



[Home](#) / [Council Documents](#)

191779

Ordinance

Improve land use regulations through the Regulatory Improvement Code Amendment Package 10 (amend Title 33, Comprehensive Plan, and Official Zoning Map)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. This project is part of the Regulatory Improvement Workplan, an ongoing program to improve City zoning and land use regulations and procedures. Each package of amendments is referred to as RICAP (Regulatory Improvement Code Amendment Package), followed by a number. This package is labeled RICAP 10 and is the first package since 2017, after which the program went on hiatus due to budget constraints.
2. In 2022, there was a renewed focus on providing opportunities for continuous improvement of the City's zoning regulations through discussions of the Permitting Improvement Task Force. The goals of the Task Force spanned bureaus, regulations, and processes, and this work resulted in identifying the value of the RICAP program. The City Council approved the budget to reinstate the program starting in fiscal year 2022-2023. Resolution No. 37593 further directed the Bureau of Planning and Sustainability to address zoning issues related to affordable housing with this regulatory improvement package.
3. In 2023, staff from the Bureau of Planning and Sustainability (BPS) and the Bureau of Development Services (BDS) worked together to select potential amendments from a database that contains regulatory improvement requests. To develop the RICAP 10 workplan, staff selected eligible technical and minor policy workplan items with a focus on the themes of increasing housing production, improving economic development opportunities, and regulatory reduction.
4. On November 9, 2023, the RICAP 10 Discussion Draft was released, and public comments were accepted through December 31, 2023. Staff received five written public comments submitted through the Map App.

Introduced by

[Commissioner Carmen Rubio](#)

Bureau

[Planning and Sustainability \(BPS\)](#)

Contact

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Requested Agenda Type

Time Certain

Date and Time Information

Requested Council Date

June 13, 2024

Requested Start Time

2:45 pm

Time Requested

15 minutes

Changes City Code

5. On January 22, 2024, mailed notice of the RICAP 10 Proposed Draft was provided to a list of parties who request official notice of land use changes.
6. On January 31, 2024, the RICAP 10 Proposed Draft was released, which incorporated feedback on the Discussion Draft.
7. On February 27, 2024, the Planning Commission heard a briefing and held a public hearing on the RICAP 10 Proposed Draft. One person testified virtually and nine people submitted written testimony through the Map App.
8. On March 12, 2024, the Planning Commission held a work session to discuss the proposal and provide suggestions for potential amendments.
9. On March 26, 2024, the Planning Commission voted on a set of two amendments to the Proposed Draft and voted to forward a recommendation to City Council on the amended package.
10. On May 15, 2024, the RICAP 10 Recommended Draft was released for public review. The package of minor policy changes and technical updates includes 83 zoning code amendments, one Comprehensive Plan amendment, and an update to remove special street setbacks along six streets as shown in the Recommended Draft Staff Report.
11. On May 13, 2024, notice of the May 30, 2024, City Council hearing on the RICAP 10 Recommended Draft was mailed to those who presented oral and written testimony at the Planning Commission public hearing.
12. On May 30, 2024, the City Council held a hearing on the RICAP 10 project and invited public testimony.
13. The Findings of Fact Report, attached as Exhibit A, includes additional findings demonstrating consistency with the Statewide Planning Goals, Metro Urban Growth Management Functional Plan, and the City of Portland 2035 Comprehensive Plan.

NOW, THEREFORE, the Council directs:

- A. Adopt Exhibit A, Findings of Fact Report, as additional findings.
- B. Adopt Exhibit B, Regulatory Improvement Code Amendment Package 10 (RICAP 10) Recommended Draft, dated May 2024.
- C. Amend Title 33, Planning and Zoning, of the Municipal Code of the City of Portland, as shown in Section II of Exhibit B, Regulatory Improvement Code Amendment package 10 (RICAP 10) Recommended Draft, dated May 2024.
- D. Amend the official Zoning Map as shown in Exhibit B, Regulatory Improvement Code Amendment package 10 (RICAP 10) Recommended Draft, dated May 2024.
- E. Amend Chapter 2 of the Comprehensive Plan as shown in Section III of Exhibit B, Regulatory Improvement Code Amendment package 10 (RICAP 10) Recommended Draft, dated May 2024.


F. Repeal Ordinance Nos. 110507, 148449, 148846, 151740, and 152147 that created the special street setbacks along NE/SE 82nd Ave., Se Powell Blvd., S Macadam Ave., N/NE Killingsworth St., and SW Capitol Hwy.


G. Repeal Section 4 of Ordinance No. 95283 that created the special street setbacks along SW Barbur Blvd.

Section 2. This ordinance shall be in full force and effect on October 1, 2024.

Section 3. 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 if 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.

Documents and Exhibits

 [Exhibit A \(https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-a_ricap-10-findings.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-a_ricap-10-findings.pdf) 526.2 KB

 [Exhibit B \(https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-b_ricap10_recommended_draft.pdf\)](https://www.portland.gov/sites/default/files/council-documents/2024/exhibit-b_ricap10_recommended_draft.pdf) 5.19 MB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
June 13, 2024

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

RICAP 10 is one of an ongoing series of code maintenance projects. The issues addressed are intentionally small in scope, with a focus on simple technical amendments, clarifications, and refinements to the zoning code. It therefore follows that the impact of individual items will be minor; however, the amendments cumulatively support a more efficient and better functioning zoning code. RICAP 10 contains 83 technical and minor policy zoning code amendments. The amendments clarify and refine existing zoning code regulations, making them more predictable and fairer. The

amendments contained in RICAP 10 were identified by city staff and the public as hindering desirable development.

Financial and Budgetary Impacts

This project does not amend the budget, change staffing levels, reclassify staff, or authorize new spending or other financial obligations (IGAs, contracts, etc.) and therefore there are no financial or budgetary impacts to the City. In fact, the clarifications and refinements in the development and process standards may reduce the amount of time spent by staff in reviewing certain permits and land use reviews.

Community Impacts and Community Involvement

Community engagement activities for this project are summarized in the Recommended Draft Staff Report. Staff provided briefings to neighborhood coalition land use groups as well as with BDS's Development Review Advisory Committee, in conjunction with the release of the Proposed Draft. Email updates were provided to a list of approximately 240 people who subscribe to get information about the project. Briefings were held with the Design Commission, the Historic Landmarks Commission, and the Planning Commission in February 2024. The Planning Commission public hearing on February 27, 2024, was a hybrid meeting at which one community member testified. Nine pieces of written testimony were submitted to the Planning Commission through the Map App. Notice of the City Council hearing will be submitted to all those who testified at the Planning Commission.

100% Renewable Goal

This action has no impact on the City's goal of meeting 100 percent of community-wide energy needs with renewable energy by 2050.

Budget Office Financial Impact Analysis

No financial impact.

Document History

Item 458 Time Certain in [May 29-30, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/5/29)
(<https://www.portland.gov/council/agenda/2024/5/29>)

City Council

Passed to second reading

Oral and written record are closed.

Passed to second reading to June 13, 2024 at 2:45 p.m. time certain.

Item 538 Time Certain in [June 12-13, 2024 Council Agenda](https://www.portland.gov/council/agenda/2024/6/12)
(<https://www.portland.gov/council/agenda/2024/6/12>)

City Council

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea