

DATE: August 31, 2022
FROM: Julie Ocken
RE: **Update Packet #202 – Fossil Fuel Terminal Zoning Amendments Remand**

The attached Code Update Pages are the result of the Fossil Fuels Remand (Ord. No. 190978), effective on August 31, 2022.

Contact [Tom Armstrong](#) with any questions.

Chapter	Remove Pages	Insert Pages	Changed because of
33.100	5-8	5-8	FF, typo
33.110	39-40, 49-50	39-40, 49-50	FF, typo
33.120	63-64	63-64	FF
33.130	49-50	49-50	FF
33.140	9-14, 39-40	9-14, 39-40	FF
33.150	25-26	25-26	FF
33.526	9-10	9-10	Typo
33.730	13-14, 41-42	13-14, 41-42	FF
33.806	All	All	Typo
33.900	3-8	3-8	FF
33.910	11-12, 29-36, 41-42	11-12, 29-36, 41-42	FF
33.920	9-20	9-20	FF

- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.100.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all applicable development standards.

33.100.120 Nuisance-Related Impacts

- A. Off-site impacts.** All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.

Development Standards

33.100.200 Development Standards

- A. Allowed or limited uses.** Allowed or limited uses are subject to the development standards stated below.
 1. Building setbacks. Except as specified in paragraph A.3., buildings must be set back from all property lines a minimum of 1 foot for each foot of building height.
 2. Outdoor activity facility setbacks. Except as specified in paragraph A.3. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
 3. Recreational fields for organized sports. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- B. Conditional uses.** Conditional uses are subject to the development standards stated below.
 1. Generally. Except as modified by paragraph B.2 and B.3, the development standards of Table 110-9, in Chapter 33.110, Single-Dwelling Zones, apply.
 2. Minimum setbacks. Buildings must be set back from all property lines a minimum of 1 foot for each foot of building height. Setbacks for structures that are accessory to recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

3. Parking. Conditional uses must meet the parking standards for that use in the CE zone, as stated in Chapter 33.266, Parking and Loading.

33.100.205 Fences

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Types of fences.** The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location.** Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.100.210 Demolitions

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.100.220 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.100.225 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.100.230 Trees

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

33.100.240 Recycling Areas

See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 183750, effective 6/4/10, Ord. No. 184016, effective 8/20/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188142, effective 1/13/17; Ord. No. 189807, effective 12/18/19; Ord. No. 190380, effective 4/30/21; Ord. No. 190978, effective 8/31/22.)

1. Density. A maximum of six dwelling units are allowed. More than six dwelling units are prohibited.
2. Affordability. 50 percent of the total number of dwelling units on the site must be affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this option and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. Adjustments are prohibited.
3. Minimum lot area. Lots for affordable fourplexes and multi-dwelling structures must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.
4. Maximum FAR. The maximum FAR is 1.2 to 1. Adjustments are prohibited.
5. Maximum Height. The maximum height is 35 feet. Adjustments are prohibited.
6. Building Coverage.
 - a. Generally. The maximum building coverage allowed is stated in 33.110.225.
 - b. Exception. The maximum building coverage allowed per lot is 60 percent. In this case, the maximum height allowed is reduced to 25 feet. Adjustments are prohibited.
7. Required outdoor area.
 - a. Generally. Outdoor area is required as stated in 33.110.240.
 - b. Exception. At least 48 square feet of outdoor area must be provided per dwelling unit. Each outdoor area must be designed so that a 4-foot x 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard. If the area is at ground level, it may extend into the entire required side and rear setback. The requirements of 33.110.240.C continue to apply. Adjustments are prohibited.
8. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.

- b. Visitable unit standard. Unless exempted by Subparagraph F.8.c., at least two dwelling units on the lot must meet all of the following visitability standards:
 - (1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Paragraph:
 - (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.
- G. Cottage cluster.** Cottage clusters that meet the following standards are allowed on sites in the R10 through R2.5 zones. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.
 - 1. Minimum site dimensions.
 - a. Minimum site area.
 - (1) R10 and R7. In the R10 and R7 zones, cottage cluster sites must be at least 7,000 square feet in area.
 - (2) R5 and R2.5. In the R5 and R2.5 zones, cottages clusters sites must be at least 5,000 square feet in area.

- e. Retaining walls on sites where any portion of the site is in an environmental overlay zone.

C. Standards.

1. Retaining walls are limited to 4 feet in height measured from the bottom of the footing, as shown in Figure 110-16.
2. Retaining walls must be set back at least 3 feet from other street-facing retaining walls, as shown in Figure 110-16. The 3 foot setback area must be landscaped to at least the L2 standard, except that trees are not required. A wall or berm may not be substituted for the shrubs.

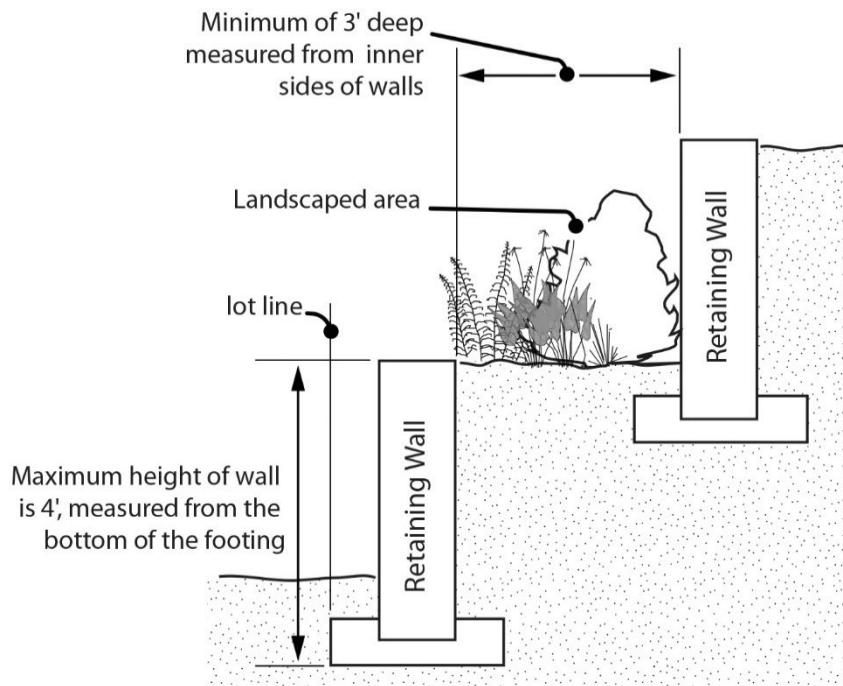
33.110.285 Demolitions

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.110.290 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

**Figure 110-16
Retaining Walls**



33.110.292 Parking and Loading

For parking and loading regulations, see Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.110.295 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.110.296 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

(Amended by: Ord. No.165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/9/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177643, effective 7/10/03; Ord. No. 177701, effective 8/30/03; Ord. No. 177975, effective 11/14/03; Ord. No. 178045, effective 12/10/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179092, effective 4/1/05; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15. Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190093, effective 9/11/20 and 8/1/2021; Ord. No. 190380, effective 4/30/21 and 8/1/2021; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22.)

33.120.320 Inclusionary Housing

The regulations pertaining to inclusionary housing are stated in Chapter 33.245, Inclusionary Housing.

33.120.330 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.
2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.
3. Standard. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of right-of-way for pedestrian connections is required.
4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:
 - a. The Central City plan district; and
 - b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of elements within, the pedestrian connections.

- B.** Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 174980,

effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176193, effective 2/1/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 08/28/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22.)

- D. **Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.130.275 Demolitions

- A. **Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. **Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.
- C. **CX zone landscaping.** In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.130.285 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.130.290 Parking, Loading, and Transportation and Parking Demand Management

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and requirements for transportation demand management are stated in Chapter 33.266, Parking, Loading, and Transportation Demand Management.

33.130.292 Street and Pedestrian Connections

- A. **Large site pedestrian connectivity.**
 1. **Purpose.** The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.
 2. **When does the standard apply.** The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.
 3. **Standard.** If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of ROW for pedestrian connections is required.
 4. **Exemptions.** Dedication of right-of-way for pedestrian connections is not required in:
 - a. The Central City plan district; and

- b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
 5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of element within, the pedestrian connections.
- B. Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

33.130.295 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.130.305 Superblock Requirements

Development in the CM2, CM3, CE, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.130.310 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22.)

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Institutional Categories						
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [11]	Y/CU [12]	Y/CU [11]
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [9]	L/CU [9]	L/CU [9]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [9]	L/CU [9]	L/CU [9]
Other Categories						
Agriculture	L [14]	L [14]	L [14]	L [14]	L [14]	L [14]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

9. Daycare and Community Service in the I zones. This regulation applies to all parts of Table 140-1 that have a [9].
 - a. Short term and mass shelters are prohibited. Outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 - b. Daycare and all other Community Service uses up to 3,000 square feet of net building area are allowed. Uses larger than 3,000 square feet of net building area are a conditional use.
10. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [10]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.
11. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more

than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

12. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [12]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
 13. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [13]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.
 14. Agriculture. This regulation applies to all parts of Table 140-1 that have a [14]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
 15. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [15].
 - a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on August 31, 2022 are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on August 31, 2022. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on August 31, 2022 is prohibited. Adding storage tank capacity exclusively for renewable fuels or to comply with the Renewable Fuel Standard (PCC Chapter 16.60 Motor Vehicle Fuels) is not considered an increase in capacity. Storing coal on the site is prohibited.
 - b. New Bulk Fossil Fuel Terminals are prohibited.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.130 Nuisance-Related Impacts

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. The floor area standards.** The FARs are stated in Table 140-2. The FAR standards of plan districts supersede the FAR standards of this chapter.
- C. Bonus FAR.** In the EX zone, bonus FAR is allowed as follows. Sites in the other employment and industrial zones are not eligible to use the bonus options. Adjustments to this Subsection, or to the maximum floor area allowed through the following bonuses, are prohibited:
1. **Mandatory inclusionary housing.** Bonus FAR is allowed up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 2. **Voluntary inclusionary housing.** Bonus FAR up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 is allowed when one of the following is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the

Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

- D. Transfer of FAR from historic resources in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and
 4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.
- E. Transfer of FAR from historic resources in the EG Zones.** Floor area may be transferred from a site zoned EG1 or EG2 that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and

- b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and
4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.

33.140.210 Height

- A. Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.
- B. The height standard.** The height limits for all structures, except detached accessory structures, are stated in Table 140-2. The height standards for detached accessory structures are stated in 33.140.270. Exceptions to the maximum height standard are stated below.
 1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 2. Parapets and rooftop railings may extend 4 feet above the height limit.
 3. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
 4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 5. Small wind turbines are subject to the standards of Chapter 33.299.
 6. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:

- a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
- b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

Table 140-2 Development Standards						
Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum FAR with Inclusionary Housing Bonus (see 33.140.205.C)	NA	NA	5 to 1	NA	NA	NA
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-3	15 ft.	See Table 140-3	See Table 140-3	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No

33.140.310 Superblock Requirements

Developments in the EX zone which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.140.315 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

33.140.320 Inclusionary Housing

The standards pertaining to inclusionary housing are stated in Chapter 33.245, Inclusionary Housing.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22.)

33.150.277 Drive-Through Facilities

Drive-through facilities are prohibited in the campus institutional zones.

33.150.280 Detached Accessory Structures

- A. Purpose.** These standards are intended to maintain separation and privacy for abutting residential zoned lots from nonresidential development.
- B. General standards.**
 - 1. The regulations of this section apply to detached accessory structures.
 - 2. The height and building coverage standards of the base zone apply to detached accessory structures.
- C. Setbacks.**
 - 1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a street setback, but not in a required setback from an abutting residential zone.
 - 2. Covered structures.
 - a. Covered structures such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures are subject to the setbacks for buildings.
 - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.

33.150.285 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
 - 1. Fences up to 8 feet high are allowed in required building setbacks except for required building setbacks along street lot lines or pedestrian connections. The following height limits apply to fences located within 10 feet of a street lot line or pedestrian connection. In the case of a college or medical center these limits apply to fences within 10 feet of all street lot lines or pedestrian connections within the zone.
 - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
 - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 - 2. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.

D. Reference to other regulations

1. Building permits. Building permits are required by BDS for certain fences pursuant to the building code.
2. Fence materials regulated by other bureaus. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.150.290 Demolitions

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources. Demolition** of a historic resource is regulated by Chapter 33.445, Historic Resource Overlay Zone.
- C. Landscaping.** Sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through a land use review or building permit. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.150.295 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.150.300 Parking, Loading, and Transportation and Parking Demand Management

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks, and landscaping are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.150.305 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.150.310 Superblock Requirements

Development on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.150.315 Recycling Areas

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190978, effective 8/31/22.)

area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.

- B. Calculations.** For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;
- C. Where these regulations apply.** The requirements of this section apply to sites 5 acres or more in area.
- D. Additions of floor area to the site.** The requirements of this subsection apply to sites where the proposal will result in an increase of at least 10,000 square feet of floor area on the site. The applicant may choose from the three options below:
 - 1. On-site option. If the open area will be on-site, the following standards must be met:
 - a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children’s play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.
 - d. The open area must be located outdoors on the site and abut either the public sidewalk or the site’s pedestrian circulation system.
 - e. Open area may be provided in a variety of sizes, but each open area must measure at least 20 feet in all directions.
 - f. The application must identify the location, proposed improvements, and timing of the improvements.
 - 2. Off-site option. If the open area will be off-site, the following standards must be met:
 - a. The area that will be used to meet this requirement must be:
 - (1) Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;
 - (2) Under the applicant’s control; and
 - (3) Vacant or used for surface parking.

- b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.
 3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:
 - a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;
 - b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.
- E. Land Divisions.** The standards and approval criteria of this subsection apply to sites where a land division is proposed:
 1. The regulations of this subsection do not apply to proposed lots 5 acres or more in area. The regulations will apply if such lots are divided further.
 2. The regulations of this paragraph apply to proposed lots less than 5 acres in area.
 - a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.
 - b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.
 - (1) If the open area requirement will be met on the lot, the applicant must specify the location.
 - (2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.
 - (3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs D.2 or D.3 must be met:
 - c. If the requirements of this subsection will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through E apply to all sites. If the site is within the City of Portland, Subsections F through I also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection J also applies.

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type III procedure, except applications for historic designation review and historic designation removal review. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
 - 1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots and does not include an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 - 2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
 - a. The application is for a land division that includes eleven or more lots and does not include an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it was subject to a building permit process, it is exempt from the neighborhood contact requirements.
 - 3. The neighborhood contact steps of 33.705.020.C., Neighborhood contact III, are required when:
 - a. The application is for a land division that includes an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by

33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

- D. Processing time.** Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 51 days. The applicant may extend the time limit.
- E. Notice of a request.**
1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070 D, Type III and Type IV notice of request.
 2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080 below.
- F. Decision by review body if site is in City of Portland.**
1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.
 2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
 3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
 - a. Hearings Officer.
 - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
 - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
 4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For

requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.

- D. Tree preservation.** Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22.)

33.806 Airport Reviews

806

Sections:

Airport Transportation Impact Analysis Review

33.806.010 Purpose

33.806.020 Procedure

33.806.030 Approval Criteria

Southwest Quadrant Public Services Review

33.806.100 Purpose

33.806.110 Procedure

33.806.120 Approval Criteria

Airport Transportation Impact Analysis Review

33.806.010 Purpose

The Airport Transportation Impact Analysis Review ensures that adequate transportation is available to serve the needs of Portland International Airport as it grows.

33.806.020 Procedure

Airport Transportation Impact Analysis Reviews are processed through a Type III procedure.

33.806.030 Approval Criteria

The proposal will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The proposal will fully mitigate the impacts of the additional transportation demand identified in the Transportation Impact Analysis; and
- B.** All prior City Engineer required mitigation projects have been completed.

Southwest Quadrant Public Services Review

33.806.100 Purpose

The Southwest Quadrant Public Services Review ensures that public services are adequate to allow for new development.

33.806.110 Procedure

Southwest Quadrant Public Services Reviews is processed through a Type III procedure.

33.806.120 Approval Criteria

The application for Southwest Quadrant Public Services Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;

- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. This evaluation is limited to ensuring that new development meets City requirements for street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; access restrictions; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
- C.** Public services for water supply, police and fire protection are capable of serving the proposed development, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

(Added by Ord. No. 184521, effective 5/13/11.)

Historic Landmark *See*
Historic Resource

Historic Landmark Tree

Historic Resource

Historic Resources

Inventory *See* *Historic*
Resource

Historic Restoration

Historic Value

Home Occupation

House *See* *Residential*
Structure Types

Household Living *See*
Chapter 33.920,
Descriptions of the Use
Categories

Houseboat *Moorage* *See*
Residential Structure Types

Identified Wetlands,
Identified Streams,
Identified Waterbodies *See*
Environment-Related
Definitions

Industrial Service *See*
Chapter 33.920,
Descriptions of the Use
Categories

Institutional Campus

Intensity

Kennel

Land Division

Land Use Approval

Ldn (or DNL)

Light Rail Line

Light Rail Alignment

Light Truck *See* *Truck under*
Vehicle Types

Live Stake

Living Area

Loading Area

Long Term Bicycle Parking

Long Term Parking

Longest Street-Facing Wall

Lot

- Adjusted Lot
- Corner Lot
- Flag Lot
- New Narrow Lot
- Through Lot

Lot Depth, how to measure
See *Chapter 33.930,*
Measurements

Lot Lines

- Front Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot of Record

Lot Remnant

Lot Width, how to measure
See *Chapter 33.930,*
Measurements

Main Entrance

Maintenance

Major Event Entertainment
See *Chapter 33.920,*
Descriptions of the Use
Categories

Major Remodeling

Manufactured Dwelling *See*
Residential Structure Types

Manufactured Dwelling
Park

Manufactured Dwelling
Space

Manufactured Home *See*
Residential Structure Types

Manufacturing And
Production *See* *Chapter*
33.920, Descriptions of the
Use Categories

Marina

Market Garden

Mass Shelter

Mass Shelter Beds

Medical Centers *See*
Chapter 33.920,
Descriptions of the Use
Categories

Medium Truck *See* *Truck*
under Vehicle Types

Mining *See* *Chapter 33.920,*
Descriptions of the Use
Categories

Mitigate

Mixed-Use

Mobile Home *See*

Residential Structure Types

Motor Home *See*
Recreational Vehicle, under
Vehicle Types

Motor Vehicle *See* *Vehicle*
Types

Multi-Dwelling
Development *See*
Residential Structure Types

Multi-Dwelling Structure
See *Residential Structure*
Types

Near Shore Complexity

Net Building Area

New Development *See*
Development, New

New Narrow Lot *See* *Lot*

Noise Contour

Nonconforming
Development

Nonconforming Residential
Density

Nonconforming Situation

Nonconforming Use

Nondiscretionary Reviews

Nuisance Plants List

Office *See Chapter 33.920, Descriptions of the Use Categories*
Operator
Ordinary High Water Mark
Organized Sports
Outdoor Shelter
Outfall
Owner
Ownership
Parcel *See Lot*
Parking Area
Parking Space
Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*
Partial Street *See Street Types*
Passenger Vehicle *See Vehicle Types*
Paved Area
Peace Officer
Peak Hour Service
Pedestrian Access Route
Pedestrian Connection
Pedestrian-Oriented Development *See Development Types*
Permanent Disturbance Area *See Disturbance Area, Permanent*
Person
Personal Wireless Service Facility
Phased Development Plan
Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*
Planning and Sustainability Director

Plat
Plaza
Plot
Pollution Reduction Facility
Potential Landslide Hazard Area
Practicable
Primary Structure
Primary Use
Private Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*
Project
Property Line Adjustment
Pruning
Public Access Easement
Public Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*
Public Safety Facility
Quick Vehicle Servicing *See Chapter 33.920, Descriptions of the Use Categories*
Radio or Television Broadcast Facility
Radio Frequency Transmission Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Rail Lines And Utility Corridors *See Chapter 33.920, Descriptions of the Use Categories*
Rail Right-Of-Way *See Right-of-Way, Rail*
Railroad Yards *See Chapter 33.920, Descriptions of the Use Categories*
Rear Lot Line *See Lot Lines*
Rear Setback *See Setback*

Recognized Organization
Recreational Vehicle *See Vehicle Types*
Recreational Vehicle Park
Recycling Drop-Off Center
Recycling Operation
Regional Attractor
Religious Institutions *See Chapter 33.920, Descriptions of the Use Categories*
Remediation
Renewable Fuel
Repair
Replacement
Residential Facility
Residential Home
Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Congregate Housing Facility
- Cottage Cluster
- Duplex
- Dwelling Unit
- Fourplex
- House
- Houseboat Moorage
- Manufactured Dwelling
 - Manufactured Home
 - Mobile Home
 - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Triplex

Residential Trailer *See Residential Structure Types*
Resource Enhancement
Retail Sales And Service *See Chapter 33.920, Descriptions of the Use Categories*
Retaining Wall
Review Body
Right-Of-Way
Right-of-Way, Rail
Riparian Areas
Riparian Functional Values
River Bank Complexity
River-Dependent
River-Related
Roadway
Root Protection Zone, how to measure *See Chapter 33.930, Measurements*
Scenic Corridor
Scenic Site
Scenic View
Scenic Viewpoint
Schools *See Chapter 33.920, Descriptions of the Use Categories*
School Site
Seep or Spring
Self-Service Storage *See Chapter 33.920, Descriptions of the Use Categories*
Services
Setback

- Front Setback
- Garage Entrance
- Setback
- Rear Setback

- Side Setback
- Street Setback

Setback Averaging, how to measure *See Chapter 33.930, Measurements*
Shallow Water Habitat
Shared Court *See Street Types*
Shelter Beds *See Mass Shelter Beds*
Short Term Bicycle Parking
Short Term Housing
Short Term Parking
Side Lot Line *See Lot Lines*
Side Setback *See Setback*
Side Street Lot Line *See Lot Lines*
Sign
Significant Detrimental Impact
Site
Site Frontage
Small Scale Energy Production

- Biogas
- Biomass

Special Flood Hazard Area
Stormwater Facility
Stormwater Management System
Stream
Stream Channel
Street *See Street Types*
Street Lot Line *See Lot Lines*
Street Setback *See Setback*
Street-facing Facade
Streetcar Alignment
Streetcar Line

Street Types

- Arterial
- Common Green
- Dead-End Street
- Local Service Street
- Partial Street
- Shared Court
- Street
- Through Street
- Transit Street

Structure

Structured Parking
Superblock
Supermarket
Surface Parking
Temporary Disturbance Area *See Disturbance Area, Temporary*
Through Lot *See Lot*
Through Street *See Street Types*
Top of Bank
Topping
Tower
Tract
Transit Station
Transit Street *See Street Types*
Transportation Management Association
Tree Diameter, how to measure *See Chapter 33.930, Measurements*
Tree Types

- Dangerous Tree
- Dead Tree
- Dying Tree

Triplex *See Residential Structure Types*

Truck *See Vehicle Types*

Underground Parking

Uplands

Utility Scale Energy
Production

Utility Trailer *See Vehicle
Types*

Utilities

Valet Parking

Vegetation

Vegetative Maintenance

Vehicle Areas

Vehicle Repair *See Chapter
33.920, Descriptions of the
Use Categories*

Vehicle Types

- Motor Vehicle
- Passenger Vehicle
- Recreational Vehicle
 - Accessory recreational vehicle
 - Motor home
- Truck
 - Light Truck
 - Medium Truck
 - Heavy Truck
- Utility Trailer

View Corridor

Viewing Area

Warehouse And Freight
Movement *See Chapter
33.920, Descriptions of the
Use Categories*

Waste Collection Areas

Waste-Related *See Chapter
33.920, Descriptions of the
Use Categories*

Water Bodies

Water Quality Resource
Area

Wetland

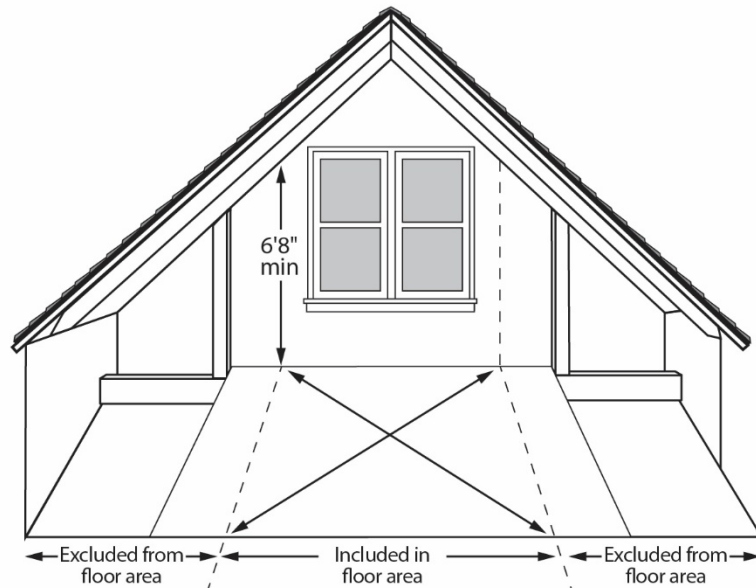
Wholesale Sales *See
Chapter 33.920,
Descriptions of the Use
Categories*

Wildlife Species of Concern

Wind Turbine or Wind
Energy Turbine

(Added by Ord. No. 164264, effective 7/5/91. Amended by: Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183750, effective 6/4/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. 185412, effective 6/13/12.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 189000, effective 7/9/18; Ord. No. 190076, effective 8/10/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22.)

**Figure 910-20
Ceiling Height**



Floor Area Ratio (FAR). The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Food Membership Distribution Site. A site where items ordered through the following organizations are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.
- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels. See Renewable Fuel.

Front Lot Line. See Lot Lines.

Front Setback. See Setback.

Functional Values. Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a

natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

Future Division Plan. A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

Garage. A covered structure that is accessory to a use in a house, attached house, duplex, triplex, fourplex, cottage cluster, manufactured dwelling, or houseboat, and that:

- Is designed to provide shelter for vehicles;
- Is connected to a right-of-way by a driveway; and
- Has an opening that is at least 8-feet wide.

Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

Garage Entrance Setback. See Setback.

Grade. The final elevation of the ground.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Gross Building Area. The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 75 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals listed in the List of Lists: Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, published March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101, or as subsequently updated or amended.

Heavy Truck. See Truck under Vehicle Types.

Recognized Organization. An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life's Diversity and Civic Leadership Program.

Recreational Vehicle. See Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

Recycling Drop-Off Center. A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Recycling Operation. A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

Regional Attractor. A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

Remediation. The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

Renewable Fuel. Renewable fuels (such as biodiesel, biomethane, and clean hydrogen) are produced from non-petroleum, non-natural gas renewable resources and have less than 5 percent fossil fuel content.

Repair. Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Replacement. Actions to substitute one material or system for another.

Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

Residential Home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

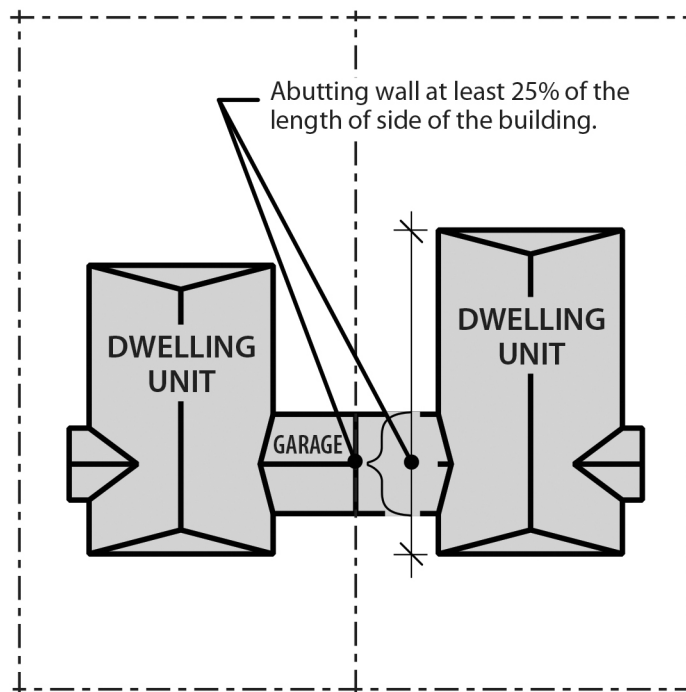
Residential Structure Types

- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation,

and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** Except for individual dwelling units on lots created through a middle housing land division, a dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

Figure 910-16
Attached Houses



- **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
- **Cottage Cluster.** A grouping of no fewer than three and no more than 16 individual detached primary dwelling units on one lot. A cottage cluster on a site that is divided through a middle housing land division remains a cottage cluster.
- **Duplex.** A building that contains two primary dwelling units on one lot. In this case, the units must share a common wall or common floor/ceiling. In the single-dwelling zones, a duplex

can also be two detached primary dwelling units on one lot. A duplex on a site that is divided through a middle housing land division remains a duplex.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people, except that a congregate housing facility is not a dwelling unit. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.
- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit. A fourplex on a site that is divided through a middle housing land division remains a fourplex.
- **House.** Except for a detached dwelling unit on a lot that was created through a middle housing land division, a detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
 - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
 - **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
 - **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** Except for cottage clusters, a grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.
- **Multi-Dwelling Structure.** A structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
- **Triplex.** A structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit. A triplex on a site that is divided through a middle housing land division remains a triplex.

Residential Trailer. See Residential Structure Types.

Resource Enhancement. The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in

scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site. Mitigation banks, which sell credits for off-site mitigation, are not considered resource enhancement.

Retaining Wall. A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of BDS, the Adjustment Committee, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

Right-Of-Way. An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

Right-of-way, Rail. A public or private right-of-way, for the purpose of allowing rail travel.

Riparian Areas. Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Riparian Functional Values. The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

River Bank Complexity. A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

River-Related. A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development. Removal or remedial

actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

Scenic Site. A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

Scenic View. A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

Scenic Viewpoint. A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

School Site. An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

Seep or Spring. An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

Services. For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

Shallow Water Habitat. Land and riverbed located between the ordinary high water mark and 20 feet below the ordinary low water mark of the Willamette or Columbia Rivers.

Shelter Beds. See Mass Shelter Beds.

Short-Term Bicycle Parking. Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

Short Term Shelter. A building that contains one or more individual bedrooms, and where occupancy of all rooms may be arranged with no minimum length of stay. The short term shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide shelters, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.

Short Term Parking. Parking having a duration of four hours or less.

Side Lot Line. See Lot Lines.

Side Setback. See Setback.

Side Street Lot Line. See Lot Lines.

Sign. As defined in Title 32, Signs and Related Regulations

Significant Detrimental Impact. An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

Site. For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For development on a lot that was created through a middle housing land division, the site is the original site prior to being divided. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block Frontage.

Small Scale Energy Production. Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;

- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:
 - **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
 - **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

Special Flood Hazard Area. Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the “100-year flood.”

Stormwater Facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Stormwater Management System. A stormwater facility, and a conveyance system or an outfall.

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

Stream Channel. An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

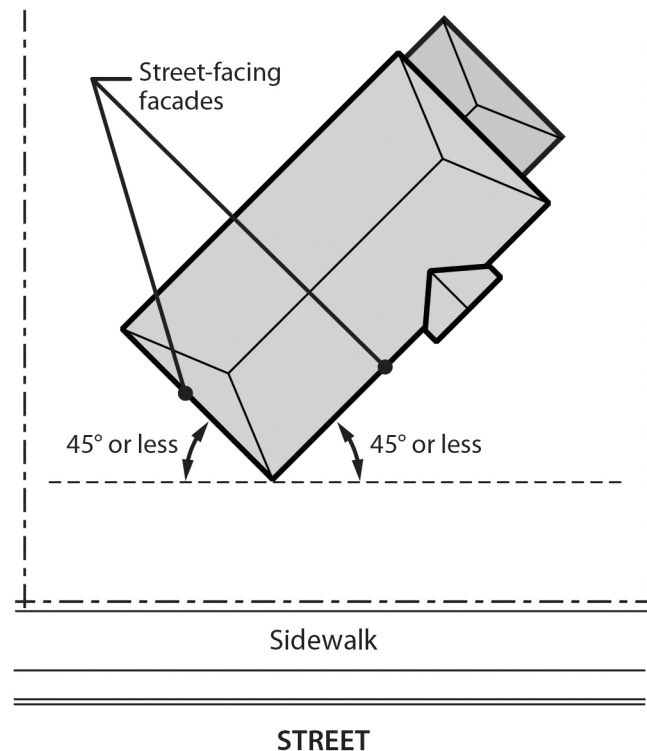
Street. See Street Types.

Street Lot Line. See Lot Lines.

Street Setback. See Setback.

Street-facing Facade. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

Figure 910-12
Street-facing Facade



Streetcar Alignment. A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

Streetcar Line. A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

Street Types. See also Alley, Pedestrian Connection, Right-of-Way, and Roadway.

- **Arterial.** Any street that is not a Local Service Traffic Street according to the Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.
- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

Viewing Area. Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water Bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

Water Quality Resource Area. The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

Wildlife Species of Concern. Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

Wind Turbine or Wind Energy Turbine. A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22.)

- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

33.920.300 Bulk Fossil Fuel Terminal

- A. **Characteristics.** Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. Terminals have access to marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have transloading facilities and storage tank capacity exceeding 2 million gallons. There is minimal on-site sales activity with the customer present.
- B. **Accessory uses.** Accessory uses may include retail sales of petroleum products, offices, food membership distribution, parking, storage, truck fleet parking and maintenance areas, rail spur or lead lines, and docks.
- C. **Examples.** Examples include crude oil terminals, petroleum products terminals, natural gas terminals, propane terminals, and coal terminals.
- D. **Exceptions.**
 - 1. Truck or marine freight terminals that do not store, transport or distribute fossil fuels are classified as Warehouse And Freight Movement uses.
 - 2. Truck or marine freight terminals and have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:
 - a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;
 - b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or
 - c. The facilities are owned or operated by a single parent partnership or corporation.
 - 3. Gasoline stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals.
 - 4. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals.
 - 5. Industrial, commercial, institutional, and agricultural firms that exclusively store fossil fuel for use as an input are not Bulk Fossil Fuel Terminals.

6. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
7. The storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility are not Bulk Fossil Fuel Terminals.
8. Uses that recover or reprocess used petroleum products are not Bulk Fossil Fuel Terminals.

33.920.310 Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
 1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
 2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

33.920.320 Manufacturing And Production

- A. Characteristics.** Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per

site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.

- C. Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie and video production facilities; recording studios; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including manufactured dwellings; and Utility Scale Energy production.
- D. Exceptions.**
1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service.
 2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
 3. Small Scale Energy Production is a Basic Utility.
 4. Solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production are considered Waste Related Uses.

33.920.330 Railroad Yards

- A. Characteristics.** Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.
- B. Accessory Uses.** Accessory uses include offices, employee facilities, food membership distribution, storage areas, and rail car maintenance and repair facilities.

33.920.340 Warehouse And Freight Movement

- A. Characteristics.** Warehouse And Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- C. Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns;

parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Miniwarehouses are classified as Self-Service Storage uses.
3. Establishments that engage in the transfer or storage of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have transloading facilities and storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

33.920.350 Waste-Related

- A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.
- B. Accessory Uses.** Accessory uses may include recycling of materials, offices, food membership distribution, and repackaging and transshipment of by-products.
- C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.
- D. Exceptions.**
1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
 2. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
 3. Small Scale Energy Production is considered a Basic Utility.
 4. Utility Scale Energy Production, other than solid waste incinerators that generate energy, is considered a Manufacturing and Production Use.

33.920.360 Wholesale Sales

- A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result

of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

- B. Accessory uses.** Accessory uses may include offices, food membership distribution, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. Exceptions.**
 1. Firms that engage primarily in sales to the general public are classified as Retail Sales And Service.
 2. Firms that engage in sales on a membership basis are classified as either Retail Sales And Service or Wholesale Sales, based on a consideration of the characteristics of the use.
 3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.
 4. Establishments that engage in the regional wholesaling of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

Institutional Use Categories

33.920.400 Basic Utilities

- A. Characteristics.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. Accessory uses.** Accessory uses may include food membership distribution, parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; Small Scale Energy Production, water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

D. Exceptions.

1. Services where people are generally present, other than mass transit stops or turn arounds, light rail stations, transit centers, and public safety facilities, are classified as Community Services or Offices.
2. Utility offices where employees or customers are generally present are classified as Offices.
3. Bus and light rail barns are classified as Warehouse And Freight Movement.
4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines And Utility Corridors.
5. Utility Scale Energy Production is considered Manufacturing and Production.
6. Solid waste incinerators that generate energy but are not Small Scale Energy Production are considered Waste Related Uses.

33.920.410 Colleges

- A. Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. Accessory Uses.** Accessory uses include offices, housing for faculty, staff and students, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, charitable meal service and food distribution, and support commercial.
- C. Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. Exceptions.** Business and trade schools are classified as Retail Sales And Service.

33.920.420 Community Services

- A. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass, outdoor, or short term shelter with no minimum length of stay when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and hygiene facilities, therapy areas, daycare uses, and athletic facilities.
- C. Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug

and alcohol centers, social service facilities, mass shelters, outdoor shelters, or short term shelters when operated by a public or non-profit agency, vocational training for persons with disabling conditions, crematoriums, columbariums, mausoleums, park-and-ride facilities for mass transit, and charitable meal service or food distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
2. Parks are in Parks And Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

33.920.430 Daycare

- A. Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider that also meet the State's requirements are Household Living uses.

33.920.450 Medical Centers

- A. Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff, trainees, or patient families.
- C. Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. Exceptions.**
1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
3. Urgency medical care clinics are classified as Retail Sales And Service.

33.920.460 Parks And Open Areas

- A. Characteristics.** Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking.
- C. Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.
- D. Exceptions.** On-site mitigation is not a Parks and Open Areas use.

33.920.470 Religious Institutions

- A. Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, food service, charitable meal service and food distribution, parking, caretaker's housing, and congregate housing facilities such as convents. A religious institution may allow overnight living in vehicles as specified in ORS 203.082.
- C. Examples.** Examples include churches, temples, synagogues, and mosques.

33.920.480 Schools

- A. Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, before- or after-school daycare, and charitable meal service and food distribution.
- C. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. Exceptions.**
 1. Preschools are classified as Daycare uses.
 2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

33.920.500 Agriculture

- A. Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, food membership distribution, and animal training.
- C. Examples.** Examples include breeding or raising of fowl or other animals, dairy farms, stables, riding academies, kennels or other animal boarding places, farming, truck gardening, forestry, tree farming, Market Gardens, and wholesale plant nurseries.
- D. Exceptions.**
 - 1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.
 - 2. Livestock auctions are classified as Wholesale Sales.
 - 3. Plant nurseries that are oriented to retail sales are classified as Retail Sales And Service.
 - 4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or Retail Sales And Service.

33.920.510 Aviation And Surface Passenger Terminals

- A. Characteristics.** Aviation And Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Aviation And Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service, regional rail service, and regional marine transportation.
- B. Accessory uses.** Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities.
- C. Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, passenger docks for regional marine travel such as ocean-going cruise ships, air strips, seaplane facilities, and helicopter landing facilities.
- D. Exceptions.**
 - 1. Bus and rail passenger stations for subregional service such as mass transit stops are classified as Basic Utilities. Park-and-ride facilities are classified as Community Service.
 - 2. Marine passenger docks for subregional marine transportation such as water taxis, water buses and ferries; and other marine tie ups (such as the seawall between the Broadway bridge and the Hawthorne bridge) are not included in this category and are classified as accessory to their adjacent uses. Marine passenger terminals that are accessory to marine freight terminals are classified as accessory facilities in the Warehouse And Freight Movement category.

3. Private helicopter landing facilities which are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

33.920.520 Detention Facilities

- A. **Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.
- B. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, food membership distribution, and hobby and manufacturing activities.
- C. **Examples.** Examples include prisons, jails, probation centers, and juvenile detention homes.
- D. **Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

33.920.530 Mining

- A. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. **Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material
- C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

33.920.540 Radio Frequency Transmission Facilities

- A. **Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
- B. **Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. **Examples.** Examples include Personal Wireless Service Facilities, Radio or Television Broadcast Facilities, broadcast towers, communication towers, point to point microwave towers, accessory equipment, antennas, and transmitter radios.
- D. **Exceptions.**
 1. Receive-only antenna are not included in this category.
 2. Radio and television studios are classified in the Office category.
 3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

33.920.550 Rail Lines And Utility Corridors

- A. Characteristics.** This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
- B. Examples.** Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- C. Exceptions.**
1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
 2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
 3. Light rail lines are not included.
 4. Railroad yards are classified in the Railroad Yards category.

(Amended by: Ord. No. 165681, effective 7/15/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190978, effective 8/31/22.)

