance, reduce unplanned reactive maintenance, achieve scheduled service delivery, and protect the quality, reliability, and adequacy of City services.

**Policy 8.24. Risk management.** Maintain and improve Portland's public facilities to minimize or eliminate economic, social, public health and safety, and environmental risks.

**Policy 8.25. Critical infrastructure.** Increase the resilience of high-risk and critical infrastructure through monitoring, planning, maintenance, investment, adaptive technology, and continuity

planning.

**Policy 8.26. Capital programming.** Maintain long-term capital improvement programs that balance acquisition and construction of new public facilities with maintenance and operations of existing facilities.

## Funding

**Policy 8.27. Cost-effectiveness.** Establish, improve, and maintain the public facilities necessary to serve designated land uses in ways that cost-effectively provide desired levels of service, consider facilities' lifecycle costs, and maintain the City's long-term financial sustainability.

**Policy 8.28. Shared costs.** Ensure the costs of constructing and providing public facilities and services are equitably shared by those who benefit from the provision of those facilities and services.

**Policy 8.29. System development.** Require private or public entities whose prospective development or redevelopment actions contribute to the need for public facility improvements, extensions, or construction to bear a proportional share of the costs.

**Policy 8.30. Partnerships.** Maintain or establish public and private partnerships for the development, management, or stewardship of public facilities necessary to serve designated land uses, as appropriate.

## Public benefits

**Policy 8.31. Application of Guiding Principles.** Plan and invest in public facilities in ways that promote and balance the Guiding Principles established in The Vision and Guiding Principles of this Comprehensive Plan.

**Policy 8.32. Community benefit agreements.** Encourage the use of negotiated community benefit agreements for large public facility projects as appropriate to address environmental justice policies in Chapter 2: Community Involvement.

**Policy 8.33. Community knowledge and experience.** Encourage public engagement processes and strategies for larger public facility projects to include community members in identifying potential impacts, mitigation measures and community benefits.

**Policy 8.34. Resource efficiency.** Reduce the energy and resource use, waste, and carbon emissions from facilities necessary to serve designated land uses to meet adopted City goals and targets.

**Policy 8.35. Natural systems.** Protect, enhance, and restore natural systems and features for their infrastructure service and other values.

**Policy 8.36. Context-sensitive infrastructure.** Design, improve, and maintain public rights-of-way and facilities in ways that are compatible with, and that minimize negative impacts on, their physical, environmental, and community context.

**Policy 8.38. Age-friendly public facilities.** Promote public facility designs that make Portland more age-friendly.

## Public rights-of-way

**Policy 8.39. Interconnected network.** Establish a safe and connected rights-of-way system that equitably provides infrastructure services throughout the city.

**Policy 8.40. Transportation function.** Improve and maintain the right-of-way to support multimodal transportation mobility and access to goods and services as is consistent with the designated street

classification.

**Policy 8.41. Utility function.** Improve and maintain the right-of-way to support equitable distribution of utilities, including water, sanitary sewer, stormwater management, energy, and communications, as appropriate.

**Policy 8.42. Stormwater management function.** Improve rights-of-way to integrate green infrastructure and other stormwater management facilities to meet desired levels-of-service and economic, social, and environmental objectives.

**Policy 8.43. Trees in rights-of-way.** Integrate trees into public rights-of-way to support City canopy goals, transportation functions, and economic, social, and environmental objectives.

**Policy 8.44. Community uses.** Allow community use of rights-of-way for purposes such as public gathering space, events, or temporary festivals, if the community uses are integrated in ways that balance and minimize conflict with the designated through movement and access roles of rights-of-ways.

**Policy 8.45. Pedestrian amenities.** Encourage facilities that enhance pedestrian enjoyment, such as transit shelters, garbage containers, benches, etc. in the right-of-way.

**Policy 8.46. Commercial uses.** Accommodate allowable commercial uses of the rights-of-way for enhancing commercial vitality, if the commercial uses can be integrated in ways that balance and minimize conflict with the other functions of the right-of-way.

**Policy 8.47. Flexible design.** Allow flexibility in right-of-way design and development standards to appropriately reflect the pattern area and other relevant physical, community, and environmental contexts and local needs.

**8.47.a.** Use a variety of transportation resources in developing and designing projects for all City streets, such as the City of Portland's Pedestrian Design Guide, Bicycle Master Plan-Appendix A, NACTO Urban Bikeway Design Guide, NACTO Urban Street Design Guide, Portland Parks and Recreation Trail Design Guidelines, Designing for Truck Movements and Other Large Vehicles, and City of Portland Green Street Policy, Stormwater Management Manual, Design Guide for Public Street Improvements, and Neighborhood Greenways. (TSP objective 8.1.e.).

**Policy 8.48. Corridors and City Greenways.** Ensure public facilities located along Civic Corridors, Neighborhood Corridors, and City Greenways support the multiple objectives established for these corridors.

**Policy 8.49. Coordination.** Coordinate the planning, design, development, improvement, and maintenance of public rights-of-way among appropriate public agencies, private providers, and adjacent landowners.

**8.49.a.** Coordination efforts should include the public facilities necessary to support the uses and functions of rights-of-way, as established in policies 8.40 to 8.46.

**8.49.b.** Coordinate transportation and stormwater system plans and investments, especially in unimproved or substandard rights-of-way, to improve water quality, public safety, including for pedestrians and bicyclists, and neighborhood livability.

**Policy 8.50. Undergrounding.** Encourage undergrounding of electrical and telecommunications facilities within public rights-of-way, especially in centers and along Civic Corridors.

**Policy 8.51. Right-of-way vacations.** Maintain rights-of-way if there is an established existing or future need for them, such as for transportation facilities or for other public functions established in policies

8.40 to 8.46.

**Policy 8.52. Rail rights-of-way.** Preserve existing and abandoned rail rights-of-way for future rail or public trail uses.

## Trails

**Policy 8.53. Public trails.** Establish, improve, and maintain a citywide system of public trails that provide transportation and/or recreation options and are a component of larger network of facilities for bicyclists, pedestrians, and recreational users.

**Policy 8.54. Trail system connectivity.** Plan, improve, and maintain the citywide trail system so that it connects and improves access to Portland's neighborhoods, commercial areas, employment centers, schools, parks, natural areas, recreational facilities, regional destinations, the regional trail system, and other key places that Portlanders access in their daily lives.

**Policy 8.55. Trail coordination.** Coordinate planning, design, improvement, and maintenance of the trail system among City agencies, other public agencies, non-governmental partners, and adjacent landowners.

**Policy 8.56. Trail diversity.** Allow a variety of trail types to reflect a trail's transportation and recreation roles, requirements, and physical context.

**Policy 8.57. Public access requirements.** Require public access and improvement of public trails along the future public trail alignments shown in Figure 8-2 — Future Public Trail Alignments.

**Policy 8.58. Trail and City Greenway coordination.** Coordinate the planning and improvement of trails as part of the City Greenways system.

**Policy 8.59. Trail and Habitat Corridor coordination.** Coordinate the planning and improvement of trails with the establishment, enhancement, preservation, and access to habitat corridors.

**Policy 8.60. Intertwine coordination.** Coordinate with the Intertwine Alliance and its partners, including local and regional parks providers, to integrate Portland's trail and active transportation network with the bi-state regional trail system.

## Sanitary system

**Policy 8.61. Sewer connections.** Require all developments within the city limits to be connected to sanitary sewers unless the public sanitary system is not physically or legally available per City Code and state requirements; or the existing onsite septic system is functioning properly without failure or complaints per City Code and state requirements; and the system has all necessary state and county permits.

**Policy 8.62. Combined sewer overflows.** Provide adequate public facilities to limit combined sewer overflows to frequencies established by regulatory permits.

**Policy 8.63. Sanitary sewer overflows.** Provide adequate public facilities to prevent sewage releases to surface waters as consistent with regulatory permits.

**Policy 8.64. Private sewage treatment systems.** Adopt land use regulations that require any proposed private sewage treatment system to demonstrate that all necessary state and county permits are obtained.

**Policy 8.65. Sewer extensions.** Prioritize sewer system extensions to areas that are already developed at urban densities and where health hazards exist.

**Policy 8.66. Pollution prevention.** Reduce the need for wastewater treatment capacity through land use programs and public facility investments that manage pollution as close to its source as practical and that reduce the amount of pollution entering the sanitary system.

**Policy 8.67. Treatment.** Provide adequate wastewater treatment facilities to ensure compliance with effluent standards established in regulatory permits.

## Stormwater Systems

**Policy 8.68. Stormwater facilities.** Provide adequate stormwater facilities for conveyance, flow control, and pollution reduction.

**Policy 8.69. Stormwater as a resource.** Manage stormwater as a resource for watershed health and public use in ways that protect and restore the natural hydrology, water quality, and habitat of Portland's watersheds.

**Policy 8.70. Natural systems.** Protect and enhance the stormwater management capacity of natural resources such as rivers, streams, creeks, drainageways, wetlands, and floodplains.

**Policy 8.71. Green infrastructure.** Promote the use of green infrastructure, such as natural areas, the urban forest, and landscaped stormwater facilities, to manage stormwater.

**Policy 8.72. Stormwater discharge.** Avoid or minimize the impact of stormwater discharges on the water and habitat quality of rivers and streams.

**Policy 8.73. On-site stormwater management.** Encourage on-site stormwater management, or management as close to the source as practical, through land use decisions and public facility investments.

**Policy 8.74. Pollution prevention.** Coordinate policies, programs, and investments with partners to prevent pollutants from entering the stormwater system by managing point and non-point pollution sources through public and private facilities, local regulations, and education.

**Policy 8.75. Stormwater partnerships.** Provide stormwater management through coordinated public and private facilities, public-private partnerships, and community stewardship.

## Flood management

**Policy 8.76. Flood management.** Improve and maintain the functions of natural and managed drainageways, wetlands, and floodplains to protect health, safety, and property, provide water conveyance and storage, improve water quality, and maintain and enhance fish and wildlife habitat.

**Policy 8.77. Floodplain management.** Manage floodplains to protect and restore associated natural resources and functions and to minimize the risks to life and property from flooding.

**Policy 8.78. Flood management facilities.** Establish, improve, and maintain flood management facilities to serve designated land uses through planning, investment and regulatory requirements.

**Policy 8.79. Drainage district coordination.** Coordinate with drainage districts that provide stormwater management, conveyance, and flood mitigation, protection, and control services within the City's Urban Services Boundary.

**Policy 8.80. Levee coordination.** Coordinate plans and investments with special districts and agencies responsible for managing and maintaining certification of levees along the Columbia River.

## Water systems

**Policy 8.81. Primary supply source.** Protect the Bull Run watershed as the primary water supply

source for Portland.

**Policy 8.82. Bull Run protection.** Maintain a source-protection program and practices to safeguard the Bull Run watershed as a drinking water supply.

**Policy 8.83. Secondary supply sources.** Protect, improve, and maintain the Columbia South Shore wellfield groundwater system, the Powell Valley wellfield groundwater system, and any other alternative water sources designated as secondary water supplies.

**Policy 8.84. Groundwater wellfield protection.** Maintain a groundwater protection program and practices to safeguard the Columbia South Shore wellfield and the Powell Valley wellfield as drinking water supplies.

**Policy 8.85. Water quality.** Maintain compliance with state and federal drinking water quality regulations.

**Policy 8.86. Storage.** Provide sufficient in-city water storage capacity to serve designated land uses, meet demand fluctuations, maintain system pressure, and ensure supply reliability.

**Policy 8.87. Fire protection.** Provide adequate water facilities to serve the fire protection needs of all Portlanders and businesses.

**Policy 8.88. Water pressure.** Provide adequate water facilities to maintain water pressure in order to protect water quality and provide for the needs of customers.

**Policy 8.89. Water efficiency.** Reduce the need for additional water facility capacity and maintain compliance with state water resource regulations by encouraging efficient use of water by customers within the city.

**Policy 8.90. Service interruptions.** Maintain and improve water facilities to limit interruptions in water service to customers.

**Policy 8.91. Outside user contracts.** Coordinate long-term water supply planning and delivery with outside-city water purveyors through long-term wholesale contracts.

## **Parks and recreation**

**Policy 8.92. Acquisition, development, and maintenance.** Provide and maintain an adequate supply and variety of parkland and recreational facilities to serve the city's current and future population based on identified level-of-service standards and community needs.

**Policy 8.93. Service equity.** Invest in acquisition and development of parks and recreation facilities in areas where service-level deficiencies exist.

**Policy 8.94. Capital programming.** Maintain a long-range park capital improvement program, with criteria that considers acquisition, development, and operations; provides opportunities for public input; and emphasizes creative and flexible financing strategies.

**Policy 8.95. Park planning.** Improve parks, recreational facilities, natural areas, and the urban forest in accordance with current master plans, management plans, or adopted strategies that reflect user group needs, development priorities, development and maintenance costs, program opportunities, financing strategies, and community input.

**Policy 8.96. Recreational trails.** Establish, improve, and maintain a complete and connected system of public recreational trails, consistent with Portland Parks & Recreation's trail strategy.

**Policy 8.97. Natural resources.** Preserve, enhance, and manage City-owned natural areas and resources to protect and improve their ecological health, in accordance with both the natural area acquisition and restoration strategies, and to provide compatible public access.

**Policy 8.98. Urban forest management.** Manage urban trees as green infrastructure with associated ecological, community, and economic functions, through planning, planting, and maintenance activities, education, and regulation.

**Policy 8.99. Recreational facilities.** Provide a variety of recreational facilities and services that contribute to the health and well-being of Portlanders of all ages and abilities.

**Policy 8.100. Self-sustaining Portland International Raceway (PIR).** Provide for financially self-sustaining operations of PIR, and broaden its programs and activities to appeal to families, diverse communities, and non-motorized sports such as biking and running.

**Policy 8.101. Self-sustaining and inclusive golf facilities.** Provide financially self-sustaining public golf course operations. Diversify these assets to attract new users, grow the game, provide more introductory-level programming, and expand into other related recreational opportunities such as foot golf and disk golf.

**Policy 8.102. Specialized recreational facilities.** Establish and manage specialized facilities within the park system that take advantage of land assets and that respond to diverse, basic, and emerging recreational needs.

**Policy 8.103. Public-private partnerships.** Encourage public-private partnerships to develop and operate publicly-accessible recreational facilities that meet identified public needs.

## **Public safety and emergency response**

**Policy 8.104. Emergency preparedness, response, and recovery coordination.** Coordinate land use plans and public facility investments between City bureaus, other public and jurisdictional agencies, businesses, community partners, and other emergency response providers, to ensure coordinated and comprehensive emergency and disaster risk reduction, preparedness, response, and recovery.

**Policy 8.105. Emergency management facilities.** Provide adequate public facilities – such as emergency coordination centers, communications infrastructure, and dispatch systems – to support emergency management, response, and recovery.

**Policy 8.106. Police facilities.** Improve and maintain police facilities to allow police personnel to efficiently and effectively respond to public safety needs and serve designated land uses.

**Policy 8.107. Community safety centers.** Establish, coordinate, and co-locate public safety and other community services in centers.

**Policy 8.108. Fire facilities.** Improve and maintain fire facilities to serve designated land uses, ensure equitable and reliable response, and provide fire and life safety protection that meets or exceeds minimum established service levels.

**Policy 8.109. Mutual aid.** Maintain mutual aid coordination with regional emergency response providers as appropriate to protect life and ensure safety.

**Policy 8.110. Community preparedness.** Enhance community preparedness and capacity to prevent, withstand, and recover from emergencies and natural disasters through land use decisions and public facility investments.

**Policy 8.111. Continuity of operations.** Maintain and enhance the City's ability to withstand and

recover from natural disasters and human-made disruptions in order to minimize disruptions to public services.

### **Solid waste management**

**Policy 8.112. Waste management.** Ensure land use programs, rights-of-way regulations, and public facility investments allow the City to manage waste effectively and prioritize waste management in the following order: waste reduction, recycling, anaerobic digestion, composting, energy recovery, and then landfill.

### **School facilities**

**Policy 8.113. School district capacity.** Consider the overall enrollment capacity of a school district – as defined in an adopted school facility plan that meets the requirements of Oregon Revised Statute 195 – as a factor in land use decisions that increase capacity for residential development.

**Policy 8.114. Facilities Planning.** Facilitate coordinated planning among school districts and City bureaus, including Portland Parks and Recreation, to accommodate school site/facility needs in response to most up-to-date growth forecasts.

**Policy 8.115. Co-location.** Encourage public school districts, Multnomah County, the City of Portland, and other providers to co-locate facilities and programs in ways that optimize service provision and intergenerational and intercultural use.

**Policy 8.116. Community use.** Encourage public use of public school grounds for community purposes while meeting educational and student safety needs and balancing impacts on surrounding neighborhoods.

**Policy 8.117. Recreational use.** Encourage publicly-available recreational amenities (e.g. athletic fields, green spaces, community gardens, and playgrounds) on public school grounds for public recreational use, particularly in neighborhoods with limited access to parks.

**Policy 8.118. Schools as emergency aid centers.** Encourage the use of seismically-safe school facilities as gathering and aid-distribution locations during natural disasters and other emergencies.

**Policy 8.119. Facility adaptability.** Ensure that public schools may be upgraded to flexibly accommodate multiple community-serving uses and adapt to changes in educational approaches, technology, and student needs over time.

**Policy 8.120. Leverage public investment.** Encourage City public facility investments that complement and leverage local public school districts' major capital investments.

**Policy 8.121. School access.** Encourage public school districts to consider the ability of students to safely walk and bike to school when making decisions about the site locations and attendance boundaries of schools.

**Policy 8.122. Private institutions.** Encourage collaboration with private schools and educational institutions to support community and recreational use of their facilities.

### **Technology and communications**

**Policy 8.123. Technology and communication systems.** Maintain and enhance the City's technology and communication facilities to ensure public safety, facilitate access to information, and maintain City operations.

**Policy 8.124. Equity, capacity, and reliability.** Encourage plans and investments in technology and communication infrastructure to ensure access in all areas of the city, reduce disparities in capacity,



and affordability, and to provide innovative high-performance, reliable service for Portland's residents and businesses.

### **Energy infrastructure**

**Policy 8.125. Energy efficiency.** Promote efficient and sustainable production and use of energy resources by residents and businesses, including low-carbon renewable energy sources, district energy systems, and distributed generation, through land use plans, zoning, and other legislative land use decisions.

**Policy 8.126. Coordination.** Coordinate with energy providers to encourage investments that ensure reliable, equitable, efficient, and affordable energy for Portland residents and businesses.

## Chapter 9 Transportation

**GOAL 9.A: Safety.** Transportation safety impacts the livability of a city and the comfort and security of those using City streets. Comprehensive efforts to improve transportation safety through engineering, education, enforcement and evaluation will be used to eliminate traffic-related fatalities and serious injuries from Portland's transportation system.

**Goal 9.B: Multiple goals.** Portland's transportation system is funded and maintained to achieve multiple goals and measurable outcomes for people and the environment. The transportation system is safe, complete, interconnected, multimodal, and fulfills daily needs for people and businesses.

**GOAL 9.C: Great places.** Portland's transportation system enhances quality of life for all Portlanders, reinforces existing neighborhoods and great places, and helps make new great places in town centers, neighborhood centers and corridors, and civic corridors.

**GOAL 9.D: Environmentally sustainable.** The transportation system increasingly uses active transportation, renewable energy, or electricity from renewable sources, achieves adopted carbon reduction targets, and reduces air pollution, water pollution, noise, and Portlanders' reliance on private vehicles.

**GOAL 9.E: Equitable transportation.** The transportation system provides all Portlanders options to move about the city and meet their daily needs by using a variety of safe, efficient, convenient, and affordable modes of transportation. Transportation investments are responsive to the distinct needs of each community.

**GOAL 9.F: Positive health outcomes.** The transportation system promotes positive health outcomes and minimizes negative impacts for all Portlanders by supporting active transportation, physical activity, and community and individual health.

**GOAL 9.G: Opportunities for prosperity.** The transportation system supports a strong and diverse economy, enhances the competitiveness of the city and region, and maintains Portland's role as a West Coast trade gateway and freight hub by providing efficient and reliable goods movement, multimodal access to employment areas and educational institutions, as well as enhanced freight access to industrial areas and intermodal freight facilities. The transportation system helps people and businesses reduce spending and keep money in the local economy by providing affordable alternatives to driving.

**GOAL 9.H. Cost Effectiveness.** The City analyzes and prioritizes capital and operating investments to cost effectively achieve the above goals while responsibly managing and protecting our past investments in existing assets.

**GOAL 9.I. Airport Futures.** Promote a sustainable airport (Portland International Airport [PDX]) by meeting the region's air transportation needs without compromising livability and quality of life for future generations.

**111.Finding:** The City Council generally interprets the goals and the policies of Chapter 9 to address transportation improvements, programming, funding priorities and maintenance. The EDEP amendments do not change the functional classification of any existing or proposed transportation facility, do not change the standards implementing a functional classification system, do not address the design and use of public streets or manage the right of way, do not change or require changes to the Transportation System Plan including the list of projects or financial plan, and do not change the Portland International Airport Plan District. Moreover, EDEP does not change bicycle

parking, system development charges, management of automated vehicles, or the requirements of the TDM program. The goals and policies of Chapter 9 are not affected by the EDEP amendments.

## Designing and planning

**Policy 9.1. Street design classifications.** Maintain and implement street design classifications consistent with land use plans, environmental context, urban design pattern areas, and the Neighborhood Corridor and Civic Corridor Urban Design Framework designations.

**Policy 9.2. Street policy classifications.** Maintain and implement street policy classifications for pedestrian, bicycle, transit, freight, emergency vehicle, and automotive movement, while considering access for all modes, connectivity, adjacent planned land uses, and state and regional requirements.

**9.2.a.** Designate district classifications that emphasize freight mobility and access in industrial and employment areas serving high levels of truck traffic and to accommodate the needs of intermodal freight movement.

**9.2.b.** Designate district classifications that give priority to pedestrian access in areas where high levels of pedestrian activity exist or are planned, including the Central City, Gateway regional center, town centers, neighborhood centers, and transit station areas.

**9.2.c.** Designate district classifications that give priority to bicycle access and mobility in areas where high levels of bicycle activity exist or are planned, including Downtown, the River District, Lloyd District, Gateway Regional Center, town centers, neighborhood centers, and transit station areas.

**Policy 9.3. Transportation System Plan.** Maintain and implement the Transportation System Plan (TSP) as the decision-making tool for transportation-related projects, policies, programs, and street design.

**Policy 9.4. Use of classifications.** Plan, develop, implement, and manage the transportation system in accordance with street design and policy classifications outlined in the Transportation System Plan.

**9.4.a.** Classification descriptions are used to describe how streets should function for each mode of travel, not necessarily how they are functioning at present.

**Policy 9.5. Mode share goals and Vehicle Miles Travelled (VMT) reduction.** Increase the share of trips made using active and low-carbon transportation modes. Reduce VMT to achieve targets set in the most current Climate Action Plan and Transportation System Plan, and meet or exceed Metro's mode share and VMT targets.

**Policy 9.6. Transportation strategy for people movement.** Design the system to accommodate the most vulnerable users, including those that need special accommodation under the Americans with Disabilities Act (ADA). Implement a prioritization of modes for people movement by making transportation system decisions per the following ordered list:

1. Walking
2. Bicycling
3. Transit
4. Fleets of electric, fully automated, multiple passenger vehicles
5. Other shared vehicles
6. Low or no occupancy vehicles, fossil-fueled non-transit vehicles

When implementing this prioritization ensure that:

- The needs and safety of each group of users are considered, and changes do not make existing conditions worse for the most vulnerable users.
- All users' needs are balanced with the intent of optimizing the right of way for multiple modes on the same street.
- When necessary to ensure safety, accommodate some users on parallel streets as part of multi-street corridors.
- Land use and system plans, network functionality for all modes, other street functions, and complete street policies, are maintained.
- Policy-based rationale is provided if modes lower in the ordered list are prioritized.

**Policy 9.7. Moving goods and delivering services.** In tandem with people movement, maintain efficient and reliable movement of goods and services as a critical transportation system function. Prioritize freight system reliability improvements over single-occupancy vehicle mobility where there are solutions that distinctly address those different needs.

**Policy 9.8. Affordability.** Improve and maintain the transportation system to increase access to convenient and affordable transportation options for all Portlanders, especially those who have traditionally been under-served or under-represented or have historically borne unequal burdens.

**Policy 9.9. Accessible and age-friendly transportation system.** Ensure that transportation facilities are accessible to people of all ages and abilities, and that all improvements to the transportation system (traffic, transit, bicycle, and pedestrian) in the public right-of-way comply with the Americans with Disabilities Act of 1990. Improve and adapt the transportation system to better meet the needs of the most vulnerable users, including the young, older adults, and people with different abilities.

**Policy 9.10. Geographic policies.** Adopt geographically-specific policies in the Transportation System Plan to ensure that transportation infrastructure reflects the unique topography, historic character, natural features, system gaps, economic needs, demographics, and land uses of each area. Use the Pattern Areas identified in Chapter 3: Urban Form as the basis for area policies.

**9.10.a.** Refer to adopted area plans for additional applicable geographic objectives related to transportation. Land use, development, and placemaking

## Land use, development, and placemaking

**Policy 9.11. Land use and transportation coordination.** Implement the Comprehensive Plan Map and the Urban Design Framework through coordinated long-range transportation and land use planning. Ensure that street policy and design classifications and land uses complement one another.

**Policy 9.12. Growth strategy.** Use street design and policy classifications to support Goals 3A-3G in Chapter 3: Urban Form. Consider the different design contexts and transportation functions in Town Centers, Neighborhood Centers, Neighborhood Corridors, Employment Areas, Freight Corridors, Civic Corridors, Transit Station Areas, and Greenways.

**Policy 9.13. Development and street design.** Evaluate adjacent land uses to help inform street classifications in framing, shaping, and activating the public space of streets. Guide development and land use to create the kinds of places and street environments intended for different types of streets.

## Streets as public spaces

**Policy 9.14. Streets for transportation and public spaces.** Integrate both placemaking and transportation functions when designing and managing streets by encouraging design, development, and operation of streets to enhance opportunities for them to serve as places for community

interaction, environmental function, open space, tree canopy, recreation, and other community purposes.

**Policy 9.15. Repurposing street space.** Encourage repurposing street segments that are not critical for transportation connectivity to other community purposes.

**Policy 9.16. Design with nature.** Promote street alignments and designs that respond to topography and natural features, when feasible, and protect streams, wildlife habitat, and native trees.

## Modal policies

**Policy 9.17. Pedestrian transportation.** Encourage walking as the most attractive mode of transportation for most short trips, within and to centers, corridors, and major destinations, and as a means for accessing transit.

**Policy 9.18. Pedestrian networks.** Create more complete networks of pedestrian facilities, and improve the quality of the pedestrian environment.

**Policy 9.19. Pedestrian safety and accessibility.** Improve pedestrian safety, accessibility, and convenience for people of all ages and abilities.

**Policy 9.20. Bicycle transportation.** Create conditions that make bicycling more attractive than driving for most trips of approximately three miles or less.

**Policy 9.21. Accessible bicycle system.** Create a bicycle transportation system that is safe, comfortable, and accessible to people of all ages and abilities.

**Policy 9.22. Public transportation.** Coordinate with public transit agencies to create conditions that make transit the preferred mode of travel for trips that are longer than 3 miles or shorter trips not made by walking or bicycling.

**Policy 9.23. Transportation to job centers.** Promote and enhance transit to be more convenient and economical than the automobile for people travelling more than three miles to and from the Central City and Gateway. Enhance regional access to the Central City and access from Portland to other regional job centers.

**Policy 9.24. Transit service.** In partnership with TriMet, develop a public transportation system that conveniently, safely, comfortably, and equitably serves residents and workers 24 hours a day, 7 days a week.

**Policy 9.25. Transit equity.** In partnership with TriMet, maintain and expand high-quality frequent transit service to all Town Centers, Civic Corridors, Neighborhood Centers, Neighborhood Corridors, and other major concentrations of employment, and improve service to areas with high concentrations of poverty and historically under-served and under-represented communities.

**9.25.a.** Support a public transit system and regional transportation that address the transportation needs of historically marginalized communities and provide increased mobility options and access.

**Policy 9.26. Transit funding.** Consider funding strategies and partnership opportunities that improve access to and equity in transit service, such as raising Metro-wide funding to improve service and decrease user fees/fares.

**Policy 9.27. Transit service to centers and corridors.** Use transit investments to shape the city's growth and increase transit use. In partnership with TriMet and Metro, maintain, expand, and enhance Portland Streetcar, frequent service bus, and high-capacity transit, to better serve centers

and corridors with the highest intensity of potential employment and household growth.

**9.27.a.** Locate major park-and-ride lots only where transit ridership is increased significantly, vehicle miles traveled are reduced, transit-supportive development is not hampered, bus service is not available or is inadequate, and the surrounding area is not negatively impacted.

**Policy 9.28. Intercity passenger service.** Coordinate planning and project development to expand intercity passenger transportation services in the Willamette Valley, and from Portland to Seattle and Vancouver, BC.

**Policy 9.29. Regional trafficways and transitways.** Maintain capacity of regional transitways and existing regional trafficways to accommodate through-traffic.

**Policy 9.30. Multimodal goods movement.** Develop, maintain, and enhance a multimodal freight transportation system for the safe, reliable, sustainable, and efficient movement of goods within and through the city.

**Policy 9.31. Economic development and industrial lands.** Ensure that the transportation system supports traded sector economic development plans and full utilization of prime industrial land, including brownfield redevelopment.

**Policy 9.32. Multimodal system and hub.** Maintain Portland's role as a multimodal hub for global and regional movement of goods. Enhance Portland's network of multimodal freight corridors.

**Policy 9.33. Freight network.** Develop, manage, and maintain a safe, efficient, and reliable freight street network to provide freight access to and from intermodal freight facilities, industrial and commercial districts, and the regional transportation system. Invest to accommodate forecasted growth of interregional freight volumes and provide access to truck, marine, rail, and air transportation systems. Ensure designated routes and facilities are adequate for over-dimensional trucks and emergency equipment.

**Policy 9.34. Sustainable freight system.** Support the efficient delivery of goods and services to businesses and neighborhoods, while also reducing environmental and neighborhood impacts. Encourage the use of energy efficient and clean delivery vehicles, and manage on- and off-street loading spaces to ensure adequate access for deliveries to businesses, while maintaining access to homes and businesses.

**Policy 9.35. Freight rail network.** Coordinate with stakeholders and regional partners to support continued reinvestment in, and modernization of, the freight rail network.

**Policy 9.36. Portland Harbor.** Coordinate with the Port of Portland, private stakeholders, and regional partners to improve and maintain access to marine terminals and related river dependent uses in Portland Harbor.

**9.36.a.** Support continued reinvestment in, and modernization of, marine terminals in Portland Harbor.

**9.36.b.** Facilitate continued maintenance of the shipping channels in Portland Harbor and the Columbia River.

**9.36.c.** Support more long-distance, high-volume movement of goods to river and oceangoing ships and rail.

**Policy 9.37. Portland Heliport.** Maintain Portland's Heliport functionality in the Central City.

**Policy 9.38. Automobile transportation.** Maintain acceptable levels of mobility and access for private

automobiles while reducing overall vehicle miles traveled (VMT) and negative impacts of private automobiles on the environment and human health.

**Policy 9.39. Automobile efficiency.** Coordinate land use and transportation plans and programs with other public and private stakeholders to encourage vehicle technology innovation, shifts toward electric and other cleaner, more energy-efficient vehicles and fuels, integration of smart vehicle technology with intelligent transportation systems, and greater use of options such as car-share, carpool, and taxi.

**Policy 9.40. Emergency response.** Maintain a network of accessible emergency response streets to facilitate safe and expedient emergency response and evacuation. Ensure that police, fire, ambulance, and other emergency providers can reach their destinations in a timely fashion, without negatively impacting traffic calming and other measures intended to reduce crashes and improve safety.

## Airport Futures

**Policy 9.41. Portland International Airport.** Maintain the Portland International Airport as an important regional, national, and international transportation hub serving the bi-state economy.

**Policy 9.42. Airport regulations.** Implement the Airport Futures Plan through the implementation of the Portland International Airport Plan District.

**9.42.a.** Prohibit the development of a potential third parallel runway at PDX unless need for its construction is established through a transparent, thorough, and regional planning process.

**9.42.b.** Support implementation of the Aircraft Landing Zone to provide safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

**9.42.c.** Support the Port of Portland's Wildlife Hazard Management Plan by implementing airport-specific landscaping requirements in the Portland International Airport Plan District to reduce conflicts between wildlife and aircraft.

**Policy 9.43. Airport partnerships.** Partner with the Port of Portland and the regional community to address the critical interconnection between economic development, environmental stewardship, and social responsibility. Support an ongoing public advisory committee for PDX to:

**9.43.a.** Support meaningful and collaborative public dialogue and engagement on airport related planning and development.

**9.43.b.** Provide an opportunity for the community to inform the decision-making related to the airport of the Port, the City of Portland, and other jurisdictions/organizations in the region.

**9.43.c.** Raise public knowledge about PDX and impacted communities.

**Policy 9.44. Airport investments.** Ensure that new development and redevelopment of airport facilities supports the City's and the Port's sustainability goals and policies, and is in accordance with Figure 9-3 — Portland International Airport. Allow the Port flexibility in configuring airport facilities to preserve future development options, minimize environmental impacts, use land resources efficiently, maximize operational efficiency, ensure development can be effectively phased, and address Federal Aviation Administration's airport design criteria.

## System management

**Policy 9.45. System management.** Give preference to transportation improvements that use existing

roadway capacity efficiently and that improve the safety of the system for all users.

**9.45.a.** Support regional equity measures for transportation system evaluation.

**Policy 9.46. Traffic management.** Evaluate and encourage traffic speed and volume to be consistent with street classifications and desired land uses to improve safety, preserve and enhance neighborhood livability, and meet system goals of calming vehicle traffic through a combination of enforcement, engineering, and education efforts.

**9.46.a.** Use traffic calming tools, traffic diversion and other available tools and methods to create and maintain sufficiently low automotive volumes and speeds on neighborhood greenways to ensure comfortable cycling environment on the street.

**Policy 9.47. Connectivity.** Establish an interconnected, multimodal transportation system to serve centers and other significant locations. Promote a logical, direct, and connected street system through street spacing guidelines and district-specific street plans found in the Transportation System Plan, and prioritize access to specific places by certain modes in accordance with policies 9.6 and 9.7.

**9.47.a.** Develop conceptual master street plans for areas of the City that have significant amounts of vacant or underdeveloped land and where the street network does not meet City and Metro connectivity guidelines.

**9.47.b.** As areas with adopted Street Plans develop, provide connectivity for all modes by developing the streets and accessways as shown on the Master Street Plan Maps in the Comprehensive Plan.

**9.47.c.** Continue to provide connectivity in areas with adopted Street Plans for all modes of travel by developing public and private streets as shown on the Master Street Plan Maps in the Comprehensive Plan.

**9.47.d.** Provide street connections with spacing of no more than 530 feet between connections except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Where streets must cross over protected water features, provide crossings at an average spacing of 800 to 1000 feet, unless exceptional habitat quality of length of crossing prevents a full street connection.

**9.47.e** Provide bike and pedestrian connections at approximately 330 feet intervals on public easements or rights-of-way when full street connections are not possible, except where prevented by barriers such as topography, railroads, freeways, or environmental constraints. Bike and pedestrian connections that cross protected water features should have an average spacing of no more than 530 feet, unless exceptional habitat quality or length of connection prevents a connection.

**Policy 9.48 Technology.** Encourage the use of emerging vehicle and parking technology to improve real-time management of the transportation network and to manage and allocate parking supply and demand.

**Policy 9.49 Performance measures.** Establish multimodal performance measures and measures of system completeness to evaluate and monitor the adequacy of transportation services based on performance measures in goals 9.A. through 9.I. Use these measures to evaluate overall system performance, inform corridor and area-specific plans and investments, identify project and program needs, evaluate and prioritize investments, and regulate development, institutional campus growth, zone changes, Comprehensive Plan Map amendments, and conditional uses.



**9.49.a.** Eliminate deaths and serious injuries for all who share Portland streets by 2025.

**9.49.b.** Maintain or decrease the number of peak period non-freight motor vehicle trips, system-wide and within each mobility corridor to reduce or manage congestion.

**9.49.c.** By 2035, reduce the number of miles Portlanders travel by car to 11 miles per day or less, on average.

**9.49.d.** Establish mode split targets in 2040 Growth Concept areas within the City, consistent with Metro's targets for these areas.

**9.49.e.** By 2035, increase the mode share of daily non-drive alone trips to 70 percent citywide, and to the following in the five pattern areas:

Pattern Area	2035 daily target mode share
Central City	85%
Inner Neighborhoods	70%
Western Neighborhoods	65%
Eastern Neighborhoods	65%
Industrial and River	55%

**9.49.f.** By 2035, 70 percent of commuters walk, bike, take transit, carpool, or work from home at approximately the following rates:

Mode	Mode Share
Walk	7.5%
Bicycle	25%
Transit	25%
Carpool	10%
Single Occupant Vehicle (SOV)	30% or less
Work at home	10% below the line (calculated outside of the modal targets above)

**9.49.g.** By 2035, reduce Portland's transportation-related carbon emissions to 50% below 1990 levels, at approximately 934,000 metric tons.

**9.49.h.** By 2025, increase the percentage of new mixed use zone building households not owning an automobile from approximately 13% (2014) to 25%, and reduce the percentage of households owning two automobiles from approximately 24% to 10%.

**9.49.i.** Develop and use alternatives to the level-of-service measure to improve safety, encourage multimodal transportation, and to evaluate and mitigate maintenance and new trip impacts from new development.

**9.49.j.** Use level-of-service, consistent with Table 9.1, as one measure to evaluate the adequacy of transportation facilities in the vicinity of sites subject to land use review.

**9.49.k.** Maintain acceptable levels of performance on state facilities and the regional arterial and throughway network, consistent with the interim standard in Table 9.2, in the development and adoption of, and amendments to, the Transportation System Plan and in legislative amendments to the Comprehensive Plan Map.

**9.49.l.** In areas identified by Metro that exceed the level-of-service in Table 9.2 and are planned to, but do not currently meet the alternative performance criteria, establish an action plan that does the following:

- Anticipates growth and future impacts of motor vehicle traffic on multimodal travel in the area
- Establishes strategies for mitigating the future impacts of motor vehicles
- Establishes performance standards for monitoring and implementing the action plan.

Location	Standards		
	Mid-Day One-Hour Peak *	PM 2-Hour Peak	
		1st Hour	2nd Hour
Central City, Gateway, Town Centers, Neighborhood Centers, Station Areas	0.99	1.1	0.99
I-84 (from I-5 to I-205), I-5 North (from Marquam Bridge to Interstate Bridge, OR 99- E (from Lincoln St. to OR 224), US 26 (from I-405 to Sylvan Interchange), I-405	0.99	1.1	0.99
Other Principal Arterial Routes	0.90	0.99	0.99
*The demand-to-capacity ratios in the table are for the highest two consecutive hours of the weekday traffic volumes. The mid-day peak hour is the highest 60-minute period between the hours of 9 a.m. and 3 p.m. The 2nd hour is defined as the single 60-minute period, either before or after the peak 60-minute period, whichever is highest.			

**9.49.m.** Develop performance measures to track progress in creating and maintaining the transportation system.

**Policy 9.50 Regional congestion management.** Coordinate with Metro to establish new regional

multimodal mobility standards that prioritize transit, freight, and system completeness.

**9.50.a.** Create a regional congestion management approach, including a market-based system, to price or charge for auto trips and parking, better account for the cost of auto trips, and to more efficiently manage the regional system.

**\*Post Central City:**

**Policy 9.51. Multimodal Mixed-Use Area.** Manage Central City Plan amendments in accordance with the designated Central City Multimodal Mixed-Use Area (MMA) in the geography indicated in Figure 9-2. The MMA renders congestion / mobility standards inapplicable to any proposed plan amendments under OAR 660-0012-0060(10).

**\*Pre-Central City:**

**Policy 9.51 Multimodal Mixed-Use Area.** Designate a Central City Multimodal Mixed-Use Area (MMA) in the geography indicated in Figure 9-2, which will render state congestion / mobility standards inapplicable to proposed plan amendments under OAR 660-0012-0060(10), subject to ODOT concurrence and execution of an agreement between ODOT and the City of Portland. The agreement should emphasize potential safety and operational impacts.

## Transportation Demand Management

**Policy 9.52. Outreach.** Create and maintain TDM outreach programs that work with Transportation Management Associations (TMA), residents, employers, and employees that increase the modal share of walking, bicycling, and shared vehicle trips while reducing private vehicle ownership, parking demand, and drive-alone trips, especially during peak periods.

**Policy 9.53. New development.** Create and maintain TDM regulations and services that prevent and reduce traffic and parking impacts from new development and redevelopment. Encourage coordinated area-wide delivery of TDM programs. Monitor and improve the performance of private-sector TDM programs.

**Policy 9.54. Projects and programs.** Integrate TDM information into transportation project and program development and implementation to increase use of new multimodal transportation projects and services.

## Parking Management

**Policy 9.55. Parking management.** Reduce parking demand and manage supply to improve pedestrian, bicycle and transit mode share, neighborhood livability, safety, business district vitality, vehicle miles traveled (VMT) reduction, and air quality. Implement strategies that reduce demand for new parking and private vehicle ownership, and that help maintain optimal parking occupancy and availability.

**Policy 9.56. Curb Zone.** Recognize that the Curb Zone is a public space, a physical and spatial asset that has value and cost. Evaluate whether, when, and where parking is the highest and best use of this public space in support of broad City policy goals and local land use context. Establish thresholds to utilize parking management and pricing tools in areas with high parking demand to ensure adequate on-street parking supply during peak periods.

**Policy 9.57. On-street parking.** Manage parking and loading demand, supply, and operations in the public right of way to achieve mode share objectives, and to encourage safety, economic vitality, and livability. Use transportation demand management and pricing of parking in areas with high parking demand.

**Policy 9.58. Off-street parking.** Limit the development of new parking spaces to achieve land use, transportation, and environmental goals, especially in locations with frequent transit service. Regulate off-street parking to achieve mode share objectives, promote compact and walkable urban form, encourage lower rates of car ownership, and promote the vitality of commercial and employment areas. Use transportation demand management and pricing of parking in areas with high parking demand.

**Policy 9.59. Share space and resources.** Encourage the shared use of parking and vehicles to maximize the efficient use of limited urban space.

**Policy 9.60. Cost and price.** Recognize the high public and private cost of parking by encouraging prices that reflect the cost of providing parking and balance demand and supply. Discourage employee and resident parking subsidies.

**Policy 9.61. Bicycle parking.** Promote the development of new bicycle parking facilities including dedicated bike parking in the public right-of-way. Provide sufficient bicycle parking at high-capacity transit stations to enhance bicycle connection opportunities. Require provision of adequate off-street bicycle parking for new development and redevelopment. Encourage the provision of parking for different types of bicycles. In establishing the standards for long-term bicycle parking, consider the needs of persons with different levels of ability.

## Finance, programs, and coordination

**Policy 9.62. Coordination.** Coordinate with state and federal agencies, local and regional governments, special districts, other City bureaus, and providers of transportation services when planning for, developing, and funding transportation facilities and services.

**Policy 9.63. New development impacts.** Prevent, reduce, and mitigate the impacts of new development and redevelopment on the transportation system. Utilize strategies including transportation and parking demand management, transportation system analysis, and system and local impact mitigation improvements and fees.

**Policy 9.64. Education and encouragement.** Create, maintain, and coordinate educational and encouragement programs that support multimodal transportation and that emphasize safety for all modes of transportation. Ensure that these programs are accessible to historically under-served and under-represented populations.

**Policy 9.65. Telecommuting.** Promote telecommuting and the use of communications technology to reduce travel demand.

**Policy 9.66. Project and program selection criteria.** Establish transportation project and program selection criteria consistent with goals 9A through 9I, to cost-effectively achieve access, placemaking, sustainability, equity, health, prosperity, and safety goals.

**Policy 9.67. Funding.** Encourage the development of a range of stable transportation funding sources that provide adequate resources to build and maintain an equitable and sustainable transportation system.

## Connected and Automated Vehicles

**Policy 9.68 New mobility priorities and outcomes.** Facilitate new mobility vehicles and services with the lowest climate and congestion impacts and greatest equity benefits; with priority to vehicles that are fleet/shared ownership, fully automated, electric and, for passenger vehicles, shared by multiple

passengers (known by the acronym FAVES). Develop and implement strategies for each following topic.

**9.68.a.** Ensure that all new mobility vehicles and services and levels of automated vehicles advance Vision Zero by operating safely for all users, especially for vulnerable road users. Require adequate insurance coverage for operators, customers, and the public-at-large by providers of new mobility vehicles and services.

**9.68.b.** Ensure that new mobility vehicles and services improve active transportation and shared ride travel time reliability and system efficiency by:

1. maintaining or reducing the number of vehicle trips during peak congestion periods;
2. reducing low occupancy vehicle trips during peak congestion periods;
3. paying for use of, and impact on, Portland's transportation system including factors such as congestion level, carbon footprint, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency; and
4. supporting and encouraging use of public transportation.

**9.68.c.** Cut vehicle carbon pollution by reducing low occupancy "empty miles" traveled by passenger vehicles with zero or one passengers. Prioritize vehicles and services with the least climate pollution, and electric and other zero direct emission vehicles operated by fleets and carrying multiple passengers.

**9.68.d.** Make the benefits of new mobility available on an equitable basis to all segments of the community while ensuring traditionally disadvantaged communities are not disproportionately hurt by new mobility vehicles and services. This includes people with disabilities, as well as communities of color, women, and geographically underserved communities.

**9.68.e** Identify, prevent, and mitigate potential adverse impacts from new mobility vehicles and services.

**Policy 9.69 New mobility tools.** Use a full range of tools to ensure that new mobility vehicles and services and private data communications devices installed in the City right of way contribute to achieving Comprehensive Plan and Transportation System Plan goals and policies.

**9.69.a.** Maintain City authority to identify and develop appropriate data sharing requirements to inform and support safe, efficient, and effective management of the transportation system. Ensure that when new mobility vehicles and services use City rights-of-way or when vehicles connect with smart infrastructure within the City they share information including, but not limited to, vehicle type, occupancy, speed, travel routes, and travel times, crashes and citations, with appropriate privacy controls. Ensure that private data communications devices installed in the City right of way are required to share anonymized transportation data.

**9.69.b.** Design and manage the mobility zone, curb/flex zone, and traffic control devices, e.g. to limit speeds to increase safety, to minimize cut-through traffic, evaluate future demand for pick-up and drop-off zones, and to prioritize automated electric vehicles carrying more passengers in congested times and locations;

**9.69.c.** Evaluate the public cost and benefit of investments in wayside communication systems serving new mobility vehicles and services.

**9.69.d.** Develop sustainable user-pays funding mechanisms to support new mobility vehicle infrastructure and service investments, transportation system maintenance, and efficient system management.

**9.69.e.** Ensure that new mobility vehicles and vehicles that connect to smart City infrastructure, and private data communications devices installed in the City right of way, help pay for infrastructure and service investments, and support system reliability and efficiency. Develop a tiered pricing structure that reflects vehicle and service impacts on the transportation system, including factors such as congestion level, carbon footprint, vehicle miles traveled, vehicle occupancy, and vehicle energy efficiency.

## Chapter 10: Land Use Designations and Zoning

**Goal 10.A: Land use designations and zoning.** Effectively and efficiently carry out the goals and policies of the Comprehensive Plan through the land use designations, Zoning Map, and the Zoning Code.

**112.Finding:** The EDEP land use review amendments are process oriented and provide flexibility to applicants impacted by the COVID-19 pandemic. These amendments are administrative in nature and do not affect how the goals and policies of the Comprehensive Plan are implemented with the land use designations, Zoning Map, or the Zoning Code. The EDEP Inclusionary Housing Zoning Code amendments extend a sunset date in the development standards sections 33.245 to support the creation of affordable and market rate development and would have no impact on this goal.

*Note: Council finds that only specific policies are applicable and provides responsive findings for the applicable policies below.*

### Land use designations

**Policy 10.1. Land use designations.** Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

### The Zoning Map and the Zoning Code

**Policy 10.2. Relationship of land use designations to base zones.** Apply a base zone to all land and water within the City's urban services boundary. The base zone applied must either be a zone that corresponds to the land use designation or be a zone that does not correspond but is allowed per Figure 10-1 — Corresponding and Less-Intense Zones for Each Plan Map Designation. In some situations, there are long-term or short-term obstacles to achieving the level of development intended by the land use designation (e.g., an infrastructure improvement to serve the higher level of development is planned but not yet funded). In these situations, a less intense zone (listed in Figure 10-1) may be applied. When a land use designation is amended, the zone may also have to be changed to a corresponding zone or a zone that does not correspond but is allowed.

#### **Policy 10.3. Amending the Zoning Map.**

**10.3.a.** Amending a base zone may be done legislatively or quasi-judicially.

**10.3.b.** When amending a base zone quasi-judicially, the amendment must be to a corresponding zone (*see Figure 10-1 — Corresponding and Allowed Zones for Each Land Use Designation*). When a designation has more than one corresponding zone, the most appropriate zone, based on the purpose of the zone and the zoning and general land uses of surrounding lands, will be applied.

**10.3.c.** When amending a base zone legislatively, the amendment may be to a corresponding zone or to a zone that does not correspond but is allowed (*see Figure 10-1 — Corresponding and Allowed Zones for each Land Use Designation for zones that are allowed*). A legislative Zoning Map amendment may not be to a zone that is not allowed.

**10.3.d.** An amendment to a base zone consistent with the land use designation must be approved when it is found that current public services can support the uses allowed by the zone, or that public services can be made capable by the time the development is complete. The adequacy of services is based on the proposed use and development. If a specific use and

development proposal is not submitted, services must be able to support the range of uses and development allowed by the zone. For the purposes of this requirement, services include water supply, sanitary sewage disposal, stormwater management, transportation, school district capacity (where a school facility plan exists), and police and fire protection.

**10.3.e.** An amendment to apply or remove an overlay zone or plan district may be done legislatively or quasi-judicially, and must be based on a study or plan document that identifies a specific characteristic, situation, or problem that is not adequately addressed by the base zone or other regulations.

**113.Finding:** The EDEP amendments do not amend base zones or overlay zones. Therefore, these policies are not applicable.

**Policy 10.4. Amending the Zoning Code.** Amendments to the zoning regulations must be done legislatively and should be clear, concise, and applicable to a broad range of development situations faced by a growing city. Amendments should:

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

- Effectively and efficiently implement the Comprehensive Plan.
- Address existing and potential land use problems.
- Balance the benefits of regulations against the costs of implementation and compliance.
- Maintain Portland’s competitiveness with other jurisdictions as a location in which to live, invest, and do business.

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

- Keep regulations as simple as possible.
- Use clear and objective standards wherever possible.
- Maintain consistent procedures and limit their number.
- Establish specific approval criteria for land use reviews.
- Establish application requirements that are as reasonable as possible, and ensure they are directly tied to approval criteria.
- Emphasize administrative procedures for land use reviews.
- Avoid overlapping reviews.

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

- Use clear language.
- Maintain a clear and logical organization.
- Use a format and layout that enables use of the document by lay people as well as professionals.
- Use tables and drawings to clarify and shorten the document.
- Identify and act on regulatory improvement suggestions.

**114.Finding:** The Zoning Code amendments included in the EDEP package are found in the Staff report. As shown in that report, the amendments are targeted, concise, and objectively written to ensure the intended users will be able to understand and utilize the Zoning Code as it applies to their development proposals, land use, and properties, consistent with Comprehensive Plan Policy 10.4.

In particular, the EDEP amendments aim to “effectively and efficiently implement the Comprehensive Plan”, “balance the benefits of regulations against the costs of implementation and compliance”, and “identify and act on regulatory improvement suggestions”. The problems being



addressed by the land use review process amendments are related to effectively and efficiently implementing the Comprehensive Plan. Extending expiration time periods, lengthening plat review timelines, and allowing for the use of virtual meeting tools to address public health crises are providing flexibility to applicants during a time of crisis to allow development to move forward and avoid the inefficiency and redundancy of reapplying for expired land use reviews. The EDEP Inclusionary Housing amendment addresses the feasibility of implementing the requirements for affordable housing provision outside of the Central City and Gateway Plan Districts by extending the period of time that projects will be subject to a lower rate of inclusionary housing units. All of the EDEP amendments are a response to concerns from land use review applicants and developers over the administrative and market disruptions caused by the COVID-19 pandemic and help to maintain Portland's competitiveness with other jurisdictions as a location in which to live, invest, and do business.

## Part IV. Area-Specific Plans

2035 Comprehensive Plan Policy 1.19 provides additional direction to use area-specific plans when making or amending policy.

**115.Finding:** The EDEP amendment to the NW District master plan expiration period, only affects properties subject to a currently approved Master Plan in the NW Plan District, but does not change the area specific plan or related regulations. The remaining EDEP land use review process amendments are administrative in nature and uniformly apply citywide. The EDEP Inclusionary Housing amendment applies to all areas of the city outside of the Central City and the Gateway Regional Center. It extends an existing program for one year and will have minimal impact on growth and development in areas outside of the Central City Plan and Gateway Plan Districts and no impacts within those area-specific districts.

## Part V. Comprehensive Plan and Zoning Code Text Amendment Criteria

### 33.835.040 Approval Criteria

**A. Amendments to the zoning code.** Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, use and development, or land division regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.

**116.Finding:** The findings in this exhibit demonstrate how the EDEP zoning code amendments are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and the Statewide Planning Goals. Findings showing consistency with the purpose statements are provided below.

The City Council has applied all applicable policies and the findings in this exhibit demonstrate how the amendments to the zoning code are consistent with the 2035 Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

No new plan district has been proposed, therefore the criteria in 33.500.050 do not apply.

The EDEP amendments make changes to several regulations including Inclusionary Housing, Final Plats, Neighborhood Contact, and Quasi-Judicial Procedures. Those purpose statements are below.

### 33.245 Inclusionary Housing

#### 33.245.010 Purpose

The purpose of these regulations is to promote the production of affordable housing for a diversity of household types by linking of the production of affordable housing to the production of market-rate housing.

**117.Findings:** The EDEP amendment relating to inclusionary housing standards extends the sunset date for lower rates of inclusionary housing units outside the Central City and Gateway Plan Districts from January 1, 2021 to January 1, 2022. This one-year extension is necessary to ensure more fragile pro-formas for projects currently in the housing development pipeline or soon to enter the pipeline remain feasible. Council recognizes that higher rates of regulated affordable units means

more affordable units; however, when the higher rates mean lower rates of return that stymie projects, then fewer affordable units overall are realized. In recognition of this and the current and impending economic uncertainty, these amendments continue to promote the production of affordable housing for a diversity of household types by linking of the production of affordable housing to the production of market-rate housing.

### **33.258 Nonconforming Situations**

#### **33.258.010 Purpose**

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial/mixed use, employment, industrial, or campus institutional zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

**118.Findings:** The EDEP amendment relating to nonconforming upgrade requirements is a temporary reprieve for required improvements to a subset of nonconforming sites. These sites which may not meet current zoning development standards pertaining to landscaping, pedestrian circulation, bicycle parking and/or screening are given a compliance period between 2 and 5 years to complete the upgrades. The EDEP amendments extend this compliance period until January 1, 2022 for sites that are set to expire. This is intended to allow for more flexibility so that when capital is scarce, it can be applied to more immediate priorities such as remaining solvent, and simply delays the required upgrade to a slightly later date. Council finds that this temporary extension for these sorts of development requirements in these more limited circumstances has a nominal impact to the immediate area and therefore the amendments are consistent with the purpose of this chapter.

### **33.562 Northwest Plan District**

#### **33.562.300 Northwest Master Plan**

**A. Purpose.** The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services.

The provisions of this section accommodate the needs of property owners to begin long range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- Pedestrian-oriented, transit-supportive development;
- Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;
- High quality design appropriate to an urban setting;
- Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;
- A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;
- Transportation and parking demand management strategies that decrease reliance on the automobile;
- Development that is integrated into the broader urban fabric;
- Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
- Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.

**119. Findings:** The EDEP amendment relating to the NW Master Plan duration approval period extends the 10-year approval duration of currently approved master plans until January 1, 2024. There is only one such master plan, which is currently set to lapse on October 2, 2022. This 15-month time extension allows the applicant to continue developing under the already approved master plan. The applicant may still choose to amend or update the approved plan prior to its expiration. This amendment merely provides additional flexibility and greater certainty in the intervening time period. The overall effect on the built environment from the expectations laid out in the master plan are negligible and the approved plan has already been shown to be consistent with this purpose statement.

### **33.663 Final Plats**

#### **33.663.010 Purpose**

These regulations ensure that Final Plats are processed with the appropriate level of city review. This chapter contains clear procedures and approval standards for Final Plats.

**120. Findings:** The EDEP amendment related to final plat applications extends the period of time a final plat application can remain inactive before being voided from 180 days to 365 days. The amendment is limited in its scope of applicability and only applies to final plats that were submitted prior to January 1, 2021 and that have not already expired. Final plats filed after that date will continue to be subject to the standard 180-day period. The extension provides flexibility to applicants impacted by the COVID-19 pandemic by granting extra time to address the final plat approval criteria. The extension would not impact the level of city review or the requirements for approval.

### **33.705 Neighborhood Contact**

#### **33.705.010 Purpose**

The neighborhood contact process provides an opportunity for people who live, work or otherwise pass by a development site to learn about a project before construction begins. It makes the same information accessible online to interested community members. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. In most cases, the neighborhood

contact steps involve a sign posted on the site, but in some larger development scenarios, the property owner or developer will be required to host a public meeting. While the neighborhood contact outreach steps are required prior to submitting for a land use review or building permit, any feedback provided to the property owner or developer is informal and non-binding. By engaging with members of the community early, prior to applying for a review or permit, the property owner or developer has an opportunity to tailor the proposal in response to community comments, ideas or concerns.

**121.Findings:** The EDEP amendment to the neighborhood contact process allows applicants to remotely hold required public meetings using virtual conferencing technology software during the COVID-19 pandemic, with the stipulation that there also be opportunity to join the meeting using a telephone. This amendment provides flexibility during a public health emergency to allow applicants to engage with the community and receive feedback early in the process while also meeting social distancing requirements and limitations on the size of public gatherings to manage the spread of the pandemic. This approach has been widely adopted by agencies, community organizations, and institutions across the state as a “best practice” in light of the impediments caused by the pandemic. The allowance for use of this virtual technology is temporary and only applies to required meetings held between March 8, 2020 and January 1, 2024.

### **33.730.050 Pre-Application Conference**

#### **33.730.050.A Purpose**

The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.

**122.Findings:** The Planning and Sustainability Commission’s recommendation to Council modified the initially proposed temporary one-year extension for the one-year validity of using preapplication notes for application filing requirements to a permanent two-year validity. Land use applications are vested in the regulations that apply at the time of their submittal and are not vested by the completion of a preapplication conference. Council recognizes that significant changes may occur to development regulations in a two-year period that could impact a proposed development. However, Council also agrees with the PSC’s recommendation to allow for longer time period before preapplication notes expire due to the cost and time considerations of applying for a new preapplication conference, Since land use applications will be subject to the regulations in effect at time of submittal, and applicants are already informed to that effect in the preapplication notes, there is no long term effect to the application of new development regulations. This amendment does not change how pre-application conferences are held or the ability of the interested parties to exchange ideas, nor does it change the informative nature of the pre-application conference to community organizations. The amendment meets the purpose of the pre-application while also granting additional flexibility to applicants.

### **33.730.130 Expiration of an Approval**

#### **33.730.010 Purpose**

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in

the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120 days of filing a complete application. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type IX procedures are administrative procedures.

The Type I and IX procedures, or limited land use review, allows local decisions to be made administratively for such reviews as minor design and historic resource cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

**123. Findings:** The EDEP amendments extend the expiration of certain quasi-judicial land use reviews that were approved in the time leading up to the onset of the COVID-19 pandemic to January 1, 2024. The amendment grants relief to applicants impacted by the procedural and financial challenges brought on by the pandemic. The extensions apply to land use review cases that receive approval through the end of 2020. All other quasi-judicial procedure requirements and the approval criteria for land use reviews remain unchanged. The amendment provides an exception to the existing timelines for quasi-judicial procedures, recognizing the unique challenges posed to applicants during the pandemic, while still maintaining standardized methods and clear and consistent rules for quasi-judicial procedures.

## Part VI. Comprehensive Plan Map and Zoning Map Amendment Criteria

### 33.810.050 Approval Criteria

**B. Legislative.** Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

**124.Finding:** The EDEP does not propose any amendments to the Comprehensive Plan Map. This criterion does not apply.

### 33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

**A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes or characteristics of each zone and the zoning pattern of surrounding land.

**125.Finding:** The EDEP does not propose any amendments to the Zoning Map. This criterion does not apply.

### B. Adequate public services.

1. Adequacy of services applies only to the specific zone change site.
2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
  - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
  - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
  - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning period defined by the Oregon Transportation

Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

- d. The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.

**126.Finding:** The EDEP does not propose any amendments to the Zoning Map. These criteria do not apply.

### **33.855.060 Approval Criteria for Other Changes**

In addition to the base zones and Comprehensive Plan designations, the Zoning Map also shows overlay zones. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

- A. Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means;
- B. The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans; and
- C. In the Marquam Hill plan district, relocation of a scenic viewpoint must be shown to result in a net benefit to the public, taking into consideration such factors as public access, the quality of the view, the breadth of the view, and the public amenities that are or will be available.

**127.Finding:** The EDEP does not propose any overlay zone amendments to the Zoning Map. These criteria do not apply.

- END -



Exhibit B

# Expiration Date Extension Project

REGULATORY RELIEF DUE TO THE COVID-19 PANDEMIC

RECOMMENDED DRAFT  
JUNE 2020



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The Bureau of Planning and Sustainability is committed to providing meaningful access. For accommodations, modifications, translation, interpretation or other services, please contact at 503-823-7700 or use the City's TTY at 503-823-6868, or Oregon Relay Service at 711.

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 503-823-7700 | www.portlandoregon.gov/bps/71701

## How to Participate

The Expiration Date Extension Project will be considered by the Portland City Council at a virtual public hearing on Wednesday, July 8, 2020. The public is invited to participate in the following ways:

- 1. Watch the public hearing (live stream and recorded).** Access City Council's videos: [portlandoregon.gov/video](http://portlandoregon.gov/video)
- 2. Submit written testimony.** Because this meeting will be held virtually, we strongly encourage written testimony. Written testimony must be received by the time of the hearing and must include your name and address.

Send an email:	Use U.S. Mail:
cctestimony@PortlandOregon.gov Include "Extension Project Testimony" in the subject line	City Council Extension Project Testimony 1221 SW Fourth Avenue, Room 130 Portland, OR 97204

- 3. Testify at the City Council hearing.** The hearing on July 8, 2020 will be held virtually. You can use a computer, mobile device, or phone to testify during the hearing. To testify during the hearing, please register at the following link: [portland.gov/bps/edep](http://portland.gov/bps/edep). **The deadline to sign up for the Wednesday, July 8 hearing is Tuesday June 30, 2020 at 4:00 p.m.** Individuals have three minutes to testify, unless stated otherwise at the hearing. Email the Council Clerk at [cctestimony@portlandoregon.gov](mailto:cctestimony@portlandoregon.gov) with questions.

### For more information

Contact JP McNeil, Project Manager, at the Bureau of Planning and Sustainability 503-823-6046 or [Jason.mcneil@portlandoregon.gov](mailto:Jason.mcneil@portlandoregon.gov) or visit the Bureau of Planning and Sustainability's website: [portland.gov/bps/edep](http://portland.gov/bps/edep)

## Acknowledgments

### **Portland City Council**

Ted Wheeler, *Mayor*

Chloe Eudaley, *Commissioner*

Amanda Fritz, *Commissioner*

Jo Ann Hardesty, *Commissioner*

### **Portland Planning and Sustainability Commission**

Eli Spevak, *Chair*

Steph Routh, *Vice Chair*

Katherine Schultz, *Vice Chair*

Jeff Bachrach

Ben Bortolazzo

Mike Houck

Katie Larsell

Oriana Magnera

Chris Smith

### **Bureau of Planning and Sustainability**

Ted Wheeler, *Mayor, Commissioner-in-charge*

Andrea Durbin, *Director*

Joe Zehnder, *Chief Planner*

### **Project Staff**

JP McNeil, *Planner, Project Manager*

Shannon Buono, *Senior Planner*

Sandra Wood, *Principal Planner*

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# Section I: Introduction

## Project Summary

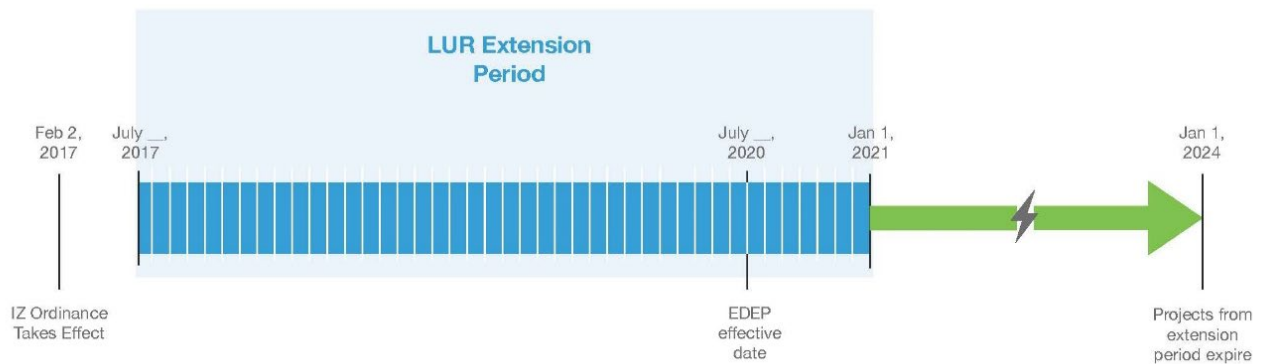
The Expiration Date Extension Project addresses several issues related to the administration of the Portland Zoning Code (Title 33, Planning and Zoning) and the economic impacts of the COVID-19 pandemic on the development market. It will amend the Zoning Code to extend the expiration date of some land use reviews, final plats, pre-application conferences, non-conforming update agreements, and Master Plans; maintain inclusionary housing rates that are set to increase; and allow for virtual neighborhood contact meetings. The proposal also includes a minor amendment to address a typo in the Zoning Code.

- 1. Land Use Review Extensions.** The Portland Zoning Code contains regulations that specify when land use review approvals expire. Most land use review approvals expire if a building permit for the project is not issued within three years of the final land use decision. Preliminary Plan approvals for land divisions expire if a final plat application is not submitted within three years of the final decision on the Preliminary Plan.

The COVID-19 crisis has created economic uncertainty in the market making it more difficult for development projects to move forward and has also slowed the pace of construction. Additionally, the public health emergency declaration impacted the Bureau of Development Services' ability to intake and issue permits. Given these conditions, it is more difficult for applicants to proceed within the timelines set out in the Zoning Code, increasing project cost and delay that could hinder the city's economic recovery.

To address these issues **this project proposes to extend expiration dates of land use reviews and preliminary plans approved up to three years prior to the effective date of this ordinance (approximately July 2017) and approximately six months after the effective date of this ordinance (January 1, 2021) until January 1, 2024.** This means that land use reviews approved in the 33 months leading up to the COVID-19 crisis hitting Portland in March 2020 and for 6 months following will be granted an extension of up to 42 months. While it remains unclear how long the COVID-19 economic effects will linger, the extension period will provide a buffer for applicants to see these projects through to completion. The goal is to allow sufficient time for approved projects to weather the current market situation, while also limiting the length of the extension so that conditions and regulations considered at the time of the approval remain relevant.

This project is in alignment with similar land use review extensions that were passed in 2009 and 2012 in response to the 2008 economic crisis. At that time, City Council first extended the expiration dates for land use reviews approved between May 2006 and December 2008 to June of 2012. When the economy did not recover by 2012 as expected, City Council extended those land use expirations until June of 2014.



- 2. Pre-Application Conference Extensions.** Pre-application conferences are a part of the land use review process that provide applicants with technical, design, and procedural assistance prior to the submittal of an application. Pre-applications also provide notification to recognized organizations of large-scale projects.

For Type III and Type IV reviews, which includes most high-impact reviews, a pre-application is required. For most other reviews, a pre-application conference is optional. Following the pre-application conference, the planner and relevant City agencies provide the applicant with a summary of recommendations and information from the meeting. For reviews that require a pre-application conference, the land use review application must be submitted within one year of the conference or else the pre-application conference expires and a new conference must be held.

Given the impacts the COVID-19 crisis is having on the development market, pre-application conferences may expire during this period of economic uncertainty and when the ability to submit a building permit or meet with City staff is limited. While the overarching theme of this project is to respond to COVID-related issues, the Commission felt that it was appropriate to extend the timeframe for pre-application conferences more broadly. This is to ameliorate the added expense and delays for larger projects that result when pre-application conferences expire due to longer timelines for more complex projects. Rather than just focus on a subset of larger projects which are impacted by COVID-related delays, such as Master Plan projects, the Commission recommends extending all pre-application expirations.

**This project proposes to extend expiration dates of all pre-application from one year after the pre-application conference is held until two years after the conference.**

- 3. Final Plat Extensions:** The final plat process is the second step of the land division process that follows the approval of the preliminary plan. The final plat shows the final surveyed layout of the land division including all lots, tracts, easements and rights-of-way. Information documenting compliance with all City requirements and conditions of approval is reviewed with the final plat.

Final plats must be completed within three years from the time the first response for additional information (checksheet) is sent to the applicant by the planner assigned to the final plat. The process generally involves some back-and-forth between the applicant and the planner. Under the current code, the applicant is given 180 days to respond to a request for information or to



otherwise make progress towards completing the final plat. If they fail to do so, the application can be voided. **This project proposes to grant the applicant 365 days to respond to a request for information or make progress on their application before it is voided.** The change applies to all final plats submitted before January 1, 2021, excepting those that have already expired or been voided as of the effective date of this proposal. The intent is to grant some flexibility to applicants in light of the uncertainty facing the development and construction markets due to COVID-19.

4. **Neighborhood Contact Meetings:** Neighborhood contact is a set of outreach steps that must be taken before certain land use reviews and development permits can be submitted for approval. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. Certain types of development proposals require the applicant to set up a public meeting or a meeting with the neighborhood association to present the project. Given the social distancing necessary to prevent the spread of the COVID-19 pandemic, **this proposal will allow neighborhood contact meetings held between March 8, 2020 and January 1, 2021 to be held remotely using video conferencing technology, provided a phone-in option is also available.**
5. **Extension for Inclusionary Housing Provision Rates:** The Inclusionary Housing (IH) standards set the rate at which affordable housing must be provided for housing projects. Under the current code, the standard for projects outside of the Central City and Gateway plan districts is lower than is required inside these plan districts. The lower rate is currently set to expire on January 1, 2021. **This project proposes to delay the January 2021 increase of the inclusion rates in neighborhoods outside the Central City and Gateway plan districts to January 1, 2024.**

The Bureau of Planning and Sustainability and Portland Housing Bureau closely monitor the City's Inclusionary Housing program to ensure that the program is producing affordable units through multi-family development. There are currently a significant number of projects with Inclusionary Housing units already permitted or in the permitting process. The disruption to the national and regional economy due to the COVID-19 pandemic is creating uncertainty for residential development projects. This amendment will alleviate some of that uncertainty.

6. **Nonconforming Upgrades Option 2 Extension:** Nonconforming upgrades are required upgrades to sites with development that is out of conformance with the current Zoning Code. These provisions require upgrades to nonconforming development that affect the appearance and impacts of a site. The upgrades are triggered when a building permit is submitted and the value of the proposed alterations is over a certain dollar threshold. To complete upgrades, an applicant has two options. Under the first option, the applicant must complete the upgrades at the time of the project that triggers the upgrades; however, the upgrades are limited to 10 percent of the value of the project. Under the second option, the applicant is given more time (up to five years) to complete the upgrades, but at the end of that period, the entire site must be brought into conformance. Under Option 2, the applicant must apply to delay the upgrades and must also record a covenant specifying what upgrades will be made and the date by which the upgrades must be completed.

**This project proposes to extend the compliance period for applicants with an active Option 2 Covenant in effect on March 8, 2020 until January 1, 2022 or until the end date recorded in the covenant, whichever is later.**

7. **Con-Way Master Plan Extension:** Northwest Master Plans are required for a certain area of NW Portland that is known as the Con-way site (shown on Zoning Code Map 562-9 and approved through LU 12-135135 MS). This plan sets the planning area boundaries, outlines a scheme for the urban design and project phasing, and includes a plan amendment process, approval criteria and design guidelines for the area. New projects within the Master Plan boundaries are subject to Design Review using those design guidelines. The Zoning Code stipulates that Northwest Master Plans expire after 10 years, though they can be extended through an amendment process. Unless amended, the Con-way Master Plan will expire on October 2, 2022.

To date, nine blocks within the Con-Way Master Plan area have submitted or been approved for building permits, while another six are still in the concept and design phases. Like other development projects citywide, the Con-way projects are subject to delays and uncertainty due to the COVID-19 pandemic and in need of relief similar to what is being offered to other land use review sites through this project. Additionally, the Con-way Master Plan went through a comprehensive planning process that involved the neighboring community and a broad range of stakeholders and the end result was a concept amenable to those stakeholders, including the Northwest District Association. Expiration of the Con-way Master Plan could mean the loss of that work if a new master plan must be developed.

To that end, **this project proposes to extend the expiration of the Con-way Master Plan until January 1, 2024.**

8. **List of Terms Typo:** The Better Housing by Design project was adopted by City Council on December 18, 2019. With that adoption, the Title 33 Definitions Chapter (33.910) was amended to add new terms and definitions. The corresponding term for each definition in Chapter 33.901 is also listed in Chapter 33.900 List of Terms. The code amendments adopted amended the Chapter 33.910 Definitions but not 33.900 List of Terms. **This project proposes to fix that by amending Chapter 33.900 to update the List of Terms.**

#### **Planning and Sustainability Commission Recommendation**

The Planning and Sustainability Commission recommends that City Council:

- Adopt this report;
- Amend the Zoning Code as shown in this report; and
- Adopt the ordinance.

## Section II: Zoning Code Amendments

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

Underlined formatting indicates added text, while ~~strikethrough~~ formatting shows what text is deleted.

### **33.245 Inclusionary Housing**

These changes extend the expiration date for the lower inclusionary housing rates that currently apply outside the Central City and Gateway plan districts.

#### **33.245.040.A.2.1 Inclusionary Housing Standards**

A phase-in period of lower inclusion rates for both the mandatory and voluntary options outside the Central City and Gateway plan districts were adopted on December 21, 2016. The rates for these areas were set at 15 percent of units at 80 percent MFI and 8 percent of units at 60 percent MFI. In 2018, the phase-in period was extended to January 1, 2021, which would increase the inclusion rate to 20 percent of units at 80 percent MFI and 10 percent of units at 60 percent MFI citywide. This proposal extends the phase-in period to January 1, 2024.

The Bureau of Planning and Sustainability and Portland Housing Bureau closely monitor the City's Inclusionary Housing program to ensure that the program is producing affordable units through multi-family development. There are currently a significant number of projects with Inclusionary Housing units already permitted or in the permitting process. The disruption to the national and regional economy due to the COVID-19 pandemic is creating uncertainty for residential development projects. Therefore, the Bureau of Planning and Sustainability and the Portland Housing Bureau proposes delaying for three years the January 2021 increase of the inclusion rates in neighborhoods outside the Central City and Gateway Regional Center to allow time for the development market to adjust to economic disruption caused by the COVID-19 pandemic.

## 33.245 Inclusionary Housing

# 245

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### 33.245.040 Inclusionary Housing Standards

Affordable dwelling units must be provided as follows, or a fee-in-lieu of providing affordable dwelling units must be paid. Adjustments are prohibited:

- A. On-site affordable dwelling units.** When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purpose of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:
1. [No change]
  2. Outside the Central City and Gateway plan districts. Outside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:
    - a. Rates before January 1, ~~2021~~2024:
      - (1) 8 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or
      - (2) 15 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.
      - (3) Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.
    - b. Rates on and after January 1, ~~2021~~2024. The rates shown in Paragraph A.1. apply outside the Central City and Gateway plan districts on and after January 1, ~~2021~~2024.
- B.** [No change]

**33.258 Nonconforming Situations**

This change extends the timeframe during which upgrades must be made to bring nonconforming development into compliance with the Zoning Code.

**33.258.070.D.2.d.(2)**

Generally, projects for alterations on sites with nonconforming development over a certain valuation threshold trigger required upgrades to bring the site into conformance with the zoning code. An applicant has two options to do so. Under the first option, the applicant must complete the upgrades as part of the project that triggers the upgrades; however, the upgrades are limited to 10 percent of the value of the project. Under the second option, the applicant is given more time (up to five years) to complete the upgrades, but at the end of that period, the entire site must be brought into conformance. Under Option 2, the applicant must apply to delay the upgrades and must also record a covenant specifying what upgrades must be made and the date by which the upgrades must be completed.

This amendment extends until 2022 the timeframe for projects that were approved for Option 2 upgrades and had a recorded covenant at the time the COVID-19 public health emergency was declared.

## 33.258 Nonconforming Situations

# 258

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### 33.258.070 Nonconforming Development

#### A.-C. [No change]

**D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. [No change]

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

a.-c. [No change]

d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:

(1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.

(2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:





- Before a building permit is issued, the applicant must submit the following to BDS:
  - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
  - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
- The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$300,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
- By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to BDS certification.
- If certification is requested by the end of the compliance period and BDS certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if BDS certifies the site before the end of the compliance period. During the grace period, no upgrades to nonconforming development are required.
- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.



- For covenants that were in effect on March 8, 2020, the compliance period expires on the later of January 1, 2022 or the period in the recorded covenant.

<b>Table 258-1 Compliance Periods for Option 2</b>	
<b>Square footage of site</b>	<b>Compliance period</b>
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

**E.-G. [No change]**

### **33.562 Northwest Master Plans**

The changes in this chapter grant an extension to the timeframe for a Northwest Master Plan. Northwest Master Plans are required for a certain portion of NW Portland that is known as the Con-way site (shown on Map 562-9). Only one Northwest Master Plan land use review has been approved under this code section (LU 12-135162 MS), the Con-way Master Plan. This plan sets the planning area boundaries, outlines a scheme for the urban design and project phasing, and includes a plan amendment process, approval criteria, and design guidelines for the area. New projects within the Master Plan boundaries are subject to Design Review using those design guidelines.

#### **33.562.300.H Duration of the Northwest Master Plan**

This code section specifies that Northwest Master Plans remain in effect for 10 years unless the plan is amended or updated. As noted above, the Con-Way Master Plan is the only adopted Northwest Master Plan. If the Con-way Master Plan expires before the build-out of the site is completed, a new Master Plan must be adopted for projects within the area designated on Map 562-9 that propose an expansion of floor area or exterior improvements greater than 1,500 square feet, with a few exceptions.

Without being amended through the quasi-judicial process (as specified in Chapter 33.562 and the adopted Con-Way Master Plan), the Plan would expire on October 2, 2022 (10 years from the effective date of the Con-way Master Plan approval). This code change would extend that expiration to January 1, 2024 to allow the applicant more time to complete the build-out of the Master Plan area.

**33.562 Northwest Plan District****562**

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**33.562.300 Northwest Master Plan****A.-G. [No change]**

- H. Duration of the Northwest Master Plan.** The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated, with the exception of Northwest Master Plans approved prior to [INSERT EFFECTIVE DATE OF THIS ORDINANCE], which remain in effect until January 1, 2024. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

**I. [No change]**

**33.663 Final Plats**

The changes in this chapter allow extra time for applicants to complete final plats that were in process prior to the onset of the COVID-19 crisis and also grants some flexibility for plats submitted through the end of 2021.

**33.663.110 Voiding of Final Plat Application**

Generally, final plat applicants must respond to requests for additional information regarding the final plat within 180 days, otherwise the City can void the final plat application. This code change allows for 365 days of inactivity before the final plat is voided. This is a temporary reprieve and only applies to plats submitted before January 1, 2021 and that have not expired or been voided prior to the effective date of the ordinance.

## 33.663 Final Plats

## 663

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**33.663.110 Voiding of Final Plat Application**

- A. Generally.** An application for Final Plat review will be voided when:
1. The Director of BDS has sent written comments to the applicant, requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided any of the requested information or completed any steps toward meeting the outstanding requirements within 180 days. If the applicant provides some information or completes some steps toward meeting the outstanding requirements within 180 days the application of final plat review will not be voided; or
  2. It has been more than 3 years since the Director of BDS has sent the initial set of written comments requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided all of the requested information and completed all of the steps necessary to meet the outstanding requirements. This paragraph does not apply to applications for final plat review submitted on or before May 16, 2012.
- B. Exception.** For final plat applications that were submitted before ~~December 31, 2009~~January 1, 2021, the 180-day period identified in A.1, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of ~~May 27, 2009~~[INSERT EFFECTIVE DATE OF THIS ORDINANCE].

**33.705 Neighborhood Contact**

The changes in the section expand the options for conducting neighborhood contact that meet social distancing requirements.

**33.705.020 Neighborhood Contact Steps**

Certain types of development proposals require the applicant to present the proposal at a public meeting or a meeting with the neighborhood association. Given the social distancing necessary to prevent the spread of the COVID-19 pandemic, this proposal will allow neighborhood contact meetings held between March 8, 2020 and January 1, 2021 to be held remotely using video conferencing technology, provided a phone-in option is also available.



## Chapter 33.705 Neighborhood Contact

## 705

**33.705.020 Neighborhood Contact Steps**

- A. [No change]
- B. **Neighborhood contact II.** Neighborhood contact II requires the following meeting, notification and posting steps:
  - 1.-3. [No change]
  - 4. Meeting. The applicant must schedule and attend one public meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:
    - a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs B.2. and B.3.
    - b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings held between March 8, 2020 and December 31, 2021 may be held remotely using online video conferencing technology. The selected technology must have a phone-in option available to those without access to a computer or mobile device;
    - c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.m. and 6 p.m. on Saturday or Sunday and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting;
    - d. Be open to the public; and
    - e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.
  - 5. [No change]



**C. Neighborhood contact III.** Neighborhood contact III requires the following meeting, notification and posting steps:

1.-3. [No change]

4. Meeting. If the neighborhood association does not reply to the applicant meeting request within 14 days, or hold a meeting within 45 days, the applicant must schedule and attend one public meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:

- a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs C.1. and C.2.
- b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings held between March 8, 2020 and December 31, 2021 may be held remotely using online video conferencing technology. The selected technology must have a phone-in option available to those without access to a computer or mobile device;
- c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.m. and 6 p.m. on Saturday or Sunday and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting; and
- d. Be open to the public; and
- e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.

5. [No change]

### **33.730 Quasi-Judicial Procedures**

The changes in this chapter extend the expiration dates for certain pre-application conferences and land use reviews. The economic consequences of the COVID-19 pandemic have created uncertainty in the development markets and the public health emergency declaration impacted the Bureau of Development Services' ability to intake and issue permits. Given these conditions, it is more difficult for applicants to proceed within the timelines set out in the Zoning Code, increasing project cost and delay that could hinder the city's economic recovery. These code changes are designed to allow flexibility for developers and property owners to adjust to these changing conditions. The goal is to allow sufficient time for approved projects to weather the current market situation, while also limiting the length of the extension so that conditions and regulations considered at the time of the approval remain relevant.

#### **33.730.050 Pre-Application Conference**

Pre-application conferences normally expire after one year from the date of the conference if the land use review or building application are not submitted by that date. This code change will extend the expiration date for all pre-conferences from one year to two years. While the overarching theme of the EDEP is to respond to COVID-related issues, the PSC felt that it was appropriate to extend the timeframe for pre-application conferences permanently. This is to ameliorate the added expense and delays for larger projects that result when pre-application conferences expire because of longer timelines for more complex projects. Rather than just focus on a subset of larger projects, such as Master Plan projects (as was also proposed), the PSC opted to recommend extending all pre-application expirations.

## 33.730 Quasi-Judicial Procedures

# 730

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### 33.730.050 Pre-Application Conference

A.-F. [No change]

- G. **Time limit.** A pre-application conference is valid for ~~one~~two years. If more than ~~one~~two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

**33.730.130 Expiration of an Approval**

Land use review and preliminary plan approvals normally expire after three years from the date approval. This code change will grant an extension of up to 42 months for those land use reviews, and preliminary plans, approved between July [X], 2017 (three years before the effective date of this ordinance) and January 1, 2021.

The existing expiration periods in the Zoning Code are intended to ensure that regulations and policies that were applied at the time of land use approval continue to be valid at the time the project is built. The longer the period between approval and actual construction, the greater the chance regulations and policies will change. Additionally, substantive changes in the neighborhood surrounding the site are more likely to occur with longer expiration periods; neighborhood characteristics are often considered during land use approvals. This code change balances the need to provide relief to applicants affected by the economic downturn while respecting the value of the existing timeframes in the Zoning Code.

**33.730.130 Expiration of an Approval**

A. [No change]

**B. When approved decisions expire.**

1. Land use approvals, except as otherwise specified in this section, expire if:
  - a. Generally.
    - (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
    - (2) Within 3 years of the date of the final decision the approved activity has not commenced.
  - b. Exception. Final decisions that became effective between ~~May 27, 2006~~ [INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~ January 1, 2021 or between ~~May 16, 2009 and June 30, 2011~~ expire if a City permit has not been issued for approved development or the approved activity has not commenced by ~~June 30, 2014~~ January 1, 2024.
2. Zoning map and Comprehensive Plan map amendments do not expire.
3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.
4. Multiple developments.
  - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 3 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals.
  - b. Exception. On sites where the final decisions became effective between ~~May 27, 2006~~ [INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~ January 1, 2021 or between ~~May 16, 2009 and June 30, 2011~~ and a City permit is not issued for all development by ~~June 30, 2014~~ January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.





6. Preliminary plans.
  - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
  - b. Exception. Final decisions on preliminary plans that became effective between ~~May 27, 2006~~[INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or ~~between May 16, 2009 and June 30, 2011~~ expire if an application for approval of Final Plat has not been submitted by ~~June 30, 2014~~January 1, 2024.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.
8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
  - a. Generally.
    - (1) The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
    - (2) Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
  - b. Exception. Final decisions on preliminary plans that became effective between ~~May 27, 2006~~[INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or ~~between May 16, 2009 and June 30, 2011~~ expire if an application for approval of Final Plat has not been submitted by ~~June 30, 2014~~January 1, 2024. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
  - a. Application for approval of a Final Plat for part or all of the site.
    - (1) Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.



- (2) Exception. Final decisions on preliminary plans that became effective between ~~May 27, 2006~~[INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or between ~~May 16, 2009 and June 30, 2011~~ expire if an application for approval of Final Plat has not been submitted by ~~June 30, 2014~~January 1, 2024
- b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
- The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
  - The final plat of the land division has not expired; and
  - Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between ~~May 27, 2006~~[INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or between ~~May 16, 2009 and June 30, 2011~~, the improvements must have been made by ~~June 30, 2014~~January 1, 2024.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.
- Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:
- The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
  - The PUD or PD has not expired;
  - Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. For a PUD or PD receiving final approval between ~~May 27, 2006~~[INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and ~~December 31, 2008~~January 1, 2021 or between ~~May 16, 2009 and June 30, 2011~~, the improvements must have been made by ~~June 30, 2014~~January 1, 2024.



12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supercede the regulations of this section.

**C.-D.** [No change]

**33.900 List of Terms**

This is a technical amendment to add the names of terms that were inadvertently left out of the Better Housing by Design project that was adopted by City Council in December 2019. As part of that project, three definitions were added to 33.910, Definitions, and one definition was deleted. This chapter, 33.900, List of Terms should have been amended as well to reflect those changes. This amendment corrects that mistake.

## 33.900 List of Terms

# 900

Sections:

33.900.010 List of Terms

### 33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

#### Courtyard

#### ~~Exterior Courtyard~~

#### Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Duplex
- Dwelling Unit
- Fourplex
- Group Living Structure

- House
- Houseboat Moorage
- Manufactured Dwelling
  - Manufactured Home
  - Mobile Home
  - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Single Room Occupancy Housing (SRO)
- Triplex

#### Street Types

- Arterial
- Common Green
- Dead-End Street
- Local Service Street
- Partial Street
- Shared Court
- Street
- Through Street
- Transit Street

## BES Fiscal Year 2019-2020 Rate Ordinance Exhibit A

Rate Name	Rate	Unit Type
<b>A) Sanitary Sewer System User Service Charges and Discounts</b>		
1) Residential Users		
1a) Sanitary Sewer Services	\$11.08	per 100 cubic feet of water consumption
1b) Low Income Discount	-\$37.37	per month for eligible single family ratepayers only
1c) Extremely Low Income Discount	-\$59.80	per month for eligible single family ratepayers only
2) Non-Residential, Commercial, Industrial, and Institutional Users		
2a) Special Meter Charge	\$40.00	per special meter bill
2b) Sanitary Sewer Services	\$10.904	per 100 cubic feet of water consumption
2c) Clean Water Discharge	\$1.150	per 100 cubic feet of discharged clean water
2d) Publicly-Owned Drinking Fountain or Single-Pass Waste Fountain	\$0.001	per 100 cubic feet of discharged water
3) Industrial Extra-Strength Discharger		
3a) Biochemical Oxygen Demand	\$0.831	per pound (allowable concentration - 300 mg/liter)
3b) Suspended Solids	\$1.096	per pound (allowable concentration - 350 mg/liter)
3c) Extra Strength Additional Sample	\$310.00	per composite sample
<b>B) Drainage/Stormwater Management User Service Charges and Discounts</b>		
1) Residential Users		
1a) Single Family and Duplexes		
1ai) Off-Site Charge	\$19.27	per user account per month
1aai) On-Site Charge	\$10.39	per user account per month
1b) 3-Plex and 4-Plex Residences		
1bi) Off-Site Charge	\$8.03	per dwelling unit per month
1bii) On-Site Charge	\$4.33	per dwelling unit per month
1c) Developments of 5 or More Units		
1ci) Off-Site Charge	\$8.03	per 1,000 square feet of impervious area per month
1cii) On-Site Charge	\$4.33	per 1,000 square feet of impervious area per month
2) Non-Residential Users		
2a) Off-Site Charge	\$8.46	per 1,000 square feet of impervious area per month
2b) On-Site Charge	\$4.56	per 1,000 square feet of impervious area per month
<b>C) Discounts</b>		
Clean River Rewards - user fee discounts as much as 100% of the monthly on-site stormwater management charge for private on-site facilities that manage stormwater runoff, and 100% of the monthly on-site stormwater management charge for Drainage District residents and businesses.		
<b>D) Willamette River/Portland Harbor Superfund Charges</b>		
1) Sanitary Volume Component	\$0.09	per 100 cubic feet of water consumption
2) Impervious Area Component	\$0.24	per 1,000 square feet of impervious area per month
Note: These rates apply to all users, residential and non-residential. The impervious area component is calculated for the following classes of residential users based on the following class-average values of impervious area:		
Single Family and Duplex Residences	2,400	square feet of impervious area per parcel
3-Plex and 4-Plex Residences	1,000	square feet of impervious area per unit
<b>E) System Development and Connection Charges</b>		
1) Sanitary System		
1a) Development Charge	\$6,917.00	per equivalent dwelling unit
2) Stormwater Management System		
2a) Single Family or Duplex Residence	\$1,159.00	per parcel
2b) 3-Plex Residential Development	\$1,338.00	per parcel



## BES Fiscal Year 2019-2020 Rate Ordinance Exhibit A

Rate Name	Rate	Unit Type
2c) 4-Plex Residential Development	\$1,835.00	per parcel
2d) All Other Developments		
2di) Impervious Area Component	\$242.00	per 1,000 square feet of impervious area
2dii) Frontage Component	\$7.69	per linear foot of frontage
2diii) Trip Generation Component	\$4.21	per daily vehicle trip
3) Connection Charges		
3a) Line Charge	\$1.87	per square foot within the zone of benefit
3b) Branch Charge	\$6,967.00	per branch used
3c) Wyes and Tees	\$318.00	per wye or tee used
4) Sanitary Sewer Conversion Charges		
4a) Residential (Single Family, Duplex, 3-Plex, and 4-Plex)		
4ai) Branch Charge	\$6,967.00	per branch used
4b) Commercial (All Other Users)		
4bi) Simple Sewer Extensions	\$3.18	per square foot
4bii) Complex Sewer Extensions	\$6.53	per square foot
5) System Development Charge Exemptions		
5a) Affordable Housing	Qualified affordable housing developments will be exempt from all or part of required sanitary and stormwater system development charges.	
5b) Accessory Dwelling Units	Qualified Accessory Dwelling Units (ADUs) will be exempt from required sanitary and stormwater system development charges.	

Fee Name	Unit Fee	Unit Type
<b>F. Building Plan Review Fees Based on Type of Review</b>		
1) One or Two Family Residential Structures	\$639	per application
2) Revisions/Recheck Fees for Residential Permits	\$213	per application
3) Structures Auxiliary to or Interior Modifications of One or Two Family Residential Dwelling Units Submitted on a Separate Application	\$213	per application
4) Tenant Improvements In and Additions to Commercial Buildings		
4a) Environmental Review	\$426	per application
4b) Source Control Review	\$426	per application
5) Commercial Buildings (other than those listed in other categories above)		
5a) Environmental Review	\$1,278	per application
5b) Source Control Review	\$639	per application
6) Commercial Permit Revisions/Recheck with Management Approval (Additional Checksheet Required)		
6a) Environmental Review	\$426	per review
6b) Source Control Review	\$426	per review
7) Over-the-Counter Hourly Rate, Billable in 15 Minute Increments for a Maximum of One Hour.		
7a) Environmental Review	\$213	per hour
7b) Source Control Review	\$213	per hour
8) Commercial Stormwater Facility Inspection		
8a) Up to Two Facilities	\$1,171	per application
8b) Each Additional Facility	\$213	per facility

## BES Fiscal Year 2019-2020 Rate Ordinance Exhibit A

Fee Name	Unit Fee	Unit Type
9) Residential Stormwater Facility Inspection	\$586	per application
10) Fee for Major Projects Group (Assigned by Bureau of Development Services)	\$20,000	per project
<b>G. Land Use Review Fees</b>		
1) Adjustment Review		
1a) Existing House/Duplex	\$311	per application
1b) All Other Projects	\$389	per application
2) Central City Master Plans	\$2,333	per application
3) Comprehensive Natural Resource Management Plan & Amendments		
3a) Type I	\$700	per application
3b) Type II	\$1,400	per application
3c) Type III	\$2,333	per application
4) Comprehensive Plan Map Amendment w/Zone Map Amendment		
4a) Tier A	\$1,128	per application
4b) Tier B	\$1,128	per application
4c) Tier C	\$1,750	per application
5) Conditional Use		
5a) Type Ix	\$233	per application
5b) Type II	\$311	per application
5c) Type III – New	\$933	per application
5d) Type III – Existing	\$467	per application
6) Design/Historic Resource Review		
6a) Tier D	\$428	per application
6b) Tier F	\$428	per application
6c) Tier G	\$1,633	per application
7) Environmental Review/River Review		
7a) Resource Enhancement/PLA/Public Rec Trails	\$622	per application
7b) Existing House/Duplex	\$661	per application
7c) All Other Projects	\$1,633	per application
8) Environmental Review Protection Zone	\$1,750	per application
9) Environmental Violation Review/River Review Violation		
9a) Type II Required	\$933	per application
9b) Type III Required	\$933	per application
9c) Columbia South Shore Plan District (CSSPD)	\$933	per application
9d) CSSPD, Undividable Lot with Existing Single Dwelling Unit	\$933	per application
9e) Undividable Lot with Existing Single Dwelling Unit	\$933	per application
10) Greenway		
10a) Existing House Duplex or Simple Non-Residential or Mixed Use	\$661	per application
10b) All Other Projects	\$1,633	per application
11) Impact Mitigation Plan		
11a) Amendment (Minor)	\$2,333	per application
11b) Implementation	\$2,333	per application
11c) New/Amendment (Major)	\$2,333	per application
11d) Amendment (Use)	\$2,333	per application
12) Land Division Review		
12a) Type Ix	\$622	per application

## BES Fiscal Year 2019-2020 Rate Ordinance Exhibit A

Fee Name	Unit Fee	Unit Type
12b) Type IIx	\$1,400	per application
12c) Type III	\$4,044	per application
13) 2 to 3 Lot Land Division with Concurrent Environmental Review	\$1,400	per application
14) 4 or More Lot Land Division with Concurrent Environmental Review	\$5,832	per application
15) Land Division Amendment Review (All Types)	\$311	per application
16) Land Division Final Plat Review/Final Development Plan Review		
16a) If Preliminary Was Type Ix with No Street	\$311	per application
16b) If Preliminary Was Type Ix or IIx with a Street	\$700	per application
16c) If Preliminary Was Type IIx with No Street	\$350	per application
16d) If Preliminary Was Type III	\$1,400	per application
17) Lot Consolidation	\$350	per application
18) Master Plan		
18a) Minor Amendments to Master Plans	\$700	per application
18b) New Master Plans or Major Amendments to Master Plans	\$2,333	per application
19) Non-Conforming Situation Review	\$233	per application
20) Planned Development Bonus Review	\$2,955	per application
21) Planned Development Review – All Other	\$2,955	per application
22) Planned Development Amendment	\$467	per application
23) Planned Unit Development Amendment	\$467	per application
24) Statewide Planning Goal Exception	\$778	per application
25) Zoning Map Amendment	\$1,477	per application
26) Other Unassigned Reviews		
26a) Type I/Ix	\$194	per application
26b) Type II/IIx	\$350	per application
26c) Type III	\$583	per application
27) Early Assistance, Written Info Only	\$311	per application
28) Early Assistance, Meeting and Written Info	\$467	per application
29) Pre-Application Conference	\$1,400	per conference
30) Public Works Inquiry (Written Info Only)	\$50	per inquiry
31) Hourly Rate for Land Use Services	\$156	per hour
32) Lot Confirmation		
32a) Sites without Buildings	\$233	per application
32b) Sites with House(s) or Duplex(es)	\$233	per application
32c) Sites with Other Development	\$233	per application
33) Property Line Adjustment		
33a) Site without Buildings	\$233	per application
33b) Sites with House(s) or Duplex(es)	\$544	per application
33c) Sites with Other Development	\$1,128	per application
34) Property Line Adjustment with Lot Confirmation		
34a) Site without Buildings	\$233	per application
34b) Sites with House(s) or Duplex(es)	\$544	per application
34c) Sites with Other Development	\$1,128	per application

## BES Fiscal Year 2019-2020 Rate Ordinance Exhibit A

Fee Name	Unit Fee	Unit Type
35) Remedial Action Exempt Review		
35a) Remedial Action Exempt Review - Conference	\$1,400	per conference
35b) Remedial Action Exempt Review - Simple	\$933	per review
35c) Remedial Action Exempt Review - Complex	\$2,488	per review
<b>H. Industrial Waste Discharge Fees</b>		
1) Permit Base Fee by Permit Type*		
1a) CIU	\$2,796	per permit
1b) SIU	\$2,330	per permit
1c) NSIU	\$1,331	per permit
1d) NDCIU	\$200	per permit
2) Unit Fees		
2a) Alternative Discharge Control Mechanism	\$77	per year
2b) Construction Dewatering Permit	\$230	per unit
2c) Service Fee per Occurrence**	\$130	per unit
*The total permit fee is comprised of the base fee plus actual costs for enforcement and monitoring as well as a DEQ SIU fee, if applicable.		
**This fee is applied to such discharges not otherwise addressed in an Industrial Waste Discharge permit, in addition to other applicable charges.		
<b>I. Street Use Permit Fees</b>		
1) Access Permit		
1a) Type 1	\$0	per permit
1b) Type 2 - Minimum	\$1,341	per permit
1c) Type 2 - Additional per Day	\$467	per day
2) Sewer Connection Fees: Connections to Existing Laterals or Extensions of Laterals from Sewer Mains to Property Lines; Sewer or Lateral Extensions More Than 100 Feet in Length Are Deemed a Public Improvement.	\$241	per connection
3) Sewer Tap Fees		
3a) Mainline Sewer and Manhole Tap	\$419	per tap
3b) Wye and Tee, and Standard Manhole (Rate per Installation, All Materials Provided by the Contractor)	\$815	per installation
3c) City Inspection of Insert-A-Tee installed by Permittee	\$122	per inspection
3d) Complex Sewer Connection Permit	\$1,628	per connection
4) Short Sewer Extension		
4a) Up to 50 Feet - Minimum	\$600	per permit
4b) 51 to 100 Feet - In Addition to Minimum	\$400	per permit
5) Residential Infill Permit	\$3,000	per permit
6) Basic Sewer Extension	\$3,000	per permit
7) PW Permit: *Calculator to establish base cost plus additional cost for factors per ENB-4		
7a) Project Manager (Per Hour)	\$160	per hour
7b) Construction Manager (Per Hour)	\$140	per hour
7c) Engineering Technician (Per Hour)	\$124	per hour
7d) Inspector (Per Hour)	\$137	per hour
7e) Revegetation (Per Hour)	\$146	per hour
7f) Maintenance (Per Hour)	\$188	per hour

## BES Fiscal Year 2019-2020 Rate Ordinance Exhibit A

Fee Name	Unit Fee	Unit Type
8) Complex Permit	Full Cost Recovery	per permit
9) Revegetation Inspection	\$1,076	per permit
10) Construction Warranty Fee	\$748	per permit
11) Permit Reactivation Fee	\$500	per application
12) Street Vacation	\$300	per application
13) Hourly Rate for Revegetation Natural Area Services	\$146	per hour
<b>J. Source Control Manual and FOG Fees</b>		
1) Source Control Manual Fees - Special Circumstances Advanced Review Application Fee	\$100	per application
2) FOG Variance Request Processing Fee	\$250	per application
<b>K. Stormwater Management Manual Fees</b>		
1) Special Circumstances Application Fee	\$100	per application
2) Offsite Management Fee	\$3.70	per SF
3) Post-Issued Permit Offsite Management Fee	\$7.40	per SF
4) Manufactured Stormwater Treatment Technologies Application Fee		
4a) Application Review Fee	\$5,000	per application
4b) Third-Party Water Quality Review Fee	\$3,000	per application

# Citywide TSDC Rates

Rates Effective July 1, 2019 – June 30, 2020 or as Amended

**Definitions:**

GFA: Gross Floor Area

VFP: Vehicle Fueling Position

Rates Calculated Based on the 10th Edition of the ITE Manual.

Type of Development	Unit of Measure	TSDC Per Unit
<b>Residential</b>		
Single Family (1,200 square feet or more)	dwelling	\$5,393.00
Single Family (1,199 square feet or less)	dwelling	\$2,697.00
Multiple Family	dwelling	\$2,654.00
Senior Housing / Assisted Living / Nursing Home	dwelling / bed	\$1,368.00
<b>Commercial – Services</b>		
Bank	sq ft/GFA	\$39.41
Day Care	sq ft/GFA	\$7.21
Hotel / Motel	room	\$3,631.00
Service Station / Gasoline Sales	VFP	\$32,388.00
Movie Theater / Event Hall	sq ft/GFA	\$13.60
Carwash	wash stall	\$18,947.00
Health Club / Racquet Club	sq ft/GFA	\$16.34
<b>Commercial - Institutional</b>		
School, K-12	sq ft/GFA	\$5.28
University / College / Jr College	student	\$616.00
Church	sq ft/GFA	\$2.45
Hospital	sq ft/GFA	\$4.34
Park	acre	\$492.00
<b>Commercial – Restaurant</b>		
Restaurant (Standalone)	sq ft/GFA	\$30.72
Quick Service Restaurant (Drive-Through)	sq ft/GFA	\$96.72
<b>Commercial - Retail</b>		
Shopping / Retail	sq ft/GFA	\$12.04
Convenience Market	sq ft/GFA	\$95.15
Free Standing Retail Store / Supermarket	sq ft/GFA	\$24.64
Car Sales – New / Used	sq ft/GFA	\$10.86
<b>Commercial - Office</b>		
Administrative Office	sq ft/GFA	\$5.57
Medical Office / Clinic	sq ft/GFA	\$16.55
<b>Industrial</b>		
Light Industrial / Manufacturing	sq ft/GFA	\$3.62
Warehousing / Storage	sq ft/GFA	\$1.04
Self-Storage	sq ft/GFA	\$1.03

# North Macadam Overlay TSDC Rates

## OVERLAY RATES ARE IN ADDITION TO CITYWIDE RATES

Rates Effective July 1, 2019 – June 30, 2020 or as Amended

### **Definitions:**

GFA: Gross Floor Area

VFP: Vehicle Fueling Position

Rates Calculated Based on the 10th Edition of the ITE Manual.

Type of Development	Unit of Measure	TSDC Per Unit
<b>Residential</b>		
Single Family (1,200 square feet or more)	dwelling	\$3,450.00
Single Family (1,199 square feet or less)	dwelling	\$1,725.00
Multiple Family	dwelling	\$1,698.00
Senior Housing / Assisted Living / Nursing Home	dwelling / bed	\$875.00
<b>Commercial – Services</b>		
Bank	sq ft/GFA	\$25.21
Day Care	sq ft/GFA	\$4.61
Hotel / Motel	room	\$2,323.00
Service Station / Gasoline Sales	VFP	\$20,720.00
Movie Theater / Event Hall	sq ft/GFA	\$8.70
Carwash	wash stall	\$12,121.00
Health Club / Racquet Club	sq ft/GFA	\$10.45
<b>Commercial - Institutional</b>		
School, K-12	sq ft/GFA	\$3.38
University / College / Jr College	student	\$394.00
Church	sq ft/GFA	\$1.57
Hospital	sq ft/GFA	\$2.78
Park	acre	\$315.00
<b>Commercial – Restaurant</b>		
Restaurant (Standalone)	sq ft/GFA	\$19.65
Quick Service Restaurant (Drive-Through)	sq ft/GFA	\$61.87
<b>Commercial - Retail</b>		
Shopping / Retail	sq ft/GFA	\$7.70
Convenience Market	sq ft/GFA	\$60.87
Free Standing Retail Store / Supermarket	sq ft/GFA	\$15.76
Car Sales – New / Used	sq ft/GFA	\$6.95
<b>Commercial - Office</b>		
Administrative Office	sq ft/GFA	\$3.57
Medical Office / Clinic	sq ft/GFA	\$10.59
<b>Industrial</b>		
Light Industrial / Manufacturing	sq ft/GFA	\$2.31
Warehousing / Storage	sq ft/GFA	\$0.66
Self-Storage	sq ft/GFA	\$0.66

# Innovation Quadrant Overlay

## TSDC Rates

### OVERLAY RATES ARE IN ADDITION TO CITYWIDE RATES

Rates Effective July 1, 2019 – June 30, 2020 or as Amended

#### **Definitions:**

GFA: Gross Floor Area

VFP: Vehicle Fueling Position

Rates Calculated Based on the 10th Edition of the ITE Manual.

Type of Development	Unit of Measure	TSDC Per Unit
<b>Residential</b>		
Single Family (1,200 square feet or more)	dwelling	\$2,778.00
Single Family (1,199 square feet or less)	dwelling	\$1,389.00
Multiple Family	dwelling	\$1,367.00
Senior Housing / Assisted Living / Nursing Home	dwelling / bed	\$705.00
<b>Commercial – Services</b>		
Bank	sq ft/GFA	\$20.30
Day Care	sq ft/GFA	\$3.71
Hotel / Motel	room	\$1,870.00
Service Station / Gasoline Sales	VFP	\$16,685.00
Movie Theater / Event Hall	sq ft/GFA	\$7.00
Carwash	wash stall	\$9,760.00
Health Club / Racquet Club	sq ft/GFA	\$8.42
<b>Commercial - Institutional</b>		
School, K-12	sq ft/GFA	\$2.72
University / College / Jr College	student	\$317.00
Church	sq ft/GFA	\$1.26
Hospital	sq ft/GFA	\$2.23
Park	acre	\$253.00
<b>Commercial – Restaurant</b>		
Restaurant (Standalone)	sq ft/GFA	\$15.83
Quick Service Restaurant (Drive-Through)	sq ft/GFA	\$49.82
<b>Commercial - Retail</b>		
Shopping / Retail	sq ft/GFA	\$6.20
Convenience Market	sq ft/GFA	\$49.02
Free Standing Retail Store / Supermarket	sq ft/GFA	\$12.69
Car Sales – New / Used	sq ft/GFA	\$5.60
<b>Commercial - Office</b>		
Administrative Office	sq ft/GFA	\$2.87
Medical Office / Clinic	sq ft/GFA	\$8.53
<b>Industrial</b>		
Light Industrial / Manufacturing	sq ft/GFA	\$1.86
Warehousing / Storage	sq ft/GFA	\$0.53
Self-Storage	sq ft/GFA	\$0.53



## IMPACT STATEMENT

**Legislation title:** Amend Planning and Zoning Code to extend the expiration date for some land use approvals, maintain inclusionary housing rates outside the Central City and Gateway Plan Districts, and allow for virtual neighborhood contact meetings (Ordinance; amend Title 33)

**Contact name:** Jason McNeil

**Contact phone:** (503) 823-6046

**Presenter name:** Jason McNeil, Sandra Wood

**Purpose of proposed legislation and background information:** This project is a response to concerns from land use review applicants, property owners, and BDS staff that delays in the development review process and the construction industry related to the COVID-19 pandemic, coupled with uncertainty in the real estate market, was leading to the expiration of land use review applications before they could be acted upon and would continue to do so in the foreseeable future. Since its inception, the project has expanded to include other aspects of development review impacted by COVID-19, including methods for conducting public meetings and the amount of affordable housing required for certain projects.

The primary action is a set of amendments to the Zoning Code that will provide flexibility to applicants impacted by the wide-ranging effects of the COVID-19 pandemic. The proposed amendments will achieve several things:

- Temporarily extend the expiration dates of land use reviews, land divisions, final plats, and the Con-Way Master Plan.
- Extend the expiration of pre-application conferences from one year to two years.
- Temporarily extend the compliance period for nonconforming upgrades.
- Allow neighborhood contact meetings to be held virtually.
- Extend the current inclusionary housing rates for areas of the city outside of the Central City and the Gateway Plan Districts.

Previously, two similar code amendments extended the expiration dates for land use reviews and land divisions in 2009 and 2012 as a response to the 2008 economic crisis. The lower inclusionary rate for affordable housing outside of the Central City and Gateway Regional Center was intended as a phase-in approach to the new regulations. An amendment to extend inclusionary housing rates by two years was adopted by City Council in 2018.

**Financial and budgetary impacts:** The long-term impacts of this proposal are minimal. All of the proposed amendments are temporary in nature and include sunset dates, with the exception of the proposal to extend the expiration of pre-application conferences. Since construction and real estate are key pillars of the city's economy, the proposal supports the economic recovery of the city by allowing projects in the midst of the development review process that would otherwise be delayed or abandoned to continue to completion.

In the short term, this ordinance has very few impacts:

- The ordinance does not amend the budget or create any new projects or programs with implications for City expenses.
- The ordinance does not change staffing levels or reclassify any positions.
- The ordinance does not create any new or modified financial obligation or benefit (such as IAs, IGAs, MOUs, grants, etc.).

**Community impacts and community involvement:** This project is intended to be a nimble response to the COVID-19 pandemic so the community involvement timeframe was brief. The genesis of the project was a response to concerns from the community that were made to Bureau of Development Services (BDS) staff. The community impacts from the land use review process amendments are minimal outside of the potential economic benefits to the community by providing relief to the construction and real estate industries.

The amendment to extend the phase-in period for affordable housing rates supports ability of the Inclusionary Housing Program (IH) to continue providing affordable housing. Increasing the supply of affordable housing will most heavily impact low-income households and communities of color, who have been most confronted by a lack of affordable housing which has led to disproportionate levels of displacement. The Inclusionary Housing Program has been calibrated to encourage developers to voluntarily elect to provide affordable housing to households earning no more than 60 percent of area median income, instead of the mandated 80 percent of area median income. The creation of regulated affordable housing through the IH Program is one part of an expanded effort to provide additional affordability throughout the city of Portland, specifically in high opportunity areas and available across a range of income earners.

Staff presented the project to the BDS Development Review Advisory Committee on April 16, 2020 and to the Portland Building and Urban Development Council on May 5, 2020. The Planning and Sustainability Commission held a public hearing on May 26, 2020. Six people provided oral testimony and eight individuals submitted written testimony. All of the testimony was in support of the proposal with some suggested amendments.

A more detailed description of community engagement is described in Exhibit A, the Findings of Fact Report, in findings responding to Comprehensive Plan Chapter 2 policies.

**100% Renewable Goal:** Not applicable

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES:** Please complete the information below.
- NO:** Skip this section

Fund	Fund	Commitment	Functional	Funded	Grant	Sponsored	Amount
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	<b>Center</b>	<b>Item</b>	<b>Area</b>	<b>Program</b>		<b>Program</b>	

July 7, 2020

Portland City Council  
 Attention: Council Clerk  
 1221 SW 4th Avenue  
 Portland, OR 97204

**Re: Expiration Date Extension Project (Recommended Draft June 2020) -  
 Support for Amendment to Adjust Expiration Relief to Begin March 8, 2020**

Dear Mayor Wheeler and Members of the City Council:

We appreciate the City's efforts to provide regulatory relief and offset the economic impacts of the COVID-19 pandemic. We support the proposed Expiration Date Extension Project ("EDEP"), with an Amendment to Section 33.730.130.B.1.b, which ensures the EDEP goals are met by providing relief to projects *directly delayed* by COVID-19 processing delays.

The proposed Amendment, supported by Staff, reads:

"Exception. Within the City, final decisions that became effective between ~~May 27, 2006~~ ~~March 8, 2017~~ and ~~December 31, 2008-January 1, 2021~~ or ~~between May 16, 2009 and June 30, 2011~~ expire if a City permit has not been issued for approved development or the approved activity has not commenced by ~~June 30, 2014~~ ~~January 1, 2024~~. Within the portion of unincorporated Multnomah County that is subject to City zoning, final decisions that became effective between [INSERT THREE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE] and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024."

Without the Amendment, certain projects in the City that were valid and under review on March 8, 2020 will expire before they can receive a building permit. The EDEP Recommended Draft would unfairly leave out these projects by granting exceptions only to projects that have not expired *on the date the EDEP becomes effective* (which may not be until August 2020) rather than the time the COVID-19 restrictions began.

The proposed Amendment is critical to provide regulatory relief to the projects most directly impacted by the COVID-19 pandemic: those with building permits under review that will expire due to COVID-19 permit processing delays.

As you know, a land use review expires after 3 years if a building permit has not been issued. In March 2020, BDS instituted new building permit processing regulations to prioritize essential service projects at the expense of work on non-essential projects. We agree with BDS's decision to prioritize these essential projects. However, these processing restrictions delayed critical work on and issuance of building permits for "standard" projects in the pipeline, and some of these projects are expected to expire due to the delay.

The Pearl East Office Building project ("Pearl East"), under development by our client, is directly impacted by these processing delays and in jeopardy of expiring before the EDEP takes effect. Pearl East's land use review was unanimously approved by the Landmarks Commission and City Council in July 2017 and expires in July 2020. The Pearl East team applied for a building permit in November 2019. The typical building permit review time is less than 6 months and the Pearl East permit was on track to be issued on time, before July 2020. However, BDS and other City Bureaus were forced to prioritize their efforts towards other projects beginning in March 2020 due to the new COVID-19 processing restrictions, putting the Pearl East project in jeopardy of expiring. While we are working closely with BDS and other associated Bureaus to obtain the permit as quickly as possible despite the COVID-19 related challenges, BDS and the other Bureaus are not in a position to recreate months of lost processing time while still prioritizing essential projects. Therefore, it is critical that the EDEP be amended to provide extensions to projects like Pearl East, whose land use reviews had not expired on March 8, 2020, but will likely expire before the EDEP takes effect.

We appreciate your support of the critical issue.

Very truly yours,



Allison J. Reynolds

**From:** [Reynolds, Allison J.](#)  
**To:** [Council Clerk – Testimony](#)  
**Cc:** [Brent Hedberg](#)  
**Subject:** Testimony for Expiration Date Extension Project (Item 550)  
**Date:** Tuesday, July 7, 2020 4:31:23 PM  
**Attachments:** [image002.png](#)  
[EDEP Testimony City Council Backdate Amendment.pdf](#)

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Hello,

Please find attached written testimony on the Expiration Date Extension Project for consideration by the City Council at tomorrow's hearing.

Thank you!

Allison

**Allison Reynolds** | Of Counsel  
**STOEL RIVES LLP** | 760 SW Ninth Avenue, Suite 3000 | Portland, OR 97205  
Direct: (503) 294-9625 | Mobile: (971) 235-1612 | Fax: (503) 220-2480



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July 8, 2020

Mayor Ted Wheeler and City Commissioners Eudaly, Fritz, and Hardesty  
1900 SW 4<sup>th</sup> Avenue  
Portland, Oregon 97204

**Re: Expiration Date Extension Project**

Dear Mayor Wheeler and Commissioners:

Douglas Wilson Companies appreciates the opportunity to comment on the Expiration Date Extension Project (EDEP). Douglas Wilson Companies (DWC) supports the city of Portland and the Bureau of Planning and Sustainability's efforts to address the economic impacts of the COVID-19 pandemic on the development market through the EDEP and has a suggestion on how the project could be improved.

This ordinance would amend zoning codes for land-use reviews to provide projects more time to endure the current state of the market in the midst of great economic uncertainty and acknowledges the impact to city permitting infrastructure, to ensure the development projects in Portland continue moving forward.

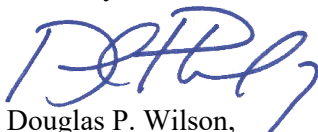
Douglas Wilson Companies is the court-appointed Receiver for the property located at 1400 NE Multnomah, commonly called the Mosaic Superblock (across from the Lloyd Center Mall, currently a parking lot), and which is located a key area of the Central City. The property is approximately 5-acres and the project was entitled for two mixed-use buildings with 677 apartments, 12 live-work units, and approximately 37,780 SF of retail. The project is supported by the Sullivan's Gulch, Kerns, and Lloyd Community District Neighborhood Associations.

As the court-appointed Receiver for this property, our responsibility is, on behalf of the lender, to preserve and enhance the value of the collateral for the loan. At a time in Portland's history when housing and commercial development are greatly needed to bounce back from the economic impacts of COVID-19, it is critical to protect local market asset value and capture development opportunities that translate into a boost to the local economy.

To best achieve the goals of the Expiration Date Extension Project, we suggest the following amendment to the Expiration Date Extension Project: "Within City limits, final decisions that authorize 20 or more dwelling units and became effective between September 1, 2016 and January 1, 2021 expire if a City permit has not been issued for approved development by January 1, 2024 and such approved development includes affordable dwelling units consistent with the requirements specified in Chapter 33.245 including 33.245.050."

Douglas Wilson Companies hopes this feedback will be incorporated into the ordinance to better meet the overall goals of the Expiration Date Extension Project. Thank you for bringing forward the Expiration Date Extension Project and for taking necessary actions to keep the economy moving.

Sincerely,



Douglas P. Wilson,  
Chairman and Chief Executive Officer,  
Douglas Wilson Company

**From:** [Michelle Plambeck](#)  
**To:** [Council Clerk – Testimony](#)  
**Subject:** Written testimony for Council Item 550  
**Date:** Wednesday, July 8, 2020 10:20:50 AM  
**Attachments:** [image001.png](#)  
[Portland City Council Superblock Testimony\[1\].pdf](#)

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I am submitting the attached written testimony for the record on the Expiration Date Extension Project (Council Item 550) that is being heard at Council at 2PM today. Thank you!



**MICHELLE PLAMBECK**

Vice President of Government Affairs, Oregon

C 503.260.7966

240 NORTH BROADWAY  
SUITE 215  
PORTLAND, OR 97227

[STRATEGIES360.COM](http://STRATEGIES360.COM)







# Expiration Date Extension Project

City Council – July 22, 2020





1. Pre-application conferences
2. Neighborhood contact
3. Land use reviews
4. Final plats
5. Conway Master Plan
6. Nonconforming Upgrade agreements
7. Inclusionary housing rates
8. List of Terms



1. Retroactivity Amendment
2. Virtual Neighborhood Contact Amendment
3. Inclusionary Housing Amendment
4. SDC Amendment



- Record closed July 15 at 5 p.m.
- No new testimony submitted
- 8 pieces of written testimony to the PSC
- 2 piece of written testimony to City Council
- 7 testifiers at July 8 hearing

For more info:

190076



Project webpage: [portland.gov/bps/edep](https://portland.gov/bps/edep)





# Expiration Date Extension Project

City Council – July 8, 2020





1. Pre-application conferences
2. Neighborhood contact
3. Land use reviews
4. Final plats
5. Conway Master Plan
6. Nonconforming Upgrade agreements
7. Inclusionary housing rates
8. List of Terms



# Development Review Sequence

190076



**Early Assistance  
(Pre-Apps, etc.)**

**Neighborhood  
Contact**

**Land Use Review**

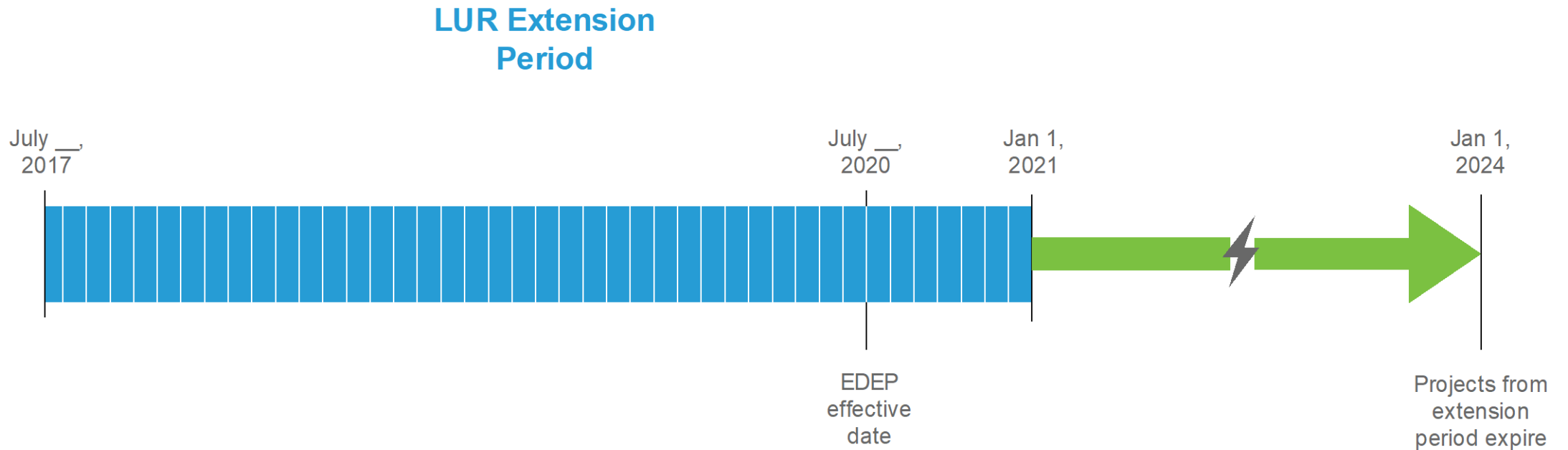
**Building Permit**



- **Proposal #1 – Pre-application Conferences:** Extend the timeframe for pre-application conferences to two years.
- **Proposal #2 – Neighborhood Contact:** Allow neighborhood contact meetings to be held virtually using video conferencing technology.



- **Proposal #3 – Land Use Reviews:** Extend the expiration date for some land use reviews until January 1, 2024.





- **Proposal #4 – Final Plats:** Allow some final plats 365 days of inactivity before they are voided.
- **Proposal #5 – Conway Master Plan:** Extend the expiration date of the Conway Master Plan from October 2, 2022 until January 1, 2024.
- **Proposal #6 – NCU Agreements:** Extend the timeline for nonconforming upgrade agreements until January 1, 2022.





- **Proposal #7 – Inclusionary Housing** : Extend the expiration date an additional three years for the lower inclusionary housing rates that apply outside the Central City and Gateway plan districts.
- Under the current code, the standards for inclusionary housing rates are:
  - **In Central City or Gateway**
    - 10% of units at 60% MFI or 20% of units at 80% MFI
  - **Outside the Central City or Gateway**
    - 8% of units at 60% MFI or 15% of units at 80% MFI



## **Proposal #8 – List of Terms**

Amend Chapter 33.900 List of Terms as follows:

- Add "Courtyard" and delete "Exterior Courtyard"
- Add "Fourplex" under Residential Structure Types
- Add "Local Service Street" under Street Types



- 8 pieces of written testimony to the PSC
- 4 testifiers registered for the hearing

For more info:

190076



Project webpage: [portland.gov/bps/edep](http://portland.gov/bps/edep)