

DATE: March 1, 2024
FROM: Julie Ocken
RE: **Update Packet #209 – Floodplains Resilience Plan; Housing Regulatory Relief Plan; Annual Dollar Threshold updates**

Zoning Code updates effective March 1, 2024.

For details, contact:

- Phil Nameny (Housing Regulatory Relief; Ordinance #191609)
- Jeff Caudill (Floodplains Resilience; Ordinance #191477)
- Shannon Buono (Annual Dollar Threshold updates)

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	CM1	Commercial/Mixed Use 1	33.130
	CM2	Commercial/Mixed Use 2	33.130
	CM3	Commercial/Mixed Use 3	33.130
	CX	Central Commercial	33.130
	EG1	General Employment 1	33.140
	EG2	General Employment 2	33.140
	EX	Central Employment	33.140
	IG1	General Industrial 1	33.140
	IG2	General Industrial 2	33.140
	IH	Heavy Industrial	33.140
	IR	Institutional Residential	33.150
	OS	Open Space	33.100
	R2.5	Residential 2,500	33.110
	R5	Residential 5,000	33.110
	R7	Residential 7,000	33.110
	R10	Residential 10,000	33.110
	R20	Residential 20,000	33.110
	RF	Residential Farm/Forest	33.110
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	s	Scenic Resource Overlay Zone	33.480
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x	Portland International Airport Noise Impact Overlay Zone	33.470	
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Special	(XX)	Comprehensive Plan Map Designation	Comp. Plan
	• • • •	Areas of difference between current zoning and Comprehensive Plan Map Designation	All
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33.10 Legal Framework and Relationships

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- 33.10.010 Purpose
- 33.10.020 Official Names
- 33.10.030 When the Zoning Code Applies
- 33.10.040 Other City, Regional, State, and Federal Regulations
- 33.10.050 Official Zoning Maps
- 33.10.060 Comprehensive Plan Designations
- 33.10.070 Severability

33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.

33.10.020 Official Names

The official name of this Title is "Title 33, Planning and Zoning" and it may be referred to as "Title 33" or the "zoning code".

33.10.030 When the Zoning Code Applies

- A. All land and water.** The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All land divisions, uses and development must comply with all of the requirements specified in the zoning code for that location.
- B. Clarification for rights-of-way.** Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:
 - 1. Rights-of-way in the greenway, river, environmental conservation, environmental protection, pleasant valley natural resource, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;
 - 2. The act of creating or dedicating public rights-of-way through a land division;
 - 3. Development within the design overlay or historic resources protection overlay zone;
 - 4. Structures that project from private property over rights-of way, such as oriel windows; and
 - 5. Proposals for park-and-ride facilities for mass transit.
- C. Clarification for waterbodies.** The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies. The zoning code does regulate dredging in the Willamette River Central and South reaches and the Greenway

overlay zone in the South Waterfront Subdistrict of the Central City but does not regulate dredging on or in any other portion of the Willamette River or any other water body.

- D. **Private rights-of-way.** The creation of private rights-of-way is regulated by Title 33, Planning and Zoning. Street improvements in private rights-of-way are allowed by right in all zones.

33.10.040 Other City, Regional, State, and Federal Regulations

- A. **Compliance required.** In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.
- B. **References to other regulations.** All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.
- C. **Current versions and citations.** All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

33.10.050 Official Zoning Maps

- A. **Content of Official Zoning Maps.** The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, special street setbacks, and existing and planned major public trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The Bureau of Planning and Sustainability maintains the Official Zoning Maps.
- B. **Changes to Official Zoning Maps.** A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.
- C. **Boundary lines.**
 1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.
 2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

33.10.060 Comprehensive Plan Designations

- A. **Mapping format.** The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.

- B. Map symbols.** Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
Mixed Use – Urban Center	MU – U
Mixed Use – Civic Corridor	MU – C
Mixed Use – Neighborhood	MU – N
Mixed Use – Dispersed	MU – D
Institutional Campus	CI
Mixed Employment	ME
Industrial Sanctuary	IS

33.10.070 Severability

If any portion of the zoning code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning code, and in no way affects the validity of the remainder of the zoning code.

(Amended by: 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. 178657, effective 9/3/04; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No 191477, effective 3/1/24.)

Table 110-2 Housing Types Allowed In The Single-Dwelling Zones						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.260.C and 33.110.265.C)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See Chapter 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplex	No	Yes	Yes	Yes	Yes	Yes
Triplex (See 33.110.265.E)	No	Yes	Yes	Yes	Yes	Yes
Fourplex (See 33.110.265.E)	No	Yes	Yes	Yes	Yes	Yes
Multi-dwelling Structure (See 33.110.265.F)	No	Yes	Yes	Yes	Yes	Yes
Cottage Cluster (See 33.110.265.G)	No	No	Yes	Yes	Yes	Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Congregate Housing Facility (See 33.110.100.B.1)	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplex	Only in Planned Developments, See Chapter 33.270.					
Multi-dwelling Development	Only in Planned Developments, See Chapter 33.270.					

Yes = allowed; No = prohibited.

33.110.202 When Primary Structures are Allowed

- A. Purpose.** The regulations of this section allow for development of primary structures on lots and lots of record that are an adequate size, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations ensure that development on a site will in most cases be able to comply with all site development standards. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.
- B. Adjustments.** Adjustments to this section are prohibited.
- C. Primary structures allowed.** Development of a primary structure is allowed as follows:
 1. On a lot created on or after July 26, 1979;

2. On a lot created through the Planned Development or Planned Unit Development process;
3. On a lot, lot of record, lot remnant, or combinations thereof that did not abut a lot, lot of record, or lot remnant under the same ownership on July 26, 1979, and has not abutted a lot, lot of record, or lot remnant under the same ownership since July 26, 1979;
4. On a lot or adjusted lot or combination thereof that either:
 - a. Meets the minimum lot size requirements stated in Table 110-3; or
 - b. Does not meet the minimum lot size requirements stated in Table 110-3 but meets all of the following:
 - (1) No portion of the lot, adjusted lot or combination is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot, adjusted lot or combination is in the combined flood hazard area; and
 - (3) The lot, adjusted lot or combination has an average slope of less than 25 percent.
5. On a lot of record or lot remnant or combination thereof that meets the minimum lot size requirements of Table 110-3.

D. Plots. Primary structures are prohibited on plots that are not lots, adjusted lots, lots of record, or lot remnants or tracts.

Table 110-3 Minimum Lot Size Requirements	
RF through R5 Zones	
Lot	36 feet wide and meets the minimum lot area requirement for all other lots stated in Table 610-2. [1, 2, 3, 4, 5]
Adjusted Lot	
Lot Remnant	
Lot of Record	
R2.5 Zone	
Lot	1500 sq. ft. [1, 4]
Adjusted Lot	
Lot Remnants	
Lots of Record	

Notes:

[1] A primary structure is allowed on a lot or lot of record that did meet the requirements of Table 110-3 in the past but was reduced below the requirements solely because of condemnation or required dedication by a public agency for right-of-way.

Table 110-5	
Maximum Building Coverage Allowed in the RF through R2.5 Zones	
Lot Size	Maximum Building Coverage
Less than 3,000 sq. ft.	50% of lot area
3,000 sq. ft. or more but less than 5,000 sq. ft.	1,500 sq. ft. + 37.5% of lot area over 3,000 sq. ft.
5,000 sq. ft. or more but less than 20,000 sq. ft.	2,250 sq. ft. + 15% of lot area over 5,000 sq. ft.
20,000 sq. ft. or more	4,500 sq. ft. + 7.5% of lot area over 20,000 sq. ft.

33.110.227 Trees

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

33.110.230 Main Entrances

A. Purpose. These standards:

- Work with the street-facing facade and garage standards to ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

B. Where these standards apply.

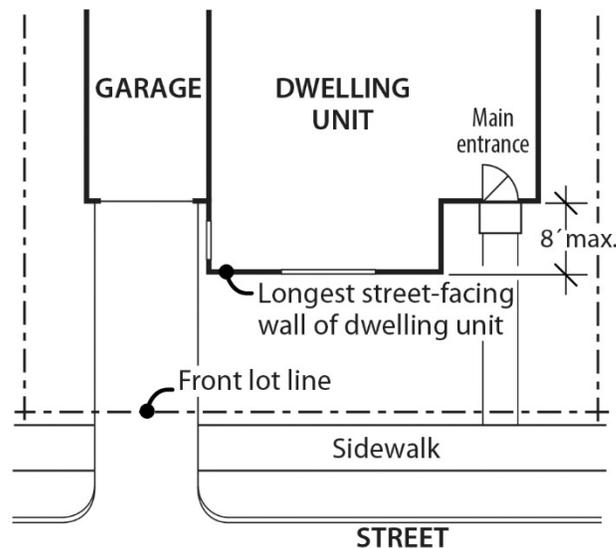
1. The standards of this section apply to all residential structure types in the R10 through R2.5 zones except accessory dwelling units;
2. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards;
4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards;
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards; and
6. Development on lots where any portion of the lot is in the combined flood hazard area is exempt from the standard in Subsection D.

C. Location. At least one main entrance for each structure must:

1. Be within 8 feet of the longest street-facing wall of the dwelling unit; and

2. Either:
 - a. Face the street. See Figure 110-5;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a porch. See Figure 110-6. The porch must:
 - (1) Be at least 25 square feet in area;
 - (2) Have at least one entrance facing the street; and
 - (3) Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- D. **Distance from grade.** The main entrance that meets Subsection C must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing façade. See Figure 110-7.

Figure 110-5
Main Entrance Facing the Street



- 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.

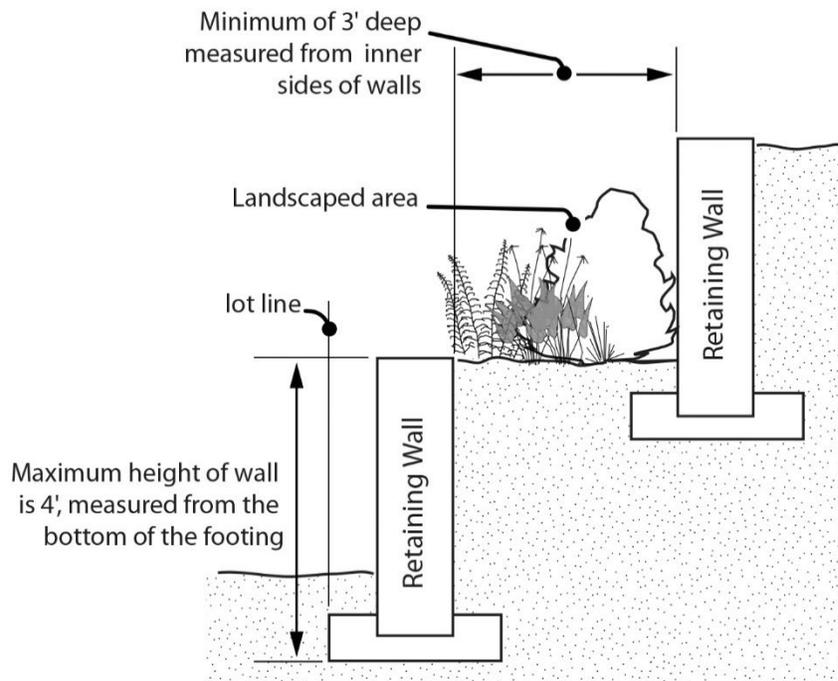
33.110.285 Demolitions

- 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; Ord. No. 191164, effective 3/31/23; Ord. No. 191477, effective 3/1/24.)

- d. Water collection cisterns that are 6 feet or less in height;
 - e. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - f. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
5. Detached accessory structures. The setback standards for detached accessory structures including detached mechanical equipment are stated in 33.120.280 below. Fences are addressed in 33.120.285, below. Detached accessory dwelling units are addressed in Chapter 33.205.

E. Garage entrance and structured parking setback.

1. Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.
 - a. In the RM2, RM3, RM4, and RX zone, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the facade of the residential portion of the building.
 - b. Exceptions. No setback is required from a lot line abutting an alley. However, the Bureau of Transportation may require the garage entrance to be set back to ensure adequate turning radius into the garage.
2. Setbacks for structured parking. Structured parking that allows exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.

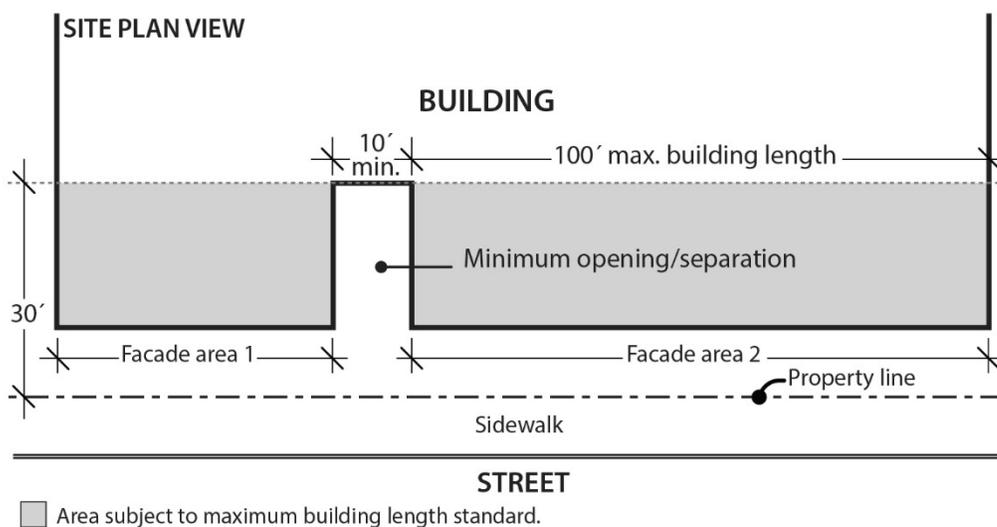
33.120.225 Building Coverage

- A. Purpose.** The building coverage standards, along with the height and setback standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards help define the character of the different zones by determining how built-up a neighborhood appears.
- B. Maximum building coverage.** The maximum building coverages for all covered structures on the site are stated in Table 120-3. In the RM2 zone, maximum building coverage on sites that abut a Civic Corridor or Neighborhood Corridor shown on Map 120-1 is 70 percent of site area. Maximum building coverage on all other RM2 sites is 60 percent of site area.
- C. Exception.** Structured parking that is no more than 6 feet above grade at any point, except as indicated below, does not count toward building coverage if the structured parking does not have floor area above it, and the structured parking is covered by landscaping or an outdoor common area. Vehicle or pedestrian access into the structured parking is exempt from the calculation of grade, if the access is no more than 20 feet wide.

33.120.230 Building Length and Façade Articulation

- A. Purpose.** These standards, along with the height and setback standard, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and development patterns of Portland’s multi-dwelling residential areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the RM1, RM2, and RMP zones, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions of buildings subject to this standard must be separated by a minimum of 10 feet. See Figure 120-8. Manufactured dwelling parks are exempt from this standard.

Figure 120-8
Maximum Building Length



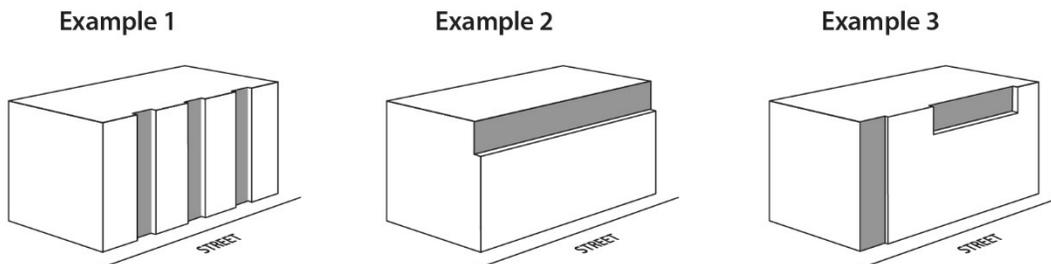
C. Façade articulation

1. Where the standard applies. This standard applies in the RM2 through RM4 zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - a. In the RM2 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the RM3 and RM4 zones, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 30 feet in depth from the street property line are

considered to be separate facade areas for the purposes of the facade area measurements. See Figure 120-8.

2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 120-9.

**Figure 120-9
Facade Articulation**



33.120.231 Main Entrances

A. Purpose. The main entrance standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

B. Where these standards apply.

1. The standards of this section apply to all residential structure types in the multi-dwelling zones except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. For multi-dwelling development, the standards apply only to residential structures that are located within 40 feet of a street lot line.
2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.
3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the standards apply to the transit street. If there is no transit street, the applicant may choose on which frontage to meet the standards. If there is more than

one transit street, the standards apply to the street with the highest transit street classification. If all streets have the same transit street classification, the applicant may choose on which frontage to meet the standards.

4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
6. Development on lots where any portion of the lot is in a combined flood hazard area is exempt from the standard in Subsection D.

C. Main entrance.

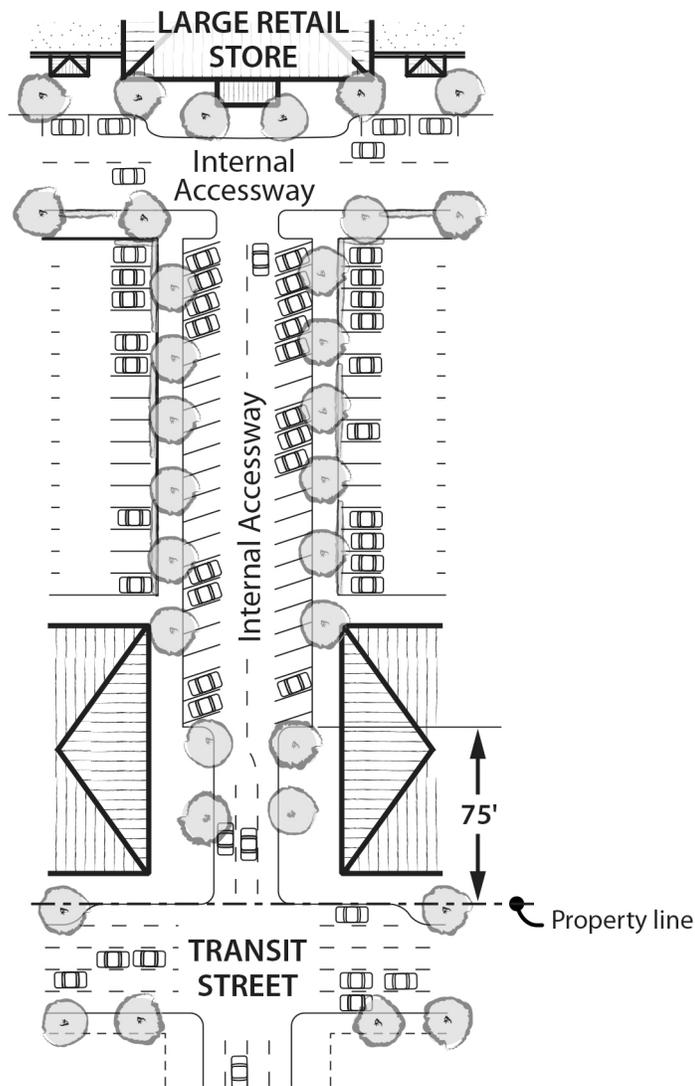
1. Standard. At least one main entrance for each structure must:
 - a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street. See Figure 120-10;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 120-11. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
2. Alternative for multi-dwelling structures. As an alternative to Paragraph C.1, an entrance to a multi-dwelling structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:
 - a. The courtyard must be at least 15 feet in width;
 - b. The courtyard must abut a street; and
 - c. The courtyard must be landscaped to at least the L1 level, or hard-surfaced for use by pedestrians.

- D. Distance from grade.** For houses, attached houses, manufactured homes, duplexes, triplexes, and fourplexes, the main entrance that meets Paragraph C.1 must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing facade. See Figure 120-12.

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; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24.)

- (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-7, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, I, CI, or IR. The system must connect the buildings on the site to these adjacent sites.

Figure 130-7
Internal Circulation System



33.130.220 Building Coverage

- A. **Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.

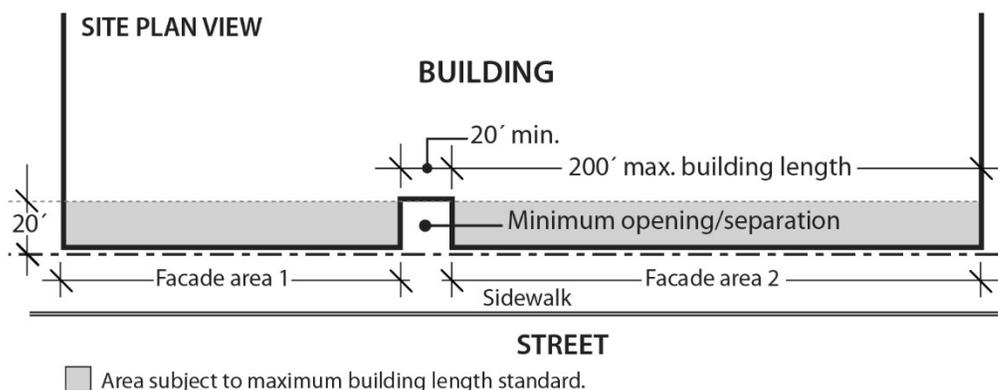
- B. **Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

33.130.222 Building Length and Facade Articulation

- A. **Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment.

- B. **Maximum building length.** In the CR, CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.

Figure 130-8
Maximum Building Length

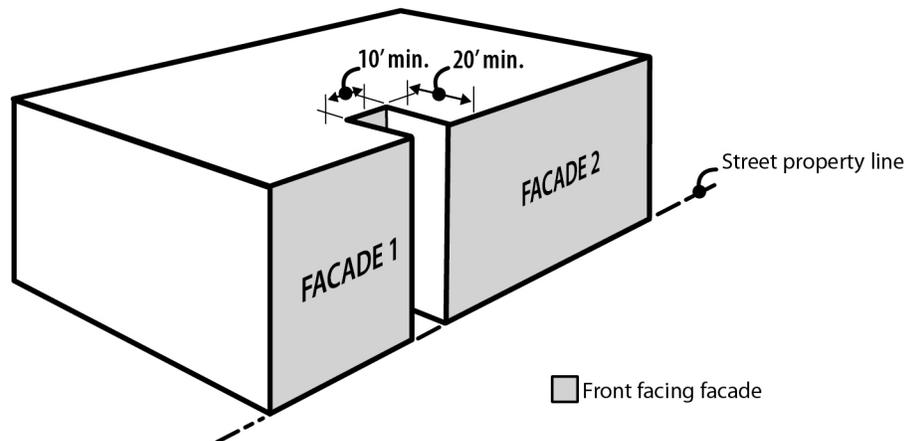


C. Facade articulation.

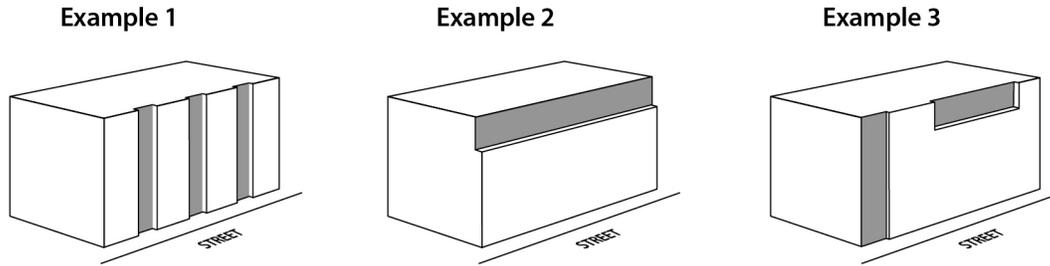
1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:

- a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 20 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 130-9.
2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 130-10.

**Figure 130-9
Facade Articulation**



**Figure 130-10
Facade Articulation**



33.130.225 Landscaped Areas

- A. Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.266) to provide buffering and promote livability.
- B. Minimum landscaped area.** The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:
1. Unless allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
 - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
 2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:
 - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau

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 regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking 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

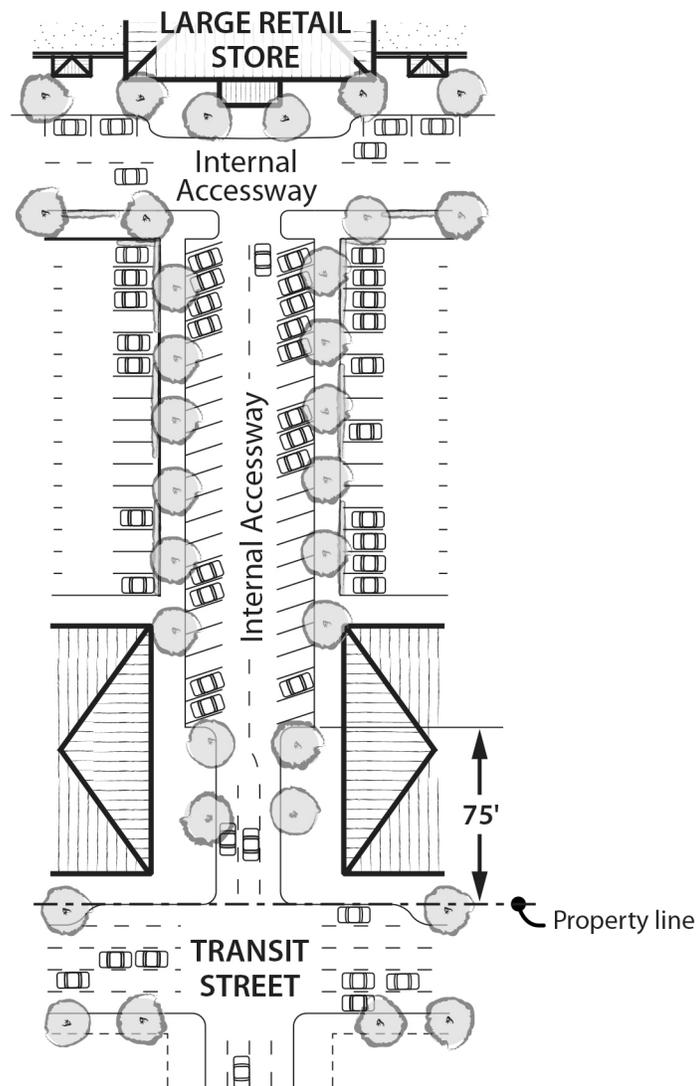
Development in the CM2, CM3, CE, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

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; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

Figure 140-5
Internal Circulation System



33.140.220 Building Coverage

- A. Purpose.** The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2, and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.
- B. The building coverage standards.** The maximum building coverage for a site is stated in Table 140-2. The building coverage limits apply to all buildings and covered structures.

33.140.225 Landscaped Areas

- A. Purpose.** Landscaping is required to help soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 140-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.140.227 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.

33.140.230 Ground Floor Windows in the EX Zone

- A. Purpose.** In the EX zone, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Required amounts of window area.** In the EX zone, all exterior walls on the ground level that are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. For the purposes of this standard, ground level wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.
- C. Qualifying window features.** Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
- D. Exceptions for Public Arts.** Outside of the Central City plan district, public art is allowed instead of meeting the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To

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; Ord. No. 191079, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.245 Inclusionary Housing

245

Sections:

- 33.245.010 Purpose
- 33.245.020 Where These Regulations Apply
- 33.245.030 Exemption
- 33.245.040 Inclusionary Housing Standards
- 33.245.050 Compliance

33.245.010 Purpose

The purpose of these regulations is to promote the production of affordable housing for a diversity of household types by linking of the production of affordable housing to the production of market-rate housing.

33.245.020 Where These Regulations Apply

The regulations of this chapter apply to the following:

- A. New buildings with 20 or more dwelling units. Dwelling units in a continuing care retirement community (CCRC), as defined in ORS 101.020, that are operated as a CCRC do not count toward the 20 unit threshold when a covenant has been executed with the City that meets the requirements of 33.700.060, and specifies that the units will be operated as a CCRC; and
- B. Alterations to existing buildings that add 20 or more dwelling units. Dwelling units in a continuing care retirement community (CCRC), as defined in ORS 101.020, that are operated as a CCRC do not count toward the 20 unit threshold when a covenant has been executed with the City that meets the requirements of 33.700.060, and specifies that the units will be operated as a CCRC.

33.245.030 Exemption

This chapter does not apply to Group Living, Medical Center, and College uses.

33.245.040 Inclusionary Housing Standards

Affordable dwelling units must be provided as follows, or a fee-in-lieu of providing affordable dwelling units must be paid. Adjustments are prohibited:

- A. **On-site affordable dwelling units.** When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purpose of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:
 - 1. 10 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or
 - 2. 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.
- B. **Off-site affordable dwelling units.** When the affordable dwelling units will be located off-site, affordable dwelling units must be provided at one of the following rates:

1. New dwelling units. When the affordable dwelling units will be provided by constructing new dwelling units off-site, 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter.
 2. Existing dwelling units. When the affordable dwelling units will be provided by dedicating existing dwelling units as affordable, 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter.
- C. Alternate calculation method.** As a way to encourage the creation of larger affordable dwelling units, Title 30 allows reconfiguration based on the total number of bedrooms in the new or altered building. See Title 30.01.120.D.

33.245.050 Compliance

To comply with the inclusionary housing standards in Section 33.245.040, the following must be met. Adjustments are prohibited:

- A.** The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the standards stated above and any administrative requirements. The letter is required to 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; and
- B.** If affordable dwelling units will be provided the property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of the building permit for the development that triggers this chapter, and the covenant must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau.

(Adopted by Ord. No. 188162, effective 2/1/17; Amended by Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189303, effective 12/31/18; Ord. No. 190076, effective 8/10/20; Ord. No. 191609, effective 3/1/24.)

compliance with the base zone development standards, except as allowed in Paragraph A.2, below.

- b. Sites where the minimum residential density standard is not met. The following apply to sites where the minimum residential density standard is not met:
 - (1) In multi-dwelling zones, there may not be a net decrease in the number of dwelling units, and the site may not move further out of compliance with base zone development standards. Generally, when dwelling units are being added to a site that is nonconforming in minimum density, the site must be brought into conformance with the minimum density requirement. However, units may be added to the site without coming all the way into conformance with the minimum residential density standard in the following situations:
 - An accessory dwelling unit is being added to an existing house, attached house, duplex, or manufactured home;
 - Dwelling units are being added within an existing structure and the footprint of the existing structure is not being enlarged;
 - Dwelling units are being added to a site in the RMP zone;
 - The site is within the combined flood hazard area or potential landslide hazard area.
 - (2) In all other zones, changes may be made that bring the site closer into conformance with the minimum residential density standard. There may not be a net decrease in the number of dwelling units, and the building may not move further out of compliance with the base zone development standards.
2. In multi-dwelling zones. In multi-dwelling zones, sites with residential structures may move out of compliance or further out of compliance with the maximum density standards of Table 120-3 if all of the following are met:
 - a. The residential structure was constructed before December 31, 1980; and
 - b. The site is moving out of compliance or further out of compliance with the maximum density standards due to a separation of ownership as allowed by Subsection 33.120.205.C.

B. Discontinuance and damage.

1. Building unoccupied but standing. Nonconforming residential density rights continue even when a building has been unoccupied for any length of time.
2. Accidental damage or destruction.
 - a. More than one dwelling unit. When there is more than one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if a structure containing dwelling units is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) If the structure is rebuilt within 5 years, nonconforming residential density rights are maintained;

- (2) If the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant;
- (3) If the repair cost is more than 75 percent of the assessed value of the structure, the new structure must comply with one of the following, whichever is less restrictive:
 - The development standards (except for density) that would apply to new development on the site; or
 - The development standards (except for density) that would apply to new development in the RM1 zone.
- b. One dwelling unit. When there is only one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if the structure containing the dwelling unit is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) If the repair cost is 75 percent or less of the assessed value of the structure, nonconforming residential density rights are maintained and the structure may be rebuilt;
 - (2) If the repair cost is more than 75 percent of the assessed value of the structure, the structure may be rebuilt within 5 years if it complies with the development standards (except for density) that would apply to new development on the site;
 - (3) If the repair cost is more than 75 percent of the assessed value of the structure, and the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant.
3. Intentional damage, destruction or demolition. When a structure that is nonconforming for residential density is intentionally damaged, destroyed or demolished by fire or other causes within the control of the owner, the nonconforming residential density rights are lost, and the new development must meet all development standards for the site.

33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones

- A. Changes to Dwellings.** Existing dwelling units on nonconforming lots, lots of record, or lot remnants may continue, may be removed or enlarged, and amenities may be added to the site, but the building may not move further out of compliance with the base zone development standards.
- B. Damage.**
 1. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is damaged or destroyed by fire or by other causes beyond the control of the owner, the structure may be rebuilt as specified in 33.258.070.E.
 2. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is intentionally damaged or demolished, the structure may be rebuilt if it complies with the development standards that would apply to new development on the site.

33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.** Changes may be made to the site that are in conformance with the development standards of the base zone, overlay zone, plan district or other development standards that apply to the site. Changes that bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the adjustment process unless prohibited.
- D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.
1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
 - a. Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
 - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
 - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
 - d. Screening; and
 - e. Paving of surface parking and exterior storage and display areas.
 2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the

threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits. Sites with residential uses are exempt from the requirements until January 1, 2029.

- a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$356,000. The following alterations and improvements do not count toward the threshold:
 - (1) Replace a manufactured dwelling in a manufactured dwelling park;
 - (2) Alterations required by approved fire/life safety agreements;
 - (3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - (7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;
 - (8) Landscaping required by 33.475.220;
 - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900; and
 - (10) The installation of electric bike and electric vehicle chargers and accessory equipment.
- b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
 - (1) Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.

- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
 - (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
 - Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with accessory surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards for short-term bicycle parking must be met.
 - (4) Screening; and
 - (5) Required paving of surface parking and exterior storage and display areas.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
 - (2) Exception for sites with ground leases or permanent utility easements. Required improvements may be limited to a smaller area if there is a ground lease or permanent utility easement for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease or permanent utility easement will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
 - The signed ground lease, utility easement – or excerpts from the lease document or utility easement – must be submitted to BDS. The portions of the lease or utility easement must include the following:
 - The term of the lease or utility easement. There must be at least one year remaining on the ground lease or utility easement; and
 - A legal description of the boundaries of the lease or utility easement.
 - The boundaries of the ground lease or utility easement must be shown on the site plan submitted with the building permit application;
 - The area of the lease or utility easement must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease or easement; and
 - Screening is not required along the boundaries of ground leases or utility easement that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:
- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document

the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.

- (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
- Before a building permit is issued, the applicant must submit the following to BDS:
 - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
 - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
 - The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$356,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
 - By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to BDS certification.
 - If certification is requested by the end of the compliance period and BDS certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if BDS certifies the site before the end of the compliance period. During the grace period, no upgrades to nonconforming development are required.

- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.

Table 258-1 Compliance Periods for Option 2	
Square footage of site	Compliance period
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

E. Loss of nonconforming development status.

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 3 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 3 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.
2. Destruction. When a structure or other development that has nonconforming elements is removed or intentionally destroyed, replacement structures and other development must comply with the development standards of the base zone, overlay zone and plan district. When a structure that has non-conforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).

F. Sites that are nonconforming in parking spaces. If changes to a use or building are made on a site that is nonconforming in the number of maximum allowed parking spaces, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area increase. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-stripped if all requirements for setbacks, landscaping, and parking space and aisle dimensions in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management are met.

- G. Nonconforming signs.** The regulations for nonconforming signs are stated in Title 32, Signs and Related Regulations.

33.258.075 Determination of Legal Nonconforming Status Review

- A. Purpose.** This review will determine if a use or site has legal nonconforming situation rights. In addition, it will determine what the current legal use is, based on the use categories in Chapter 33.920.
- B. When this review is required.** Determination of Legal Nonconforming Status Review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the Director of BDS does not find the evidence to be satisfactory. (See 33.258.038). This review also may be requested by an applicant when it is not required.
- C. Procedure.** Determination of Legal Nonconforming Status Reviews are processed through a Type II procedure.
- D. Approval criteria.**
1. The legal status of the nonconforming situation will be certified if the review body finds that:
 - a. The nonconforming situation would have been allowed when established; and
 - b. The nonconforming situation has been maintained over time.
 2. The review body will determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920.

33.258.080 Nonconforming Situation Review

- A. Procedure.** A nonconforming situation review is processed through a Type II procedure.
- B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
 - a. The hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter; and
 - e. The amount, location, and nature of any outside displays, storage, or activities; and
 2. If the nonconforming use is in an OS, R, or IR zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential

character of the OS, R, or IR zoned area. This is based on taking into account factors such as:

- a. Building scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the nonconforming use is in a C, E, I, or CI zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166313, effective 4/9/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; 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. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177368, effective 5/17/03; 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. 179316, effective 7/8/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; 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. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190076, effective 8/10/20; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24.)

3. Fire trucks and emergency vehicles are allowed if they are parked within a completely enclosed building.
- E. Utility trailers and accessory recreational vehicles.** Utility trailers and accessory recreational vehicles may not be parked or stored in required parking spaces. Utility trailers and accessory recreational vehicles may be parked in other allowed parking areas, except they may not be parked or stored between the front lot line and the building line.
- F. Inoperable vehicles.** The outdoor accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.
- G. Vehicle service and repair.** Service and repair of vehicles not owned by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired if:
 1. The vehicles are owned by and registered to residents of the site; and
 2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.

OR

3. The vehicles are owned by and registered to a resident of the site; and
4. All work occurs within a completely enclosed building; and
5. The off-site impact standards of Chapter 33.262 are met.

Bicycle Parking

33.266.200 Minimum Required Bicycle Parking

- A. Purpose.** Bicycle parking is required for most use categories to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by different uses. Minimum bicycle parking facilities are based on the City's mode split goals, while acknowledging the usage rates for different uses. These regulations will help meet the City's goal that 25 percent of all trips be made by bicycle, while still acknowledging that to meet the citywide goal the bicycle mode split will vary by geographic area.
- B. Number of spaces required.**
 1. The required minimum number of bicycle parking spaces for each use category is shown in Table 266-6. No bicycle parking is required for uses not listed. Minimum bicycle parking is calculated on a geographic hierarchy based on the current and future bicycle usage. Standard A in Table 266-6 applies to the areas shown as Standard A on Map 266-1. Standard B in Table 266-6 applies to all other areas of the city.

2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for each primary use.

Table 266-6					
Minimum Required Bicycle Parking Spaces [1]					
		Long-term Spaces		Short-term Spaces	
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Residential Categories					
Household Living	5 or more units on site	2, or 1.5 per unit [4]	2, or 1.1 per unit [5]	2, or 1 per 20 units	2, or 1 per 20 units
Group Living		2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Units with restricted tenancy [2]	2, or 1 per 5 bedrooms	2, or 1 per 10 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Dormitory	2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	4 spaces	4 spaces

Table 266-6					
Minimum Required Bicycle Parking Spaces [1]					
		Long-term Spaces		Short-term Spaces	
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Commercial Categories					
Retail Sales and Services		2, or 1 per 3,800 sq. ft. of net building area	2, or 1 per 7,500 sq. ft. of net building area	2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 4,400 sq. ft. of net building area
	Temporary lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms	2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room	2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room
	Restaurant and Bar	2, or 1 per 2,300 sq. ft. of net building area	2, or 1 per 4,800 sq. ft. of net building area	2, or 1 per 1,000 sq. ft. of net building area	2, or 1 per 1,600 sq. ft. of net building area
Office		2, or 1 per 1,800 sq. ft. of net building area	2, or 1 per 3,500 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Commercial Parking [3]		10, or 1 per 10 auto spaces	10, or 1 per 10 auto spaces	None	None
Commercial Outdoor Recreation		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 2 acres	2, or 1 per 3 acres
Major Event Entertainment		10, or 1 per 10,000 sq. ft. of net building area	10, or 1 per 20,000 sq. ft. or net building area	10, or 1 per 40 seats	10, or 1 per 40 seats
Self-Service Storage		2, or 1 per 100,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 26,000 sq. ft. of net building area	2, or 1 per 53,000 sq. ft. of net building area
Industrial Categories					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 9,000 sq. ft. of net building area	2, or 1 per 67,000 sq. ft. of net building area	2, or 1 per 111,000 sq. ft. of net building area
Warehouse and Freight Movement		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 333,000 sq. ft. of net building area
Wholesale Sales		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 91,000 sq. ft. of net building area	2, or 1 per 152,000 sq. ft. of net building area

**Table 266-6
 Minimum Required Bicycle Parking Spaces [1]**

		Long-term Spaces		Short-term Spaces	
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Institutional Categories					
Basic Utilities	Transit centers	30 spaces	30 spaces	12 spaces	12 spaces
	Light rail stations	12 spaces	12 spaces	4 spaces	4 spaces
Community Service		2, or 1 per 6,700 sq. ft. of net building area	2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 6,300 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area
	Libraries, community centers and museums	2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 5,900 sq. ft. of net building area	2, or 1 per 1,200 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
	Park and ride	12, or 5 per acre	12, or 5 per acre	6 spaces	6 spaces
Parks and Open Areas		None	None	Per CU Review	Per CU Review
Schools	Grades K through 8	6 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
	Grades 9 through 12	5 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Colleges	Excluding dormitories (see group living, above)	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 16,000 sq. ft. of net building area
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Medical Centers		2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 5,500 sq. ft. of net building area	2, or 1 per 50,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Religious Institutions		2, or 1 per 11,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 14,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area
Daycare		2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 6,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Other Categories					
Aviation and Surface Passenger Terminals		2, or 1 per 4,500 sq. ft. of net building area	2, or 1 per 4,500 sq. ft. of net building area	None	None
Detention Facilities		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 5,000 sq. ft. of net building area	None	None

Notes:

[1] Wherever this table indicates two numerical standards, such as “2, or 1 per 3,000 sq. ft. of net building area,” the larger number applies.

[2] Group Living units with restricted tenancy are units that are regulated affordable housing per the Portland Housing Bureau requirements. The applicant must provide a letter from the Portland Housing Bureau certifying that the group living development meets any income restrictions and administrative requirements. The letter is required to 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. The applicant must also execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the group living use will remain limited to households meeting any income restrictions and administrative requirements of the Portland Housing Bureau.

[3] No long-term bicycle parking is required for a Commercial Parking facility with less than 10 vehicle parking spaces.

[4] Standard A for development that includes a Household Living use is 1.0 space per unit until January 1, 2029.

[5] Standard B for development that includes a Household Living use is 0.7 space per unit until January 1, 2029.

33.266.210 Bicycle Parking Development Standards

- A. Purpose.** These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors.
- B. Where these standards apply.** The standards of Subsection C and D apply to required long-term bicycle parking, and the standards of Subsection C and E apply to required short-term bicycle parking.
- C. Standards for all bicycle parking.** The Bureau of Transportation maintains a bicycle parking handbook that includes information on rack standards, siting guidelines and other standards of this code chapter. Long-term and short-term bicycle parking must be provided in lockers or racks that meet the following standards:
1. Bicycle parking area standards. The area devoted to bicycle parking must be hard surfaced.
 2. Bicycle racks. Where bicycle parking is provided in racks, the racks must meet the following standards:
 - a. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
 - b. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and

- c. The rack must be securely anchored with tamper-resistant hardware.

Table 266-7 Minimum Dimensions for Bicycle Parking Spaces [1]						
		Bicycle Space Depth	Bicycle Space Width	Bicycle Space Height	Maneuvering Depth	Clearance to rack from walls
Standard Spacing						
	Standard Bicycle Spacing	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
Alternative Spacing						
	Horizontal: Side by Side	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
	Horizontal: Wall Attached	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	1 ft.
	Horizontal: Diagonal (45-60 degree)	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	3 ft.
	Vertical Spaces [2]	3ft. 4 in.	1 ft. 5 in.	6 ft.	5 ft.	--
	Stacked Spaces [3]	--	1 ft. 5 in.	--	8 ft.	--
	Larger Bicycle Space	10 ft.	3 ft.	3 ft. 4 in.	5 ft.	3 ft.

Notes:

[1] See Figures 266-8 through 266-14.

[2] The alternative spacing allowed for vertical bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.

[3] The alternative spacing allowed for stacked bicycle parking spaces requires a vertical stagger to be included in the manufacturer design.

3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions. Bicycle parking spaces, aisles and clearances must meet the minimum dimensions contained in Table 266-7.
 - a. Standard Bicycle Parking Space Requirements.
 - (1) The standard required bicycle space is 2 feet wide, 6 feet long and 3 feet 4 inches tall. See Figure 266-8;
 - (2) There must be at least 5 feet behind all bicycle parking spaces to allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way;
 - (3) A wall clearance of 2 feet 6 inches must be provided. See Figure 266-9.
 - b. Alternative Spacing Requirements. The following bicycle parking layouts may be provided as an exception to the standard spacing requirements in Subparagraph C.3.a. See Table 266-7 for the alternative spacing dimensions.
 - (1) Horizontal bicycle parking spaces. Horizontal bicycle parking spaces secure the parked bicycle horizontal to the ground.

- Horizontal: Side by Side. Horizontal bicycle parking that is placed side by side as shown in Figure 266-9 may meet the alternative side by side dimensions in Table 266-7.
 - Horizontal: Wall Attached. Horizontal bicycle parking that is attached to the wall as shown in Figure 266-10 may meet the alternative wall attached dimensions in Table 266-7.
 - Horizontal: Diagonal. Horizontal bicycle parking that is placed at a diagonal as shown in Figure 266-11 may meet the alternative diagonal, 45-60 degree dimensions in Table 266-7.
- (2) Vertical bicycle parking space. Vertical bicycle parking secures the parked bicycle perpendicular to the ground. Vertical bicycle parking that is placed as shown in Figure 266-12 may meet the alternative vertical dimensions in Table 266-7.
- (3) Stacked bicycle parking spaces. Stacked bicycle parking are racks that are stacked, one tier on top of another. Bicycles are horizontal when in the final stored position. Stacked bicycle parking that is placed as shown in Figure 266-13 may meet the alternative stacked dimensions in Table 266-7 and the following:
- The rack must include a mechanically-assisted lifting mechanism to mount the bicycle on the top tier.

**Figure 266-8
Standard Spacing Requirements**

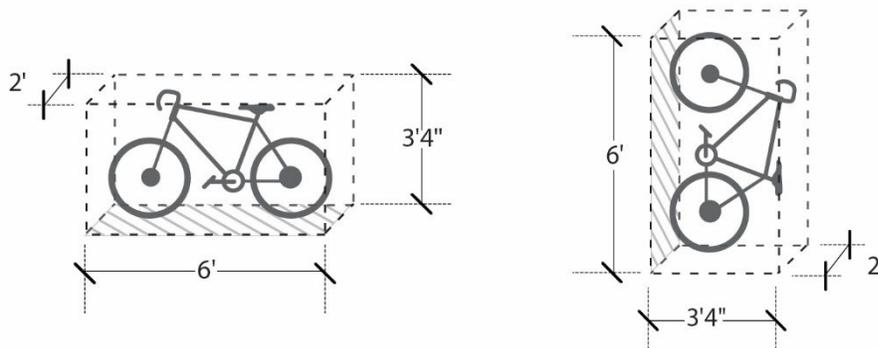


Figure 266-9
Horizontal Spaces: Side-by-Side

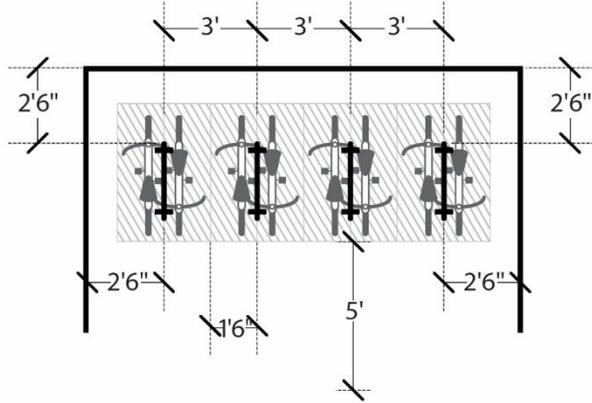


Figure 266-10
Horizontal Spaces: Wall Attached

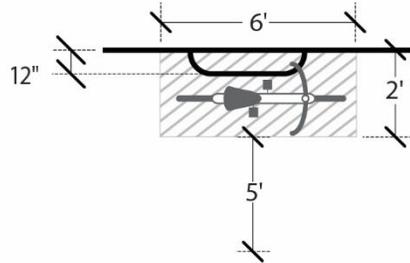


Figure 266-11
Horizontal Spaces: Diagonal (45-60 degree)

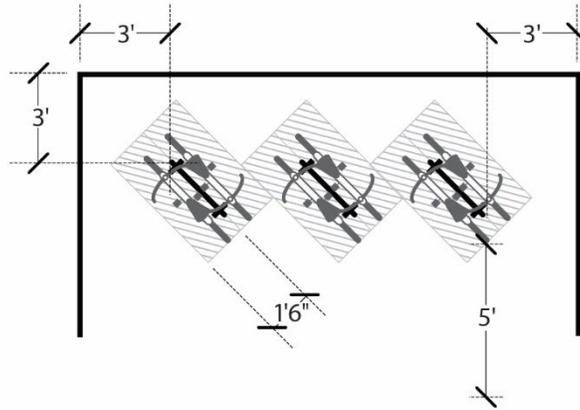
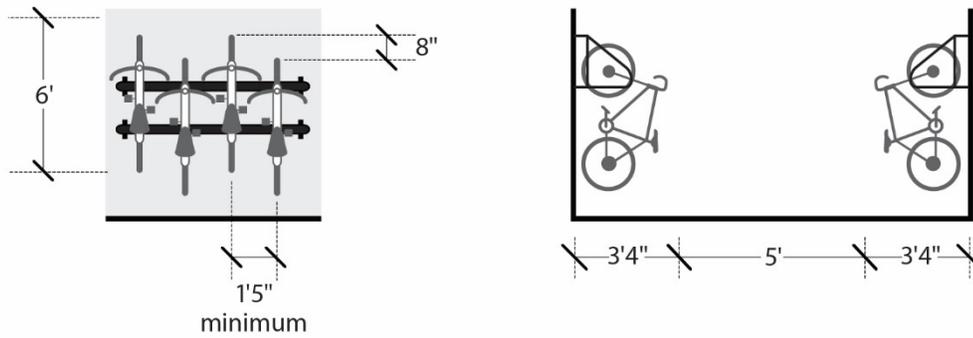
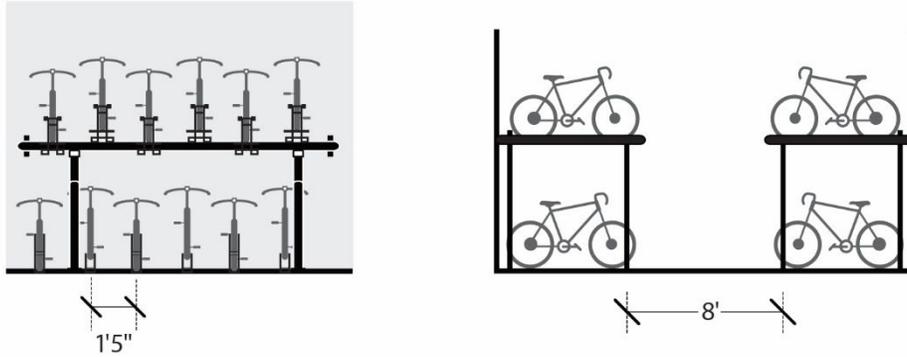


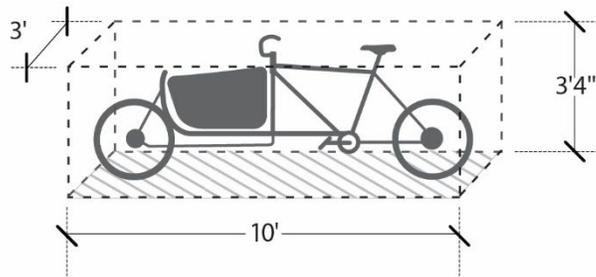
Figure 266-12
Vertical Spaces



**Figure 266-13
Stacked Spaces**



**Figure 266-14
Large Bicycle Space**



4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.
 - a. The locker must be securely anchored to the ground.
 - b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
 - c. Locker Dimensions. All bicycle lockers must meet one of the following:
 - (1) The locker space has a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide.

- (2) A locker provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide on each end.

5. Signage

- a. Light rail stations and transit centers. If bicycle parking is not visible from the light rail station or transit center, a sign must be posted at the station or center indicating the location of the bicycle parking.
- b. Other uses. If bicycle parking is not visible from the streets or main building entrances, a sign must be permanently posted at the main entrance indicating the location of the bicycle parking.

6. Bicycle parking information in plans. The following information must be submitted with applications for a building permit or land-use review:

- a. Location, access route to long-term bicycle parking and number of bicycle parking spaces for short-term and long-term bicycle parking requirements;
- b. The model or design of the bicycle parking facilities to be installed;
- c. Dimensions of all aisles and maneuvering areas; and
- d. If applicable, information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

D. Standards for Long-Term Bicycle Parking.

1. Development Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. Long-term bicycle parking for Schools may choose between (1) or (5) or a combination of those two locations:

a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:

- (1) Within a building, including on the ground floor or on individual building floors;
- (2) On-site, including in parking areas and structured parking;
- (3) In an area where the closest point is within 300 feet of the site; or
- (4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.
 - The bicycle parking includes a rack that meets the standard bicycle parking spacing dimensions in Table 266-7.
 - For buildings with no elevators, long-term bicycle parking must be located in the ground floor units.
- (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.

- b. Exceptions. Sites containing residential development with 12 or fewer dwelling units may provide up to 100 percent of required long-term bicycle parking spaces in the dwelling units. All other in-unit standards in Subsubparagraph D.1.a.(4)., above must be met.
 - c. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.
 - d. Covered bicycle parking. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:
 - (1) Permanent;
 - (2) Impervious; and
 - (3) The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.
2. Security Standards.
- a. Long-term bicycle parking must meet the following security standards:
 - (1) Long-term bicycle parking for residential uses must be provided in one of the following:
 - A restricted access, lockable room or enclosure, designated primarily for bicycle parking;
 - A bicycle locker; or
 - In a residential dwelling unit meeting Subsubparagraph 1.a.(4), above.
 - (2) Long-term bicycle parking for all other uses must be located in one of the following locations. For Schools, a minimum of 10 percent of bicycle parking must be located in the following:
 - A restricted access, lockable room or enclosure; or
 - A bicycle locker.
 - b. All access routes and the bicycle parking spaces must be lighted to a level where the system can be used at night by the employees and residents.
3. Additional Development Standards. The following standards apply to sites with more than 20 long-term bicycle parking spaces:
- a. Minimum number of horizontal bicycle parking spaces. At least 30 percent of spaces must be in a horizontal rack, or on the lower level of a stacked bicycle parking rack. For Schools (K-8), all spaces located outside of the building must be in a horizontal rack.
 - b. Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a. See Figure 266-14. Development that includes a residential use is exempt from this standard until January 1, 2029.

- c. Electrical outlet requirement. At least 5 percent of spaces must have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces.

E. Standards for Short-term Bicycle Parking

1. Development Standards. Short-term bicycle parking must meet the following standards:
 - a. Location Standards. Short-term bicycle parking must meet the following location standards:
 - (1) On-site, outside a building;
 - (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - (3) Within the following distances of the main entrance:
 - Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. (See Figure 266-15)
 - Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. (See Figure 266-16)
 - Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings (See Figure 266-17);
 - Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
 - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or
 - If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.
 - b. Bicycle Parking Fund
 - (1) This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E. This option may not be used if:
 - There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;
 - Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and
 - The open areas meet the location requirements of Subparagraph E.1.a., above.

- (2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Bureau of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

Figure 266-15
Short-term bike parking – one building, one entrance

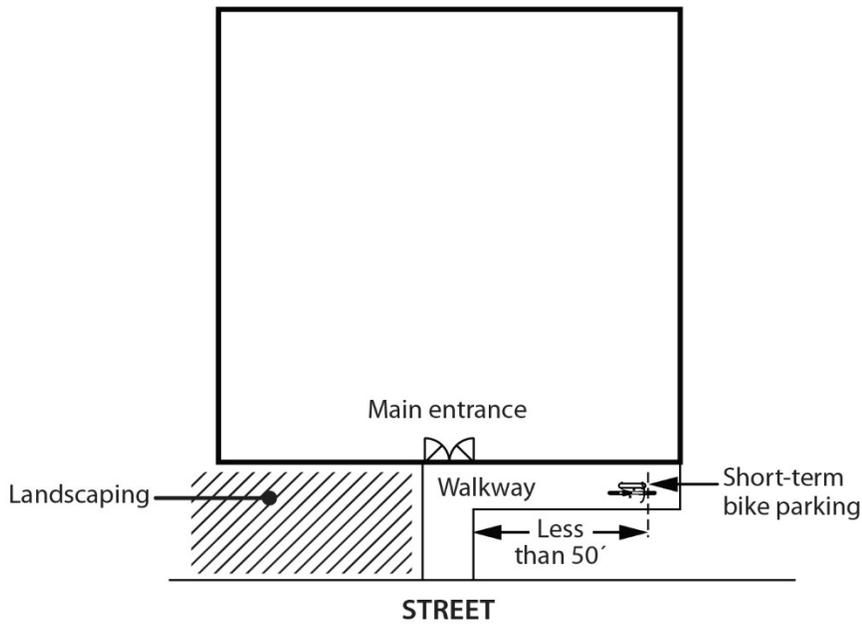


Figure 266-16
Short-term bike parking – one building, multiple entrances

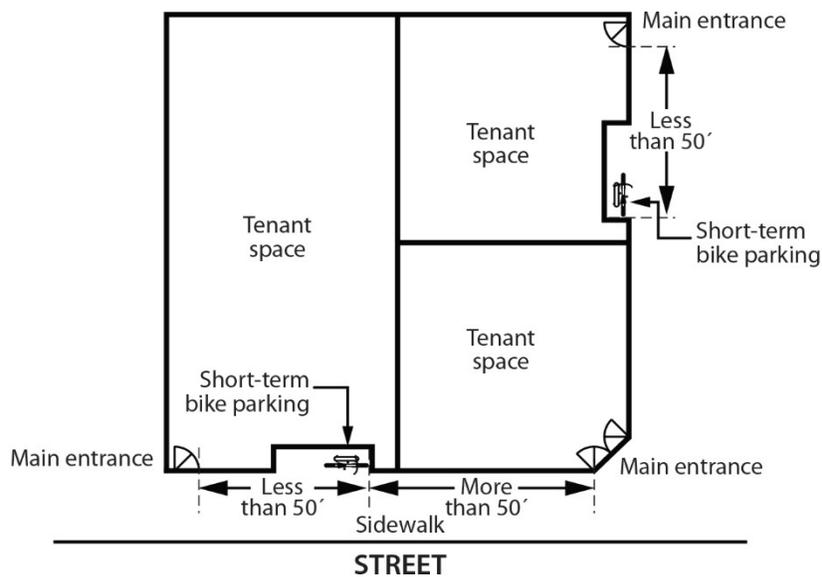
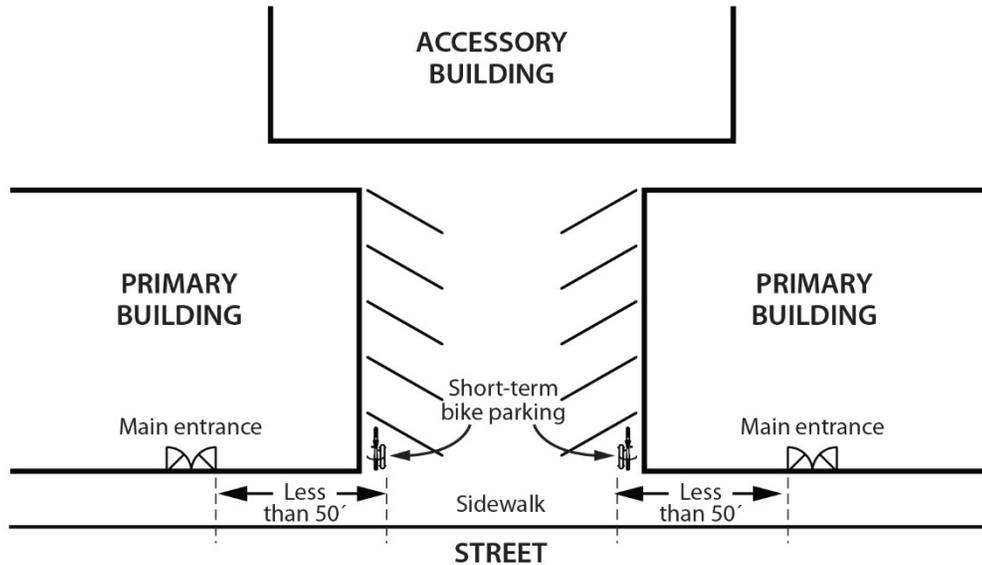


Figure 266-17
Short-term bike parking – multiple buildings, multiple entrances



Loading

33.266.310 Loading Standards

- A. Purpose.** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.
- B. Where these regulations apply.** The regulations of this section apply to all required and non-required loading areas.
- C. Number of loading spaces.**
 1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
 - a. One loading space meeting Standard B is required where there are more than 50 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
 - b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
 - c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building. This standard does not apply until January 1, 2029.

2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.
 - a. Buildings with any amount of net building area in Household Living and with less than 20,000 square feet of floor area in uses other than Household Living are subject to the standards in C.1. above.
 - b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.
 - c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.
- D. Size of loading spaces.** Required loading spaces must meet the standards of this subsection.
1. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.
 2. Standard B: The loading space must be at least 18 feet long, 9 feet wide, and have a clearance of 10 feet.
- E. Placement, setbacks and landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.
- F. Forward motion.**
1. Outside the Central City plan district. Outside the Central City plan district, loading facilities generally must be designed so that vehicles enter and exit the site in a forward motion. Standard B loading spaces that are accessed from a Local Service Traffic Street are exempt from this requirement
 2. In the Central City plan district. In the Central City plan district, loading facilities that abut a light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.
- G. Paving.** In order to control dust and mud, all loading areas must be paved.

Table 266-8		
Minimum Loading Area Setbacks And Perimeter Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, I, or CI zone lot line	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 10 ft. / L1
Lot line abutting an OS zone lot line	5 ft. / L3	10 ft. / L3
Lot line abutting an R or IR zone lot line	5 ft. / L4	10 ft. / L4

Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B.** Transportation and parking demand management in the commercial/mixed use and multi-dwelling zones. In the commercial/mixed use and multi-dwelling zones, a TDM plan is required when new development includes a building with more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units within a building. Sites in the Central City plan district are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
 2. Meet the objective standards of Title 17.107 as verified by the Portland Bureau of Transportation.

33.266.420 Transportation Impact Review in the Campus Institutional Zones

Development on a site zoned CI with a College or Medical Center use must conform to an approved Transportation Impact review. Development that is not in conformance with an approved Transportation Impact review requires Transportation Impact review when the development:

- A.** Increases the net building area on the campus by more than 20,000 square feet; or
- B.** Increases the number of parking spaces on the campus by more than 4.

(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. 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. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; 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. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; 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. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.270 Planned Development

270

Sections:

- 33.270.010 Purpose
- 33.270.020 Relationship to Other Regulations
- 33.270.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in R20 through R5 zones
- 33.270.210 Additional Requirements for Planned Developments
in Commercial/Mixed Use Zones

33.270.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development. Planned Development provides a master planning mechanism for allowing additional housing types and uses, the transfer of density and floor area to different portions of a site, and across internal zoning boundaries, and bonus floor area and increased height on large sites in commercial/mixed use zones. In this case, the flexibility is allowed when the development includes features that provide public benefits.

These regulations allow flexibility, and in some cases increased intensity of development, beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood and provides public benefits. Overall, a Planned Development is intended to promote:

- High quality design that is integrated into the broader urban fabric, and complements existing character within the site and adjacent to the site;
- Development that is pedestrian-oriented, with a strong orientation towards transit and multimodal transportation alternatives;
- Building bulk, height, and orientation that ensures that light and air is accessible within the public realm, and that public view corridors are protected;
- A safe and vibrant public realm, with buildings and uses that are oriented to activate key public gathering spaces, be they public open space, transit stations, or the Willamette River;
- Open space areas that include gathering spaces and passive and/or active recreation opportunities;
- Affordable housing; and
- Energy efficient development.

33.270.020 Relationship to Other Regulations

- A. **Flexibility.** Approval of a Planned Development allows certain kinds of flexibility for development in residential zones and commercial/mixed use zones. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.

B. Density and FAR. Adjustments to density and FAR regulations are prohibited.

1. Density

a. Maximum dwelling unit density.

(1) RF. In the RF zone, maximum density is expressed as a number of lots. Maximum density for the RF zone is specified in 33.610.100. Maximum density can be met in the Planned Development by providing the same number of dwelling units.

(2) R20 through R5. In the R20 through R5 zones, maximum density is calculated as follows:

- If the Planned Development is in the Constrained Sites Overlay or does not qualify to use the triplex or fourplex provisions of 33.110.265.E, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density C in 33.610.100;

x 2

= Maximum number of dwelling units allowed.

- For all other Planned Developments, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density C in 33.610.100;

x 4

= Maximum number of dwelling units allowed.

(3) R2.5. In R2.5 maximum density is calculated as follows:

- If the Planned Development is in the Constrained Sites Overlay or does not qualify to use the triplex or fourplex provisions of 33.110.265.E, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density B in 33.611.100

x 2

= Maximum number of dwelling units allowed.

- For all other Planned Developments, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density B in 33.611.100;

x 4

= Maximum number of dwelling units allowed.

b. Minimum density. Minimum density must be met in the Planned Development. Minimum density for single-dwelling zones is expressed as a number of lots. Minimum density can be met in a Planned Development by providing the same number of dwelling units. Minimum density for single-dwelling zones is stated in

- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.
- D. Design Review.** All development within the Planned Development site must be approved through design review or meet the design standards in 33.420.050 as follows. Development associated with a plaza or park required by Subsection B must go through design review and is not eligible to use the design standards:
1. The Design overlay zone design standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 270-1 are allowed to use the objective standards of Section 33.420.050. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.

	Maximum Limit
New Floor Area	20,000 sq. ft. of floor area
Exterior Alterations	<ul style="list-style-type: none">• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade.• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.

Notes: [1] There are no maximum limits for proposals where any of the floor area is in residential use.

2. Proposals that are not allowed to use the Design overlay zone design standards, or do not meet the design standards, must go through the design review process.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191609, effective 3/1/24.)

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	Maximum Number of Shelter Beds
EX, CX, CM3, and CE	200
CM2 and CI2	140
RX, RM3, and RM4	60
RM1, RM2, RMP, CI1, IR, CR, CM1	30
RF-R2.5 [1]	20

Notes:

[1] The mass shelter must be operated on the site of an existing institutional use, excluding sites in a Parks and Open Areas use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.

C. Outdoor shelters. Outdoor shelters are exempt from development standards in base zones, overlay zones, and plan districts. Outdoor shelters are subject to the following standards:

1. An outdoor shelter is prohibited in the following:
 - a. Environmental overlay zones;
 - b. Pleasant Valley Natural Resource overlay zone;
 - c. River Natural overlay zones;
 - d. River Environmental overlay zones;
 - e. Scenic overlay zones;
 - f. Within and riverward of the greenway setback;
 - g. Within and riverward of the river setback; and
 - h. The combined flood hazard area.
2. Minimum and maximum site size.

- a. The minimum required site size for an outdoor shelter is 3,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
- b. In I zones, the maximum size for an outdoor shelter is 2 acres. Adjustments are prohibited.
3. The facility must operate 24 hours a day.
4. The facility must have a designated supervisor.
5. Development associated with the outdoor shelter, other than screening required by Paragraph C.6., must be setback at least 5 feet all lot lines.
6. The outdoor shelter must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F1 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F1 standards of Chapter 33.248, Landscaping and Screening.
7. The maximum height for structures associated with the outdoor shelter is 20 feet.
8. An outdoor shelter located in the South Subdistrict of the Johnson Creek Basin plan district is subject to the development standards in section 33.537.140.
9. An outdoor shelter located in a River overlay zone, the Columbia South Shore plan district, or the Portland International Airport plan district is subject to the respective archeological resource protection standards of the overlay zones or plan districts.

(Added by Ord. No. 167189, effective 1/14/94. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

- (5) Building permit. Prior to the start of the construction project, a building permit must be obtained from the City. The application for the building permit must contain evidence that the project will comply with the staging area standards. For public utility projects, if the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

G. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster, shelter shortage, or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, medical facilities, short term shelters, mass shelters, outdoor shelters, warming or cooling shelters, and triage stations.

H. Mass and outdoor shelters.

1. Mass shelters. Mass shelters are allowed as a temporary activity for up to 180 days within a calendar year.
2. Outdoor shelters. Outside of OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year when the outdoor shelter is located outside of Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, the Pleasant Valley Natural Resource overlay zone, and the combined flood hazard area.

I. Radio Frequency Transmission Facilities. Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

J. Commercial filming. In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.

33.296.040 General Regulations.

All temporary activities are subject to the regulations listed below.

- A.** Permanent development or alterations to existing development are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.
- B.** Temporary activities may occupy parking areas but cannot block driveways that provide site access for emergency vehicles.
- C.** Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.

- D. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.
- E. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 182429, effective 1/16/09; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

33.415 Centers Main Street Overlay Zone

415

Sections:

General

- 33.415.010 Purpose
- 33.415.020 Short Name and Map Symbol
- 33.415.030 Where These Regulations Apply

Use Regulations

- 33.415.100 Prohibited Uses
- 33.415.200 Required Ground Floor Active Use

Development Regulations

- 33.415.300 Prohibited Development
- 33.415.310 Minimum Floor Area Ratio
- 33.415.320 Maximum Building Setbacks
- 33.415.330 Location of Vehicle Areas
- 33.415.340 Ground Floor Windows
- 33.415.350 Entrances
- 33.415.410 Additional Use and Development Standards in the CM1 Zone

General

33.415.010 Purpose

The Centers Main Street overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

33.415.020 Short Name and Map Symbol

The Centers Main Street overlay zone is shown on the Zoning Map with an "m" map symbol.

33.415.030 Where These Regulations Apply

The regulations of this chapter apply to sites in the Centers Main Street overlay zone.

Use Regulations

33.415.100 Prohibited Uses

The following uses are prohibited within 100 feet of a transit street:

- A. Quick Vehicle Servicing; and
- B. Self-Service Storage.

33.415.200 Required Ground Floor Active Use

On sites with frontage on a transit street, at least 25 percent of the ground level floor area located within 100 feet of the transit street must be in one of the following active uses. Development that includes a residential use is exempt from this standard until January 1, 2029. Only uses allowed in the base zone may be chosen:

- A. Retail Sales and Service;
- B. Office;
- C. Industrial Service;
- D. Manufacturing and Production;
- E. Community Service;
- F. Daycare;
- G. Religious Institutions;
- H. Schools;
- I. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
- J. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

Development Regulations

33.415.300 Prohibited Development

The following development is prohibited within 100 feet of a transit street:

- A. Drive-through facilities; and
- B. Houses, attached houses, and duplexes.

33.415.310 Minimum Floor Area Ratio

- A. In the Inner Pattern Area the minimum floor area ratio (FAR) for all new development is 0.5 to 1. Pattern areas are shown on Map 415-1.
- B. In the Eastern and Western Pattern Area the minimum floor area ratio (FAR) for all new development is 0.25 to 1. Pattern areas are shown on Map 415-1.

33.415.320 Maximum Building Setback

In the Inner Pattern Area, at least 70 percent of the length of the ground level street-facing facade of the building must meet the maximum building setback standard of the base zone. If the site has three or more block frontages, this standard only applies to two frontages. In the case of sites with three or more block frontages, the two frontages subject to this standard are those with the highest transit street classifications. If multiple streets have the same highest transit street classification, the

applicant may choose on which streets to meet the standard. Pattern areas are shown on Map 415-1.

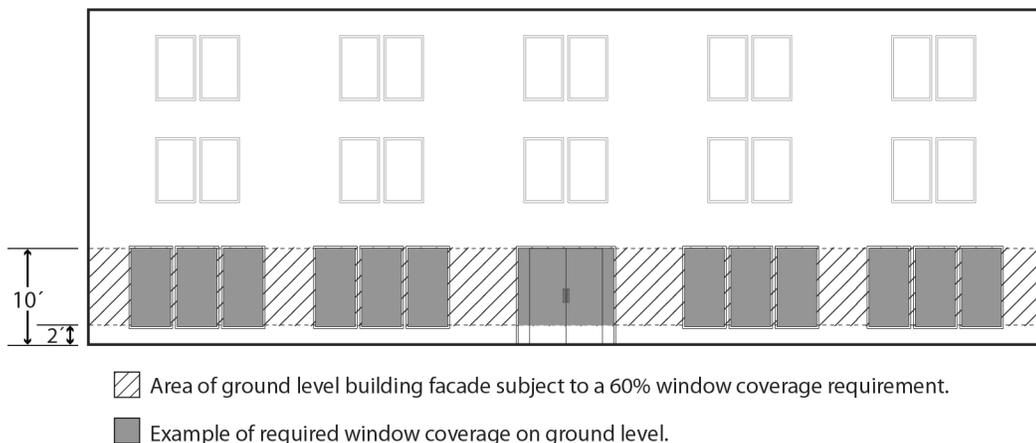
33.415.330 Location of Vehicle Areas

- A. Purpose.** The vehicle area regulations help minimize conflicts between vehicles and pedestrians on transit streets, and create a pleasant, pedestrian-oriented environment by limiting the areas where parking and vehicular activity may be located on site.
- B. Location of vehicle area.** The following limitations apply on transit streets. Pattern areas are shown on Map 415-1:
 1. In the Inner Pattern area, no more than 30 percent of any transit street frontage may be used for vehicle areas; and
 2. In the Eastern and Western Pattern areas, no more than 50 percent of any transit street frontage may be used for vehicle areas.
- C. Exemption.** Sites that meet all of the requirements of 33.130.215.E, Alternative maximum building setback for large retailers, are exempt from this standard.

33.415.340 Ground Floor Windows

The ground floor window standards of the base zones apply to all sites in the Centers Main Street overlay zone, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60 percent. See Figure 415-1. Until January 1, 2029, the increase to 60 percent for 33.130.230.B.2.a(1) does not apply to development that includes a residential use.

Figure 415-1
Ground Floor Windows



33.415.350 Entrances

- A. Purpose.** Building entrances provide convenient pedestrian access between the use and public sidewalks and transit facilities. They help promote an environment that supports retail facilities and pedestrian activity.

- B. Entrance frequency.** On transit streets, at least one entrance is required for every 100 feet of building length for portions of buildings subject to the maximum street setback.
- C. Entrance Design.** Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

33.415.410 Additional Use and Development Standards in the CM1 Zone

- A. Purpose.** Some locations in the Centers Main Street overlay zone are zoned CM1 and contain areas of continuous, older low-rise commercial storefront buildings that typically feature a concentration of retail uses, no landscaping, and are one to three stories in height. These additional regulations work in conjunction with regulations in the base zone, and the other standards of this section to support and protect the low-rise storefront scale and development features of these areas.
- B. Where these regulations apply.** The regulations in this Section apply to sites zoned CM1.
- C. Retail Sales And Service and Office use limitations.** Each individual Retail Sales And Service or Office use is limited to 40,000 square feet of net building area.
- D. Industrial use.** Manufacturing and Production and Wholesale Sales uses are allowed but each individual use is limited to 15,000 square feet of net building area.
- E. Maximum floor area ratio.** The maximum floor area ratio is 2.5 to 1.
- F. Maximum building coverage.** The maximum building coverage allowed is 100 percent.
- G. Landscaping.** No landscaping is required.

(Added by Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 191609, effective 3/1/24.)

33.418 Constrained Sites Overlay Zone

418

Sections:

- 33.418.010 Purpose
- 33.418.020 Map Symbol
- 33.418.030 Applying the Constrained Sites Overlay Zone
- 33.418.040 Housing Type Limitations

33.418.010 Purpose

Under some circumstances, more than two dwelling units are allowed on lots in the R20 through R2.5 zones. The Constrained Sites overlay zone reduces development potential to comply with protective measures adopted and acknowledged pursuant to statewide land use planning goals. This overlay zone reduces risk to life or property from certain natural hazards.

33. 418.020 Map Symbol

The Constrained Sites overlay zone is shown on the Official Zoning Maps with the letter “z” map symbol.

33. 418.030 Applying the Constrained Sites Overlay Zone

The Constrained Sites overlay zone is applied to lots in the R20, R10, R7, R5 and R2.5 zones when any portion of the lot has one of the following constraints. When property is rezoned out of an R20, R10, R7, R5, or R2.5 zone, the Constrained Sites overlay zone is automatically removed from the zoning map:

- A. Environmental Conservation overlay zone, Environmental Protection overlay zone, or Pleasant Valley Natural Resource overlay;
- B. Combined flood hazard area;
- C. Floodway;
- D. Potential Rapidly Moving Landslide Hazard Zones as shown in the DOGAMI IMS-22 publication;
- E. Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.
- F. Sites in the R10 and R20 zones with a cumulative hazard value of 5 or more as shown on the 1998 City of Portland Wildfire Hazard Zone map;
- G. Sites in the R10 and R20 zones with a high or extreme risk rating as shown on the 2001 Multnomah County Community Wildfire Protection Plan map 13B that are not also included in the 1998 City of Portland Wildfire Hazard Zone map;
- H. Land within an industrial sanctuary comprehensive plan designation;
- I. Land within the Portland International Airport Noise Impact overlay zone with a 68DNL or higher noise contour.

33.418.040 Housing Type Limitations

The following residential infill and accessory dwelling unit options do not apply in the Constrained Sites overlay zone:

- A.** 33.110.265.D.2 which allows duplexes consisting of two detached primary dwelling units in the R20 through R2.5 zones;
- B.** 33.110.265.E which allows triplexes and fourplexes in the R20 through R2.5 zones;
- C.** 33.110.265.F which allows fourplexes and multi-dwelling structures with up to six dwelling units in the R20 through R2.5 zones;
- D.** 33.110.265.G which allows cottage clusters in the R10 through R2.5 zones;
- E.** 33.205.020.B.1.c which allows an accessory dwelling unit on a site with a duplex in the R20 through R.25 zones; and
- F.** 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the R20 through R2.5 zones.

(Added by: Ord. No. 190093, effective 8/1/21; Amended: Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24.)

33.420 Design Overlay Zone

420

Sections:

- 33.420.010 Purpose
- 33.420.020 Map Symbol
- 33.420.021 Applying the Design overlay zone
- 33.420.025 Where These Regulations Apply
- 33.420.041 When These Regulations Apply
- 33.420.045 Items Exempt From Design Review and Design Standards
- 33.420.050 Design Standards
- 33.420.060 Design Guidelines

Map 420-1 Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-2 Terwilliger Design District

Map 420-3 Marquam Hill Design District

Map 420-4 Gateway Design District

33.420.010 Purpose

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

33.420.020 Map Symbol

The Design overlay zone is shown on the Official Zoning Maps with a letter "d" map symbol.

33.420.021 Applying the Design overlay zone

The Design overlay zone is applied to current and emerging urban locations including centers and corridors. The Design overlay zone is also applied to areas outside of centers and corridors that have distinct features with important development context, and to specific zones identified through the Comprehensive Plan. Application of the Design overlay zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Some areas of the Design overlay zone are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-4 at the end of this chapter.

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Meeting the regulations of this chapter may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision. This chapter does not apply to sites located within the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District.

33.420.041 When Design Review or Meeting Design Standards is Required

Unless exempted by Section 33.420.045, Items Exempt From This Chapter, the following must meet the design standards or be approved through design review:

- A.** New development;
- B.** Exterior alterations to existing development;
- C.** Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, landscaping, and new bridges. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for design review. Improvements that meet the City Engineer's standards are exempt from this chapter;
- D.** Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;
- E.** Removal of trees 6 or more inches in diameter in the South Auditorium plan district;
- F.** Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure; and
- G.** Floating structures, except individual houseboats.

33.420.045 Items Exempt From This Chapter

The following items are exempt from the regulations of this chapter:

A. General exemptions:

1. Development that does not require a permit;
2. Development when:
 - a. The only use on the site will be Household Living;
 - b. There will be no more than four dwelling units total on the site;
 - c. All new buildings and additions to existing buildings on the site are no more than 35 feet in height; and
 - d. The site is not zoned RX, EX, or CX;
3. Houseboats in a houseboat moorage;
4. Manufactured dwelling parks;
5. Outdoor shelters;
6. Development associated with a Rail Lines and Utility Corridor use;
7. Development associated with a Parks and Open Areas use when the development does not require a conditional use review;
8. Anemometers, and small wind energy turbines that do not extend into a view corridor designated in the Scenic Resources Protection Plan; and
9. New bridges in the right-of-way, and alterations to existing bridges in the right-of-way. However, a new bridge in the right-of-way with a horizontal span more than 100 feet must complete a design advice request with the Design Commission as specified in 33.730.050.B.

B. Exterior alterations

1. Repair, maintenance, and replacement with comparable materials;
2. Exterior alterations to a structure required to meet the Americans With Disabilities Act's requirements, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Exterior work activities associated with an Agriculture use;
4. Detached accessory structures when the structure has a building coverage no more than 300 square feet in area and is located at least 20 feet from all street lot lines, or located within an existing vehicle area;
5. Exterior alterations for parking lot landscaping, short-term bicycle parking, and pedestrian circulation systems when all relevant development standards of this Title are met;

6. Electric vehicle chargers and equipment.
7. Except in the South Auditorium plan district, signs with a sign face area of 32 square feet or less;
8. The following alterations to the facade of a building:
 - a. Awnings as follows:
 - (1) If awnings were approved on the same facade through design review, then a new or replacement awning is exempt if it meets the previous design review conditions of approval; or
 - (2) If there are no previous conditions of approval for awnings on the same facade, then a new or replacement awning is exempt if the awning projects at least four feet from the wall, and the area of the awning does not exceed 200 square feet measured from the building elevation, except in the Central City, where it does not exceed 100 square feet measured from the building elevation;
 - b. Alterations to an existing ground floor storefront glazing and mullion system that uses the same materials and profile as the existing system without reducing the percentage of ground floor windows on the facade;
 - c. Louvers or vents for mechanical systems that meet the following:
 - (1) The louver or vent opening affects 1 square foot or less of the facade and is the same color as the adjacent facade; or
 - (2) The louver or vent is placed within an existing window mullion, is the same color as the mullion, and is at least 8 feet above the adjacent grade;
 - d. Radon systems on non-street facing facades;
 - e. The removal of fire escapes;
 - f. Seismic bracing, except on street-facing facades within the Central City plan district; or
 - g. Any other alteration to a facade when the total area of the alteration is 200 square feet of the facade or less measured from the building elevation and the alteration meets one of the following. This exemption does not apply to signs or within the Central City plan district:
 - (1) On street-facing facades, the alteration is above the ceiling of the ground floor or is setback at least 20 feet from the street lot line; or
 - (2) The alteration is on a facade that does not face the street;
9. The following alterations to the roof of a building when the roof has a 1/12 pitch or less:
 - a. Ecoroofs, landscaping on a roof, solar panels, skylights, and roof hatches;
 - b. Protective railings that project up to 4 feet above the adjoining roof;

- c. Rooftop alterations and equipment that do not increase floor area when:
 - (1) The proposed alteration or equipment is screened by an existing parapet, screen, or enclosure that is as tall as the tallest part of the equipment or alteration;
 - (2) The proposed alteration or equipment is set back 4 feet from the edge of the roof for every 1 foot of height above the roof surface or top of parapet;
 - (3) The proposed alteration or equipment is located entirely within 5 feet of the facade of an existing equipment penthouse, does not extend above the penthouse, and is the same color as the penthouse; or
 - (4) The proposed alteration or equipment does not exceed 3 feet in width, depth, length, diameter or height.
 - d. Radio frequency transmission facilities as follows:
 - (1) New or replacement antennas that are mounted to the side of an existing stairwell enclosure or an existing or extended equipment penthouse when the antennas do not extend above the penthouse and are the same color as the existing penthouse or stairwell enclosure.
 - (2) New or replacement equipment associated with the antennas when screened by an existing penthouse or located entirely within 5 feet of the facade of an existing penthouse. As an alternative, an existing penthouse may be extended to screen the equipment if:
 - The penthouse extension is at least 15 feet from any street facing roof edge;
 - The equipment does not extend above the penthouse; and
 - The penthouse extension is the same color as the existing penthouse;
 - (3) Alterations to an existing facility that comply with a previous design review approval for the facility including screening or concealment; or;
 - (4) Alterations to an existing eligible facility, that qualifies under the terms pursuant to 47 U.S.C. §1455, when approved measures of concealment are maintained.
10. The following alterations and additions to the roof of a building when the roof has a pitch that is greater than 1/12:
 - a. The addition or alteration is parallel with the roof surface and extends no more than 12 inches above the roof surface; or
 - b. The addition or alteration extends no more than 18 inches from the surface of the roof and is less than 2 feet in diameter.
 11. Public Art as defined in Chapter 5.74, or a Permitted Original Art Mural as defined in Title 4.

12. Gates, outdoor lighting, and video or digital cameras are exempt until January 1, 2029. Gates and outdoor lighting must meet the following:
 - a. The gate must be less than 50 percent site obscuring;
 - b. The exterior light fixture is located no more than 15 feet above grade, and only projects light downward.

C. Geographically specific:

1. In the South Auditorium plan district shown in Map 420-1, signs that meet the following:
 - a. Except within 50 feet of the Halprin Open Space Sequence historic district, signs with a sign face area of 32 square feet or less; and
 - b. Within 50 feet of the Halprin Open Space Sequence historic district, signs with a sign face area of 3 square feet or less;
2. In the Marquam Hill Design District shown on Map 420-3:
 - a. Additions of less than 25,000 square feet of floor area;
 - b. Exterior alterations that affect less than 50 percent of the area of the facade where the area affected is also less than 3,000 square feet;
 - c. Exterior improvements that are less than 5,000 square feet in total area, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; and
 - d. Landscaping not associated with formal open areas required under 33.555.260.

33.420.050 Design Standards

The design standards provide an alternative process to design review for some proposals. Proposals that are eligible to use the design standards are stated in Subsection A. The standards for signs are stated in Title 32, Signs and related Regulations. Adjustments to the design standards are prohibited. Proposals that do not meet the design standards stated in Subsection C — or where the applicant prefers more flexibility — must go through the design review process.

- A.** Unless excluded by Subsection B, proposals that are within the maximum limits of Table 420-1 may use the design standards stated in Subsection C as an alternative to design review.

Table 420-1	
Maximum Limits for Use of the design standards [1]	
Zones	Maximum Limit—New Floor Area
RM2, RM3, RM4, C, E, I, & CI Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential use.

B. The design standards may not be used as an alternative to design review as follows:

1. In the Central City plan district. See Map 420-1;
2. In the Gateway plan district as follows. See Map 420-4;
 - a. New development and alterations to existing development when any portion of the new development or alteration exceeds 35 feet in height not including additional height allowed through a height exception in the base zone; and
 - b. Development subject to the requirements of 33.526.240, Open Area;
3. New buildings or additions when any portion of the new building or addition exceeds 75 feet in height not including additional height allowed through a height exception in the base zone;
4. For Institutional uses in residential zones, unless specifically allowed by the base zone, overlay zone, plan district, or an approved Impact Mitigation Plan or Conditional Use Master Plan;
5. Non-standard improvements in the right-of-way or other encroachments identified in City Titles as requiring design review;
6. In the CM3 zone within the St. Johns plan district, structures that exceed 45 feet in height not including additional height allowed through a height exception in the base zone;
7. For motor vehicle fuel sales in the 122nd Avenue subdistrict of the East Corridor plan district; and
8. In the North Interstate plan district proposals taking advantage of the additional height allowed by 33.561.210.B.2.

C. Design standards

1. New development.
 - a. Required design standards. New development must meet all the design standards identified in Table 420-2 as required standards. Only the standards applicable to the development apply; and
 - b. Optional design standards. New development must meet the optional design standards as follows. Unless otherwise stated, if a standard is required, no optional points are earned:
 - (1) Buildings up to 55 feet tall. New development with buildings that are 55 feet tall or less must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or one point for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories;
 - (2) Building more than 55 feet tall. New development with buildings that are more than 55 feet tall must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or two points for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories.
2. Alterations to existing development must meet all the design standards identified in Table 420-2 as required. Only the standards applicable to the alteration apply. In addition, major remodels must meet enough of the standards identified in Table 420-2 as optional to total 5 points, or one point for every 1,000 square feet of site area, whichever is less.

Table 420-2 Design Standards CONTEXT (C1 – C18)			
The standards for context provide an opportunity for development to respond to the surrounding natural and built environment and build on the opportunities provided by the site itself. The context standards are split into the following categories: Building Massing and Corners, Older Buildings/History, Landscaping, and Adjacent Natural Areas.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
BUILDING MASSING AND CORNERS			
X	C1	Corner Features on a Building	
	New development on a site on a corner lot, located within a neighborhood or town center, where the zoning does not require a minimum building setback from a street lot line:	<p>At least one of the following must be met:</p> <ul style="list-style-type: none"> • At least one building must be within 5 feet of the intersecting street lot lines and meet the following: <ul style="list-style-type: none"> • Each street facing wall meeting this standard must be at least 25 feet long; • At least 30 percent of the street-facing building wall within 25 feet of the corner must be windows or main entrance doors. Windows and doors used to meet ground floor window requirements may be used to meet this standard; and • At least one main entrance to a lobby or individual commercial tenant space must be located within 15 feet of the two intersecting street lot lines, and face the street with the highest transit designation. • At least one building must abut a plaza at the corner of the two intersecting street lot lines. The plaza must meet the following standards: <ul style="list-style-type: none"> • The plaza must measure at least 20 feet in all directions; • The plaza must be hard surfaced for use by pedestrians or be an extension of the sidewalk; • No more than 25 percent of the plaza may be covered; • The plaza must include benches or seating that provides at least 10 linear feet of seating surface. The seating surface must be at least 15 inches deep, and between 16 and 24 inches above the grade upon which the seating or bench sits; and • At least one main entrance to a lobby or commercial tenant space must face the plaza. 	

		<ul style="list-style-type: none"> The top of the building must have a parapet or cap that extends at least 18 inches above the roofline and is distinguished from the rest of the building by a different color or material. 	
		<ul style="list-style-type: none"> The street-facing windows on floors above the ground floor must be vertical – taller than it is wide. Street-facing windows on each upper floor must be directly above the one below, excluding the ground floor. Upper floors that step back per the standard below do not need to be vertical or aligned. 	1
		<ul style="list-style-type: none"> On street-facing facades, floors that are more than 35 feet above the existing or proposed sidewalk adjacent to the site must be set back at least 5 feet from the exterior walls below. 	2
		<ul style="list-style-type: none"> On corner sites, a main entrance for a ground floor tenant must be located at the corner of the intersecting streets and be at an angle of 30 to 45 degrees from the transit street with the highest classification. 	1
	C4	Preservation of Existing Facades	
	Alteration or addition to a building that: <ul style="list-style-type: none"> is at least 50 years old and has at least 1,000 square feet of net building area 	Meet one of the following standards:	
		<ul style="list-style-type: none"> Retain at least 75 percent of the area of all existing street-facing facades and meet the standards of 33.415.200 Required Ground Floor Active Use. 	2
		<ul style="list-style-type: none"> Retain at least 75 percent of the area of all existing street-facing facades and at least 75 percent of the existing building’s exterior walls and meet the standards of 33.415.200 Required Ground Floor Active Use. 	3
		<ul style="list-style-type: none"> Retain at least 90 percent of the area of the existing street-facing facade and at least 75 percent of the existing building’s exterior walls and meet the standards of 33.415.200 Required Ground Floor Active Use. This option is only available if the building is listed on the City’s Historic Resources Inventory. 	5

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C5 Building addition above the existing wall of a building that is at least 50 years old</p>	<p>Vertical Addition to Existing Building. The building addition must include one of the following features:</p> <ul style="list-style-type: none"> • Set back the walls above the existing facade at least 2 feet from the exterior edge of the existing wall. • Place windows on the vertical extension directly above the existing windows. The area of the new windows may be up to 20 percent larger or smaller than the area of the existing windows, but the center of the new window must align with the vertical plane of the center of the existing windows. 	2
	<p>C6 Site that contains a building that is at least 50 years old</p>	<p>Historical Plaque. Install a plaque on a street-facing facade of the building that provides information on the previous uses of the building or site. The plaque must be:</p> <ul style="list-style-type: none"> • at least 2 square feet in area, • made of metal with stamped lettering and • be permanently secured to the building facade. 	1

Required (X)	APPLIES TO:		THE DESIGN STANDARD	Optional points
X	C7	Building Abutting a Historic Landmark		
	<p>New building located on a site that abuts a site containing a Historic Landmark.</p> <p>If the new building abuts a site containing a historic landmark and the historic landmark contains only residential uses, C9 applies instead of this standard.</p>	<p>Meet one of the following standards. Additional features may be provided for optional points up to a maximum of 3 points.</p>		
		<ul style="list-style-type: none"> The ground floor height in the new building must match the ground floor height in the Historic Landmark, or be at least 10 feet tall, whichever is greater. This standard only applies to new buildings not subject to Standards PR1 or PR2. 	1	
		<ul style="list-style-type: none"> Street-facing ground floor windows in the new building must be as tall as the ground floor windows in the Historic Landmark. 	1	
		<ul style="list-style-type: none"> The base of the street-facing ground floor windows must be the same distance above grade as the ground floor windows in the Historic Landmark. 	1	
		<ul style="list-style-type: none"> If the Historic Landmark has transom windows on the ground floor, the new building must include transom windows that match in location, size, and distance above grade as the transom window on the historic building. 	1	
		<ul style="list-style-type: none"> The exterior materials on the new building must match the exterior materials on the Historic Landmark on at least 80 percent of the new building's street-facing facade. 	1	
		<ul style="list-style-type: none"> Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark. 	1	
<ul style="list-style-type: none"> If any portion of the new building is taller than the Historic Landmark, that portion of the new building must be setback at least 10 feet from the property line adjacent to the site that contains the Historic Landmark. 		2		

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C9	Building Abutting a Residential Historic Landmark.	
	<p>New building located on a site that abuts a site that contains a Historic Landmark that:</p> <ul style="list-style-type: none"> • only contains residential uses, and • is located within 10 feet of the street lot line <p>If the new building abuts a site containing a historic landmark and the historic landmark contains non- residential uses, C7 applies instead of this standard.</p>	<p>Meet any of the following standards up to a maximum of 2 points.</p>	
	<ul style="list-style-type: none"> • The ground floor height in the new building must match the ground floor height in the Historic Landmark, or be at least 10 feet tall, whichever is greater. 	1	
	<ul style="list-style-type: none"> • The exterior materials on the new building must match the exterior materials on the Historic Landmark on at least 80 percent of the new building's street-facing facade 	1	
	<ul style="list-style-type: none"> • Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark. • If any portion of the new building is taller than the Historic Landmark, that portion of the new building must be setback at least 10 feet from the property line adjacent to the site that contains the Historic Landmark. 	2	
LANDSCAPING			
	C10	Tree Preservation.	
	<p>Site with at least one tree 20 inches or greater in diameter</p>	<p>Earn one point for each tree 20 inches or greater in diameter that is protected as specified in Title 11, Trees. No more than 6 points can be earned.</p> <p>A report from a certified arborist is required documenting the diameter of each tree to be preserved and that the trees are not nuisance trees and are not dead, dying or dangerous.</p>	1-6
	C11	Grouping of Trees.	
	<p>Site located within the Eastern Pattern Area shown on Map 130-2</p>	<p>Plant a minimum of 5 evergreen trees in an area that is at least 500 square feet in area and measures at least 20 feet in all directions.</p> <p>Trees planted must be a minimum of 5 feet in height and listed on the Portland Plant List.</p>	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C12 Native landscaping. Site that is 20,000 square feet or larger and located outside of environmental zones	<ul style="list-style-type: none"> • Plant at least 80 percent of the total landscaped area with native species listed on the Portland Plant List, and • Plant at least 80 percent of all trees on site with native trees listed on the Portland Plant list. 	2
	C13 Trees in Setbacks along a Civic Corridor. Site with at least 100 feet of street frontage on a civic corridor identified on Map 130-1	Plant trees within the 10-foot required building setback for the civic corridor. The row of trees must meet the following. <ul style="list-style-type: none"> • The row must extend along at least 50 percent of the street frontage. • A minimum of 4 trees must be planted and the trees must meet the L1 standard for tree spacing. • Trees planted to meet perimeter parking lot landscaping do not count toward meeting this standard. 	1
ADJACENT NATURAL AREAS			
	C14 Setback from Waterbodies. Site that: <ul style="list-style-type: none"> • Has at least one wetland, water body, seep or spring, and • Is located outside of environmental zones 	Locate all buildings, structures, and outdoor common areas that are more than 50 percent impervious a minimum of 50 feet from the edge of wetlands, the top of bank of water bodies, and seeps or springs located on the site.	4

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C15 Public View of Natural Feature.</p> <p>Site that:</p> <ul style="list-style-type: none"> • Has at least one existing natural feature on site, such as a grove of native trees, rock outcropping, wetland, water body, seep or spring, and • is located outside of environmental zones 	<p>Provide a view corridor between the public street and an existing natural feature on site. The area of the natural feature must be at least 500 square feet and measure 20 feet in all directions.</p> <p>The view corridor must:</p> <ul style="list-style-type: none"> • be a minimum of 20 feet wide and • be landscaped with shrubs and ground cover or include a pedestrian connection to a viewing platform accessible from the street. <p>Trees greater than 6 inches in diameter that are not on the nuisance plant list must be preserved in the view corridor.</p>	2
X	<p>C16 Maximum Building Length Adjacent to Willamette River.</p> <p>In the River overlay zones, a new building located in, or within 25 feet landward of, the river setback.</p> <p>See 33.475 for a description of the river setback.</p>	<p>The maximum building length of the portion of the building located within 25 feet landward of the river setback is 100 feet.</p> <p>The portions of a building subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.</p>	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	C17	Building Features Adjacent to Willamette River.	
	<p>In the River overlay zones, a new building that:</p> <ul style="list-style-type: none"> • is located within 50 feet landward of the River setback; and • contains commercial or residential uses. 	Meet one of the following standards. Additional standards may be met for optional points up to a maximum of 3 points.	
		<ul style="list-style-type: none"> • At least 25 percent of the building facade facing the river must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane. See Figure 130-10. 	2
		<ul style="list-style-type: none"> • Provide balconies on at least 75 percent of the dwelling units that have facades that face a lot line abutting the Willamette River and are located above the ground floor. 	1
		<ul style="list-style-type: none"> • Ground floor windows must cover at least 40 percent of the ground floor wall area of facades facing a lot line abutting the Willamette river. Ground floor wall area includes all exterior wall areas from 2 feet to 10 feet above finished grade. Windows must meet the standards for qualifying window features stated in 33.130.230.B.3. 	1
		<ul style="list-style-type: none"> • Windows must cover at least 15 percent of the area of facades facing the property line along the river above the ground level wall areas. This requirement is in addition to any required ground floor windows. 	1
		<ul style="list-style-type: none"> • One main entrance must be located on the facade facing a lot line abutting the Willamette river. The main entrance must provide access to a nonresidential tenant space or to a lobby area of a multi-dwelling structure. The entrance must be unlocked during regular business hours. 	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	<p>C18 Open Area Adjacent to Willamette River Greenway Trail.</p> <p>New development on a site that is at least 20,000 square feet in site area, located within the River overlay zone that has the major public trail designation.</p>	<p>Provide an outdoor area of at least 500 square feet and a minimum 20 feet dimension in all directions.</p> <p>The open area must:</p> <ul style="list-style-type: none"> • be adjacent to and landward of the greenway trail. • include a minimum of 15 percent landscaping, with one small canopy tree per 100 square feet of landscaping, • include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits. • include one of the following: <ul style="list-style-type: none"> • The open area must connect directly to the Willamette Greenway trail through a pedestrian connection that is hard surfaced and at least 6 feet wide. • If there is a building located directly adjacent to the open area, the building must have a main entrance to a nonresidential tenant space or to a lobby area of a multi-dwelling structure. • At least 15 percent of the open area is covered by awnings, building eaves or other covered structures. • The open area includes a 5-foot setback from the Willamette Greenway trail landscaped to the L2 standard. 	

PUBLIC REALM (PR1 – PR22)			
The standards for public realm provide an opportunity for development to contribute positively to the adjoining sidewalks, streets and trails. They encourage spaces on the ground floor that support a range of uses and create environments that offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
GROUND FLOORS			
X	PR1	Ground Floor Height	
	New building in a C or E zone with street-facing facade on a street identified as a civic or neighborhood corridor on Map 130-3. Until January 1, 2029, this standard does not apply to development that includes a residential use.	At least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor must meet the following: <ul style="list-style-type: none"> The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams; and The area meeting this standard must be at least 25 feet deep measured from the street-facing facade on the civic or neighborhood corridor. 	
X	PR2	Ground Floor Height for Taller Buildings	
	New building in a C or E zone with a street-facing facade on a street identified as a civic or neighborhood corridor on Map 130-3 as follows: The standard is required for a new building with a height that exceeds 55 feet. The standard is optional for a building that is 55 feet or less in height. Until January 1, 2029, this standard is optional for all new buildings that include a residential use.	At least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor must meet the following: <ul style="list-style-type: none"> The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade on the civic or neighborhood corridor. 	2

	PR3	Ground Floor Active Floor Area		
		Site that is at least 10,000 square feet in total site area except for a site located within the Centers Main Street Overlay Zone or where a commercial use in excess of 1,500 square feet is prohibited.	The site must have: <ul style="list-style-type: none"> at least 1,500 square feet of floor area on the ground floor in one of the following active uses: Retail Sales and Service, Office, Manufacturing and Production, Community Service, or Daycare; and at least one main entrance to the space that faces the street and is within 5-feet of the street lot line. 	2
Required (X)		APPLIES TO:	THE DESIGN STANDARD	Optional points
	PR4	Affordable Ground Floor Commercial Space		
		Site where commercial uses are allowed or limited	Provide at least 1,500 square feet of floor area located on the ground floor for an affordable commercial space that meets the affordable commercial space program administrative requirements of the Portland Development Commission. To qualify the applicant must: <ul style="list-style-type: none"> Submit a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and Execute a covenant with the City, complying with the requirements of 33.700.060, that ensures that the floor area will meet the administrative requirements of the Portland Development Commission or qualified administrator. 	2
	PR5	Oversized Street-Facing Opening		
		New building that has at least one ground floor tenant space with a facade that faces the street lot line and is used for Retail Sales And Service uses	At least 50 percent of the ground floor tenant spaces, with a minimum of one, must meet the following: <ul style="list-style-type: none"> Provide a roll-up door or movable storefront that provides an opening to the street; and The opening must be at least 8 feet wide and cannot open onto storage areas, mechanical equipment and utility areas, garbage and recycling areas, or vehicle parking areas. 	1

X	PR6	Louvers and Vents	
	New louver or vent	<p>All new louvers or vents must be the same color as the adjacent facade material.</p> <p>For new louvers or vents on street-facing facades within 5 feet of the street, one of the following standards must be met. The measurement is made from the adjacent grade:</p> <ul style="list-style-type: none"> • The bottom of the louver or vent is at least 7 feet above the adjoining grade; or • The top of the louver or vent is a maximum of 2 feet above the adjoining grade 	
Required (X)	APPLIES TO:		THE DESIGN STANDARD
X	PR7	Exterior Lighting	
	New building with a street-facing facade within 20 feet of the street	<p>Provide exterior light fixtures on the street facing facade that meet the following:</p> <ul style="list-style-type: none"> • The fixtures must be spaced a maximum of 30-feet apart; • The bottom of each fixture is a maximum of 15 feet above the adjoining grade or sidewalk; and • Lights may only project light downward. 	
	PR8	Ground Floor Bicycle Parking	
	Long-term bicycle parking racks located within the ground floor of a building	Set back the bicycle racks at least 10 feet from any exterior walls that are adjacent to, and facing, a street lot line.	1
ENTRIES / ENTRY PLAZAS			
X	PR9	Main Entrance Location	
	New building with at least one main entrance for a nonresidential tenant space, or an existing building where the main entrance to a nonresidential tenant space is being moved.	<p>Locate the main entrances at least 25-feet from a lot line that abuts an RF through R2.5 zone.</p> <p>For alterations that impact the location of an existing main entrance, the applicant must either meet the standard or move the existing entrance further from the single dwelling zone lot line.</p>	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>PR10 Residential Entrance</p>	<p>New building with ground floor dwelling unit main entrances adjacent to a street that is not identified as a civic or neighborhood corridor on <i>Map 130-3</i>.</p> <p>At least 50 percent, or four, whichever is more, of the dwelling units on the street-facing ground floor of the building must have a pedestrian connection between the street and the main entrance of the dwelling unit.</p> <p>The entrance must be set back at least 6 feet from the street lot line and have at least two of the following within the setback:</p> <ul style="list-style-type: none"> • A wall or fence that is 18 to 36 inches high; • Landscaping that meets the L2 standard; • A tree within the small tree category identified in 33.248.030; • Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the right of way; or • A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the right of way. <p>In addition, the dwelling units meeting this standard must not have windows into bedrooms located on the ground floor that face the street.</p>	<p>3</p>

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>PR11 Separation of Dwelling Unit Entry from Vehicle Areas</p> <p>New building with ground floor dwelling unit entrances adjacent to a parking area</p>	<p>At least four of the ground floor dwelling units must provide pedestrian entrances adjacent to a parking area.</p> <p>Doors leading to the ground floor dwelling units that face a vehicle area on site must be set back at least 8 feet from the vehicle area and have at least two of the following within the setback:</p> <ul style="list-style-type: none"> • A wall or fence that is 18 to 36 inches high; • Landscaping that meets the L2 standard; • A tree within the small tree category identified in 33.248.030; • Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the vehicle area; or • A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the vehicle area. 	2
	<p>PR12 Seating Adjacent to Main Entrance</p> <p>Main entrance to a lobby or to a non-residential tenant space.</p>	<p>Provide at least 10 linear feet of seating or bench within 25 feet of a main entrance. The seating or bench must be accessible to the sidewalk or a completed trail and the access must be open to the public. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.</p>	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	PR13 Pedestrian Access Plaza. New development	Provide an outdoor plaza that abuts a sidewalk on a public right-of-way. The plaza must meet the following requirements: <ul style="list-style-type: none"> • The plaza is designed so that it is at least 500 square feet in area and must measure at least 20-feet in all directions. • A maximum of 25 percent of the plaza may be covered by structures or overhangs. • A minimum of 15 percent of the plaza must be landscaped with a small canopy tree for each 100 square feet of landscaping. • The plaza must include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits. • A plaza provided to meet C1 does not count toward meeting this standard. 	4
WEATHER PROTECTION			
X	PR14 Weather Protection at Entrances New main entrances at a new or existing building	Provide weather protection at new main entrances that face a street lot line. The weather protection may be an awning, a portion of the building, a balcony, or other covered structure. The weather protection must meet the following: <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the wall above the doorway; • The weather protection is four feet wider than the doorway, unless there is a building wall that prohibits this width; and • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. 	

Required (X)	APPLIES TO:		THE DESIGN STANDARD	Optional points
X	PR15	Weather Protection Along a Transit Street		
		<p>New building on a transit street as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for new buildings that are 55 feet or less in height</p>	<p>Weather protection must be provided along at least 50 percent of the street-facing facade located within 20 feet of a transit street lot line. The weather protection must meet the following:</p> <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the adjoining wall. • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. <p>When this standard is met as an optional standard, the street facing facade within 20 feet of a transit street lot line must have a length of at least 50 feet.</p>	2
UTILITIES				
X	PR16	Location of Utilities		
		<p>New electric meters, gas meters and radon mitigation equipment located at the ground level of a building</p>	<p>Screen new electric meters, gas meters and radon mitigation equipment located at ground level from the street or a completed major recreational trail by meeting one of the following standards:</p> <ul style="list-style-type: none"> • The meters or equipment are enclosed by a building; • The meters or equipment are screened by a fence or wall meeting the F2 standards that is as tall as the tallest part of the meters or equipment, excluding the conduit or pipe; • The meters or equipment are mounted to a wall that does not face a street or major recreational trail. Electric and gas meters must be set back at least 5-feet from a street lot line or lot line along a major recreational trail; or • The meters or equipment are set back at least 20-feet from all street lot lines or a major recreational trail. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
VEHICLE AREAS			
	PR17	Pervious Paving Materials	
	New surface parking area with at least 10 parking spaces	At least 50 percent of the vehicle area must be paved with pervious pavement, approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.	2
	PR18	No Parking Area	
	Site with a minimum area of 10,000 square feet	Provide no parking areas on site.	1
	PR19	Structured Parking and Vehicle Areas	
	New vehicle area	At least 80 percent of the proposed vehicle area is covered by a building. The vehicle area may meet PR19 or PR20, but not both.	2
	PR20	Alternative Shading of Vehicle Areas	
	New surface vehicle area smaller than 21,780 square feet	At least 50 percent of the proposed vehicle area is covered by structures containing photovoltaic panels, reflective roof shade structures with a Solar Reflectance Index (SRI) greater than 75, or tree canopy. The amount of shade from tree canopy is determined by the diameter of the mature crown spread stated for the species of tree. The vehicle area may meet PR19 or PR20, but not both.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
ART AND SPECIAL FEATURES			
	PR21 City Approved Public Art Installation		
	Any site	<p>Provide an art feature or mural on the site that has been approved by the Regional Arts and Culture Commission (RACC).</p> <p>The feature must be set back a maximum of 15 feet from the street lot line with the highest street classification.</p> <p>To meet this option, the applicant must provide the following prior to the issuance of the building permit:</p> <ul style="list-style-type: none"> • A letter from the RACC indicating the approval of the art. • A covenant in conformance with 33.700.060, Covenants with the City. The covenant must state the steps to be taken by the property owner and RACC to ensure the installation, preservation, maintenance, and replacement of the public art. 	2
	PR22 Water Feature		
	Any site	<p>Provide a water feature, such as a fountain, waterfall, or reflecting pool. The feature must be setback a maximum of 20 feet from the street lot line with the highest street classification. The water feature must have the following:</p> <ul style="list-style-type: none"> • A feature area of at least 6 square feet that contains water year-round; and • A bench or seat with 6 linear feet of seating adjacent to it. 	1

QUALITY AND RESILIENCE (QR1 – QR23)			
The standards for Quality and Resilience provide an opportunity for development of quality buildings that provide benefits to current users and can adapt to future changes. They also provide an opportunity for successful site designs that enhance the livability of those who live, work and shop at the site. The quality and resilience standards are split into the following categories: Site Planning and Pedestrian Circulation, On-site Common Areas, Windows and Balconies, Building Materials, and Roofs.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
SITE PLANNING AND PEDESTRIAN CIRCULATION			
X	QR1	On-site Building Separation	
	New building containing dwelling units on the ground floor	Set back any building on the site that contains dwelling units on the ground floor at least 10 feet from other buildings on the site that contain dwelling units on the ground floor.	
X	QR2	Vertical Clearance to Pedestrian Circulation System	
	New building	Projections from a building, such as a balcony, bay window, or skybridges must be at least 9 feet above the grade of any pedestrian circulation system below.	
	QR3	Pedestrian Connection to a Major Public Trail	
	New development on a site with the major public trail designation.	Provide a pedestrian connection from a completed trail to the site’s pedestrian circulation system. The pedestrian connection must be unlocked during business or daylight hours. This standard is not available if the major public trail designation is located within a street.	1
	QR4	Windows Facing a Pedestrian Walkway	
	New buildings that are within 15 feet of, and face the on-site pedestrian circulation system	At least 15 percent of the area of each facade that faces the circulation system must be windows or main entrance doors.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
ON-SITE COMMON AREAS			
	QR5	On-site Outdoor Common Area	
	New Development	<p>Provide a common outdoor area designed so that it is at least 600 square feet in area and measures 20 feet in all directions. On sites in the Western or Eastern pattern area identified on Map 130-2, provide a common outdoor area designed so that it is at least 800 square feet in area and measures 20 feet in all directions. Up to 20 percent of the outdoor area may be landscaped to the L1 standard. The remainder of the outdoor area must meet one of the following:</p> <ul style="list-style-type: none"> • The outdoor area is hard-surfaced or meets the surfacing materials requirement in 33.130.228.B.3. The outdoor area includes at least 4 linear feet of seating per 100 square feet of area; • The entire outdoor area is a community garden with the area divided into individual raised garden beds. The beds are raised at least 12 inches above grade and can each be between 12 and 50 square feet in area. Individual beds are separated by pathways at least 3 feet in width; or • The entire outdoor area is a children’s play area that includes a play structure at least 100 square feet in area and manufactured to the American Society for Testing and Materials (ASTM) standards for public playground equipment. At least 4 linear feet of seating per 100 square feet of area must be located adjacent to the play structure. 	2
X	QR6	Building Walls Adjacent to Outdoor Common Area	
	New building with facade facing and within 10 feet of an outdoor common area	<p>Meet the following standards:</p> <ul style="list-style-type: none"> • At least 15 percent of the facade that faces the outdoor common area must be windows; or doors leading to lobbies, tenant spaces or dwelling units; and • Pedestrian access must be provided between the outdoor common area and at least one entrance for a lobby, tenant space or dwelling unit. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR7 Buildings Surrounding Outdoor Common Area		
	New building with walls located within 10 feet of an outdoor common area meeting QR5	Walls located within 10 feet of an outdoor common area meeting QR5 must not be taller than two-times the shortest width of the outdoor area. As an example, if the outdoor area is 20-feet by 30-feet, the building walls within 10-feet of this open area may be up to 40-feet above the grade of the open area.	2
WINDOWS AND BALCONIES			
X	QR8 Street-Facing Window Detail		
	New street-facing facade	<p>Meet the following window standard on the street-facing facade:</p> <ul style="list-style-type: none"> • Provide trim that is at least 3 inches wide around 80 percent of the windows; or • Recess the window glazing at least 3 inches behind the exterior wall or window frame for 80 percent of the windows. <p>Ground floor storefront or curtain wall glazing systems are exempt from this standard.</p> <p>Alterations must either meet this standard or match the window trim and recess of the existing building for all new windows on street facing facades.</p>	
	QR9 Upper Floor Windows		
	New building, and an expansion of existing building above the ground floor	<p>At least 30 percent of the area of the new street-facing facade above the ground floor must be:</p> <ul style="list-style-type: none"> • Windows; or • Doors opening up to balconies. 	2
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR10 Street-Facing Balconies		
	New building	Provide balconies for at least 50 percent, or six whichever is greater, of the dwelling units with facades that face a street lot line and are located above the ground floor. The balconies must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. If the balcony has glazed railings,	3

		they must have a treatment pattern that is applied using techniques from the <i>Portland Bird Safe Windows</i> list.		
	QR11	Sunshades for Windows		
		New windows above the ground floor on facades that face south or west	Provide awnings or eaves directly above 50 percent of the window openings on facades that are facing within 45 degrees of south or west. The awning or eave must project out at least 2 feet.	2
	QR12	Bird-Safe Glazing for Windows		
		Facades that contain more than 30 percent glazing	At least 90 percent of the windows must provide bird-safe glazing. Treatment patterns and application techniques must be from the <i>Portland Bird Safe Windows</i> list.	2
	QR13	Operable Windows on Upper Level Units		
		Dwelling units or commercial tenant spaces located above the ground floor	Provide at least one operable window in an exterior wall of each dwelling unit or tenant space. Each window meeting this standard must provide an operable opening of at least 6 square feet.	1
X	QR14	Ground Floor Windows		
		<p>New building as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for new buildings that are 55 feet or less in height</p>	The 60 percent ground floor window standard in 33.415.340 of the Centers Main Street Overlay Zone applies to all street-facing elevations. Other ground floor window standards of the base zone apply.	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
BUILDING MATERIALS			
X	QR15	Exterior Finish Materials	
	<p>New building that has a net building area of at least 5,000 square feet</p> <p>Alterations to buildings with a net building area of at least 5,000 square feet may choose to meet the standard above or use materials which are the same as, or visually match the appearance of, those on the existing building.</p>	<p>Meet the following standards:</p> <ul style="list-style-type: none"> The exterior finish materials on 80 percent of the building must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. The exterior finish materials on 90 percent of the street facing facade of the ground floor must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. No more than 3 exterior finish material types listed on Table 420-3 may be used per building. There may be no more than one unlisted material used per facade. 	
	QR16	Exterior Finish Materials Option	
	New building	The exterior finish materials on 100 percent of the building must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. No more than 3 exterior finish material types listed in Table 420-3 may be used per building.	2
	QR17	Building Materials Application to Side Walls of Building	
	New building located 20 feet or closer to the street lot line	Exterior finish materials on the street-facing facade of buildings located 20 feet or closer to a street lot line and on the first 2 feet of the adjoining, but not street-facing, facades must be the same exterior finish materials.	1
	QR18	Sustainable Wood	
	Building using wood products where allowed as an exterior material in Table 420-3	<p>Provide at least one of the following Forest Stewardship Council (FSC) certified materials on at least 500 square feet of the exterior of a building:</p> <ul style="list-style-type: none"> Salvaged/reclaimed wood having "FSC Recycled" certification. Wood from well-managed forests having a "FSC 100%" certification. 	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR19 Low Carbon Concrete		
	New building using concrete as allowed for an exterior material in Table 420-3	Use mixes that have a global warming potential (GWP) that is 15 percent lower than the GWP limits referenced in the City's Pre-Approved Concrete Mix Design List maintained by the Bureau of Environmental Services' materials testing lab.	1
ROOFS			
X	QR20 Rooftop Equipment		
	New rooftop equipment	New rooftop equipment must be screened by a parapet that is as tall as the equipment, or the rooftop equipment must be set back 3 feet for every 1 foot of height above the roof or parapet.	
	QR21 Ecoroof		
	New building or alteration	Provide an ecoroof that covers at least 40 percent of the total building roof area or 2,000 square feet whichever is greater. The ecoroof must meet the Stormwater Management Manual's <i>Ecoroof Facility Design Criteria</i> .	2
	QR22 Solar Energy System		
	New building or alteration	Provide a rooftop solar energy system that covers at least 40 percent of the total building roof area or 2,000 square feet whichever is greater.	2
	QR23 Reflective Roof Surface		
	New building or alteration	Meet the Energy Star requirements for solar reflectance on at least 90 percent of the roof area not covered by rooftop equipment, vents, skylights, stairwells or elevator enclosures. This standard does not apply if either standard QR21 or QR22 are met.	1

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Brick		
All brick and brick veneer	Brick and Brick veneer	n/a
Stucco		
Stucco that is one of the following: <ul style="list-style-type: none"> Portland cement based three coat stucco system; or Cement board stucco system 	Stucco	n/a
Wood		
<ul style="list-style-type: none"> The wood must be painted or sealed. If clear-finished or stained wood is used on a facade, the facade that contains this wood product must be protected from the elements. Protection from the elements means the wood is recessed at least two feet back from the exterior walls, or there is an eave or awning that extends out two feet from the edge of the wood wall; and On the ground floor, the wood must be at least 6 inches above the foundation grade. 	Wood: boards	<ul style="list-style-type: none"> The boards have a width of 6 inches or less. Wood with a larger dimension must contain a reveal or board pattern that has dimension of 6 inches or less.
	Wood: shakes/shingles	The shingles or shakes must contain a reveal of 10 inches or less.

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Metal Wall Cladding		
The cladding must have a factory applied color or coat finish. Exterior paint applied to the panels does not count to meet this requirement. Metal wall cladding made of zinc or copper does not need a factory applied color or coat finish;	Metal: narrow format panels	If the material has a vertical or horizontal dimension of 12 inches or less, the material must have a minimum thickness of 24-gauge.
	Metal: large format panels	If the material has a vertical or horizontal dimension greater than 12 inches, the material must meet one of the following: <ul style="list-style-type: none"> The material has a minimum thickness of 20-gauge. The panels must include a rib or reveal of 4 inches or less. The rib or reveal must have a minimum depth of 7/8 inch. The material is bonded to a minimum 1/8" thick solid phenolic resin or plastic core.
Fiber Cement Wall Cladding		
In Town Centers and on Civic Corridors, fiber cement wall cladding cannot be used on the ground floor except on the portion of the ground floor containing residential uses;	Fiber Cement: planks	If the product has a vertical or horizontal dimension of 6 inches or less, it must have a thickness of at least 5/8 inch.
	Fiber cement: shake/shingles	If the product is composed of shingles or shakes, the installation of the shingles or shakes must contain a reveal of 10 inches or less and have a thickness of at least 5/8 inch.
	Fiber cement: panels	If the product has a vertical or horizontal dimension greater than 6 inches, the panel must have a density greater than 80 pounds per cubic foot.

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Concrete		
	Concrete: Poured in Place	Poured in place Architectural Concrete meeting ACI 117 Class A Surface and ACI 301 Surface Finish 3.0, used as an exterior material; or Poured in place concrete used as an exterior material for the foundation and ground floor up to the floor level of the second floor;
	Concrete Masonry Units (CMU)	CMU may be used as a foundation material if the material is not revealed more than 3 feet above the finished grade adjacent to the foundation wall.

33.420.060 Design Guidelines

For projects subject to design review, guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4 at the end of this chapter. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict. All other areas within the Design overlay zone use the Portland Citywide Design Guidelines.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. Nos. 178423 and 178480, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178946, effective 01/07/05, Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180372, effective 9/30/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.430 Environmental Zones

430

Sections:

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- 33.430.015 Purpose of the Environmental Protection Zone
- 33.430.017 Purpose of the Environmental Conservation Zone
- 33.430.020 Environmental Reports
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Map 430-1 Environmental Overlay Zone Map Correction Project Area

Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area

Map 430-3 East Buttes, Terraces and Wetlands Conservation Plan Area

Map 430-4 Johnson Creek Basin Protection Plan Area

Map 430-5 Northwest Hills Natural Areas Protection Plan Area

Map 430-6 East Columbia Neighborhood Natural Resources Management Plan Area

Map 430-7 Peninsula One Natural Resources Management Plan Area

Map 430-8 Forest Park Natural Resources Management Plan Area

Map 430-9 Middle Columbia Corridor/Airport Natural Resources Inventory
Environmental Mapping Project Area

Map 430-10 Bank Reconfiguration and Basking Features Area

General

33.430.010 Purpose

Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. These regulations also help meet other City goals, along with other regional, state, and federal goals and regulations. The environmental regulations also carry out Comprehensive Plan policies and objectives.

33.430.015 Purpose of the Environmental Protection Zone

The Environmental Protection zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

33.430.017 Purpose of the Environmental Conservation Zone

The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

33.430.020 Environmental Reports

The application of the environmental zones is based on detailed studies that have been carried out within six separate areas of the City. The City's policy objectives for these study areas are described in reports. Each study identifies the natural resource features and describes the functional values within resource sites. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports. The City has adopted the following six environmental study reports:

- Environmental Overlay Zone Map Correction Project
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Middle Columbia Corridor/Airport Economic, Social, Environmental and Energy (ESEE) Analysis

33.430.030 Relationship To Other Environmental Regulations

Some of the six study areas discussed under Section 33.430.020 impose additional environmental regulations in Plan Districts. These additional regulations either supplement or supersede the regulations of this Chapter. Paragraph 33.700.070.E describes the hierarchy of regulations within the Zoning Code.

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter. Maps 430-6, 7, and 8 show Natural Resource Management Plan areas.

The following Plan Districts and Natural Resource Management Plans have additional regulations that may supersede or supplement the environmental regulations of Chapter 430:

- The Balch Creek Watershed (see Chapter 33.563, Northwest Hills Plan District)
- Cascade Station / Portland International Center Plan District (see Chapter 33.508, Cascade Station / Portland International Center [CS/PIC])
- The Columbia South Shore within the Columbia Corridor (see Chapter 33.515, Columbia South Shore Plan District)
- Johnson Creek Basin (see Chapter 33.537, Johnson Creek Basin Plan District)
- Northwest Hills Natural Areas (see Chapter 33.563, Northwest Hills Plan District)
- Skyline West Conservation Plan area (see Chapter 33.563, Northwest Hills Plan District)
- East Columbia Neighborhood Natural Resources Management Plan (separate document)
- Forest Park Natural Resources Management Plan (separate document)
- Natural Resources Management Plan for the Peninsula Drainage District No. 1 (separate document)
- Portland International Airport Plan District (see Chapter 33.565, Portland International Airport Plan District)

This chapter contains only the City's environmental regulations. Activities which the City regulates through this chapter may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

33.430.033 Relationship to Scenic Resources

When an environmental zone has been applied at the location of a designated scenic resource, environmental review must include consideration of the scenic qualities of the resource as identified in the *Scenic Resources Protection Plan*, *Central City Scenic Resources Protection Plan*, or *River Plan / South Reach Scenic Resources Protection Plan*, and any relevant development standards of 33.480.

33.430.035 Other City Regulations

Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, may apply to sites in the environmental overlay zones.

33.430.040 Overlay Zones and Map Symbols

There are two environmental overlay zones.

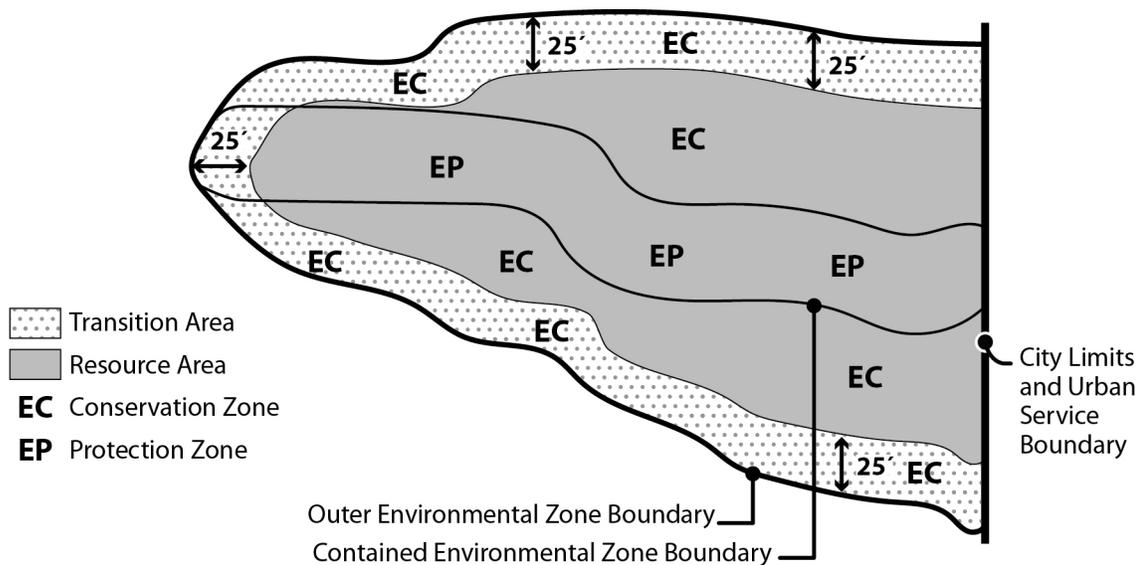
- A. The Environmental Protection overlay zone is applied wherever the City determines that highly significant resources and functional values are present. The Environmental Protection overlay zone is shown on the Official Zoning Maps with either the "p" symbol or a dark green color.
- B. The Environmental Conservation overlay zone is applied wherever the City determines that significant resources and functional values are present. The Environmental Conservation overlay zone is shown on the Official Zoning Maps with either the "c" symbol or a light green color.

33.430.050 Subareas of Environmental Zones

Environmental overlay zones contain resource areas and transition areas. Resource areas contain significant resources and functional values. Transition areas surround the resource areas. Resources and functional values within transition areas are not significant, but they provide a buffer for the significant resources and functional values within the resource area. The transition area is measured as the first 25 feet inward from an environmental zone boundary. The remaining area is the resource area. See Figure 430-1. The following are three exceptions:

- A. Where part of an environmental zone boundary is also the City Limits or Urban Service Boundary, there is no transition area.
- B. Where environmental zone boundaries are contained within other environmental zone boundaries, there is no transition area.
- C. Where environmental zone boundaries abut other environmental zone boundaries, transition areas are only measured from the combined outer-most boundaries of the environmental zones.

Figure 430-1
Environmental Zone Subareas



33.430.060 Where These Regulations Apply

These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, those in the Cascade Station/Portland International Center Plan District, City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See also Section 33.430.030, Relationship to Other Environmental Regulations.

33.430.070 When These Regulations Apply

Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

- A. Development;
- B. All land divisions, property line adjustments, and replats except for middle housing land divisions. The regulations of this chapter do apply to development proposed on a middle housing land division site;
- C. Removing, cutting, mowing, clearing, burning, or poisoning native trees and plants listed in the *Portland Plant List*;
- D. Planting or removing trees and plants listed on the Nuisance Plants List, and planting or removing non-native non-nuisance trees and plants;
- E. Changing topography, grading, excavating, and filling;
- F. Resource enhancement; and
- G. Dedication and expansions of rights-of-way.

33.430.080 Items Exempt From These Regulations

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met.

- A.** Change of ownership;
- B.** Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- C.** Dedicating right-of-way to widen an existing right-of-way;
- D.** Existing development, operations, and improvements, including the following activities:
 - 1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, public trails, public rest points, public view areas, public interpretative facilities, and utilities. Except for the replacement of structures associated with a Basic Utility use, replacement is not exempt within the combined flood hazard area. Replacement is also not exempt whenever coverage or utility size is increased;
 - 2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance Plants List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of buildings and structures attached to buildings, such as decks, stairs, and carports;
 - 3. Changes to existing disturbance areas to accommodate the following when plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed;
 - a. Gardens, including raised beds no greater than 2 feet in height, and play areas surfaced with grass, groundcover plants, bark chips, sand or gravel;
 - b. Accessory structures with a footprint no larger than 100 square feet that are not on a foundation or concrete pad; and
 - c. Septic systems.
 - 4. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;
 - 5. Operation, maintenance, and repair of the following:
 - a. Irrigation systems;
 - b. Stormwater management systems;
 - c. Pumping stations; and
 - d. Erosion control and soil stabilization features;
 - 6. Operation, maintenance, and repair of drainage facilities, flood control structures, and conveyance channels that are managed by Drainage Districts as defined in ORS 547, and where the activity is conducted or authorized by the Drainage District. This

exemption does not apply if dredge spoils are placed onto the top of banks of the drainageway, or onto portions of the environmental overlay zone above the ordinary high water mark. Operation, maintenance, and repair of drainage facilities include:

- a. Dredging and channel cleaning below the ordinary high water mark and vegetative maintenance within the minimum floodway cross-section of drainageways;
 - b. Operation, maintenance, and repair of drainage district pump stations, water control structures, or levees;
 - c. Reconfiguring the cross-section of drainage channels below the ordinary high water mark, or changing the location of the low flow channel within a wider drainage channel; and
 - d. Stabilizing banks and restoring levees back to original condition and footprint;
7. Removing or pruning the following trees and plants:
- a. Trees. The following trees may be removed or pruned if no development or other activities subject to the regulations of this chapter are proposed and all removal or pruning activities are surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil must be installed after removal or pruning:
 - (1) Dead, dying, diseased, or dangerous trees, or portions of trees, when they pose an immediate danger as determined by the City Forester or an arborist. On sites 7,000 square feet or larger in area, all sections of wood more than 12 inches in diameter must remain or be placed in the resource area of the site on which they were cut or within a commonly-owned environmental resource tract. These sections of wood are not required to remain when:
 - The site contains only transition area; or
 - The City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
 - (2) Non-native non-nuisance trees located outside of the combined flood hazard area, except in the IH, IG2 and EG2 zones where non-native non-nuisance trees and plants can be removed within and outside of the combined flood hazard area;
 - (3) Trees listed on the Nuisance Plants List;
 - (4) Trees or portions of trees that are located within 10 feet of an existing building or structure attached to a building, such as a deck, stairs, or carport. This exemption does not apply to tree removal within the combined flood hazard area unless the tree to be removed is located on a lot zoned IH, IG2 or EG2; or
 - (5) Trees or portions of trees that exceed the height restriction of a view corridor with special height restrictions designated in the *Scenic Resources*

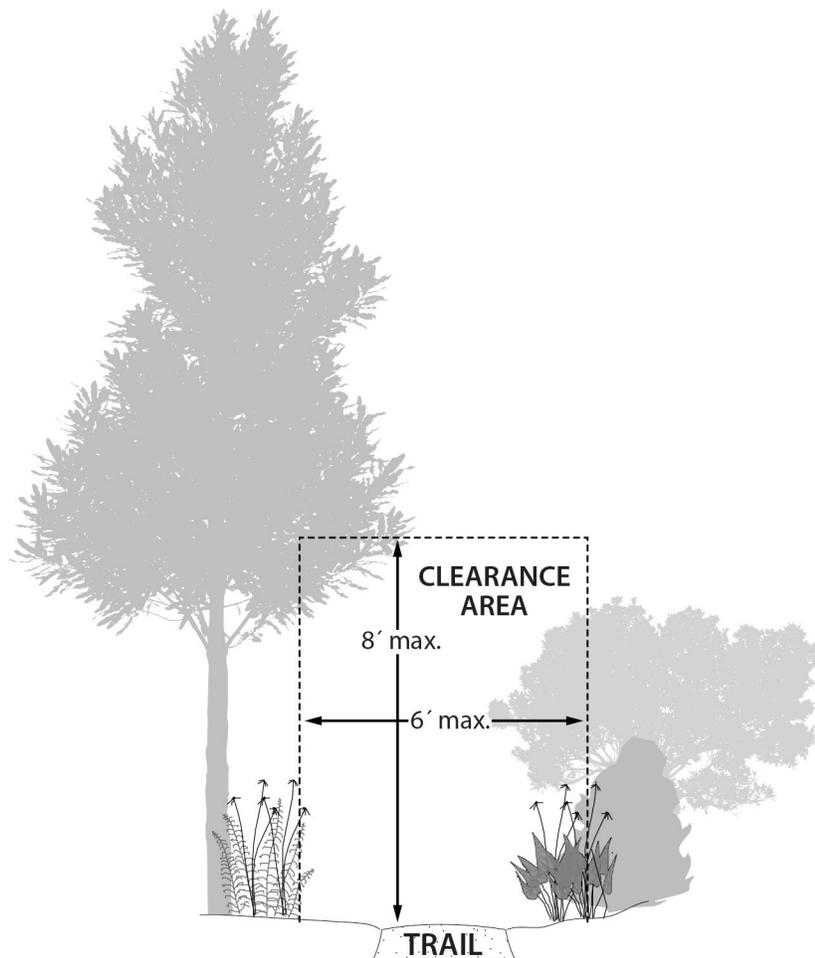
Protection Plan, Central City Scenic Resources Protection Plan or River Plan / South Reach Scenic Resource Protection Plan.

- b. Other plants. The following may be removed or pruned if removal or pruning activities are surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed after removal or pruning:
 - (1) Plants that exceed the height restrictions of a view corridor with special height restrictions designated in the Scenic Resources Protection Plan, Central City Scenic Resources Protection Plan or River Plan / South Reach Scenic Resources Protection Plan; or
 - (2) Plants that block signage along a public recreational trail, within a resource enhancement area, or required by a state or federal agency; or
 - (3) Non-native plants and plants listed on the Nuisance Plant List.
 - 8. Pruning trees in accordance with Title 11 permit requirements;
 - 9. Alterations to existing houseboats or replacing houseboats in existing slips;
 - 10. Development over existing paved surfaces that are not within the combined flood hazard area and are over 50 feet from any identified wetland or water body; and
 - 11. Land divisions, Property Line Adjustments, or replats where all properties are developed, no additional building sites are created and no additional development is proposed.
- E.** The following new development and improvements:
- 1. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
 - 2. Public street and sidewalk improvements meeting all of the following:
 - a. Improvements must be within a public right-of-way used by truck or automobile traffic; and
 - b. Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.
 - 3. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations, where access is by foot only;
 - 4. Utilities installed above or below developed portions of public rights-of-way;
 - 5. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top of bank of water bodies and where the disturbed area is restored to the pre-construction conditions;

6. Temporary site investigative work including soil tests, land surveys, groundwater and water quality monitoring stations when all of the following are met:
 - a. The work is conducted using hand-held equipment only;
 - b. The disturbance is temporary;
 - c. Disturbance areas are restored to pre-existing conditions; and
 - d. No native trees are removed and within the combined flood hazard area located outside of the IH, IG2 and EG2 zones, no non-native non-nuisance trees are removed.
7. Installation of temporary fencing to protect resource enhancement project planting areas, or to close off or control the use of illegal trails. The fence must be removed within 5 years;
8. Installation of signage as part of public recreational trail, as part of a resource enhancement project, or as required by a state or federal agency;
9. Additional disturbance within an existing cemetery when all of the following are met:
 - a. The disturbance is for soil removal for a burial plot;
 - b. No more than 10 cubic yards of soil is removed per burial plot;
 - c. The disturbance area is set back at least 5 feet from the resource area of the environmental protection zone; and
 - d. No native trees 6 inches or more in diameter are removed;
10. Additional disturbance for gardens, play areas surfaced with grass, groundcover plants, bark chips, sand or gravel, and septic systems when the added disturbance area meets all of the following:
 - a. The added disturbance area does not exceed 500 square feet;
 - b. The total disturbance area on the site does not exceed standards in Table 430-1;
 - c. Outside the combined flood hazard area, no native trees 6 or more inches in diameter are removed;
 - d. Within the combined flood hazard area, no native or non-native non-nuisance trees 6 or more inches in diameter are removed; and
 - e. The disturbance area is located at least 30 feet from the top of bank of a stream or drainage and at least 50 feet from the edge of a wetland.
11. Trails and fire breaks meeting all of the following:
 - a. The trails or fire break must be confined to a single ownership or be within a public trail easement;
 - b. Widths must not exceed 36 inches. For trails, stair width must not exceed 50 inches, and trail grade must not exceed 20 percent except for the portion of the trail containing stairs;

- c. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 430-2;
- d. Outside the combined flood hazard area, no native trees 6 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
- e. Within the combined flood hazard area, no native or non-native non-nuisance trees 6 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
- f. The trails or fire break must not be paved; and
- g. The trails or fire break must be at least 15 feet from the top of bank of all water bodies.

Figure 430-2
Trail Vegetation Pruning and Maintenance Area



- 12. All land divisions with tentative plans, final plans, and recorded plats showing all of the following for every lot created or adjusted; and Property Line Adjustments and replats with plans showing all of the following for each lot adjusted:

- a. Building sites at least five feet from all resource areas. For the purpose of this subsection, "building site" means an area of any shape in which a square 40 feet by 40 feet will fit;
 - b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in a resource area; and
 - c. Streets, driveways, and parking areas where all pavement is at least ten feet from a resource area.
- F. Hand removal of trash, provided that native vegetation is not removed or damaged.

33.430.090 Prohibitions

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

- A. The use, packaging, transportation, or storage of hazardous substances, except as follows:
 1. Transportation of hazardous substances through environmental zones by rail or on designated truck routes is allowed; and
 2. Use of consumer quantities of hazardous substances within environmental zones is allowed subject to the regulations of this Title. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
- B. The planting or propagation of any plant listed on the Nuisance Plants List;
- C. Exterior work activities, unless in conjunction with a river-related or river-dependent use. See Chapter 33.910, Definitions; and
- D. Dumping of yard debris or trash.

Development Standards

33.430.110 Purpose

These development standards are intended to:

- A. Encourage sensitive development while minimizing impact on resources;
- B. Provide clear limitations on disturbance within resource areas;
- C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the environmental zones;
- D. Provide clear planting and erosion control requirements within resource areas;
- E. Buffer the resource area from the noise, fumes, lights, and motion of vehicular traffic associated with industrial, commercial, and multi-dwelling residential uses; and

- F. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

33.430.120 Procedure

- A. **Generally.** Compliance with the development standards of this chapter is required for all development in the environmental zones and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Environmental Review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary environmental review process, or to meet the objective standards of this chapter.

The development standards are Sections 33.430.140 through .195; Sections 33.430.150 through .195 address specific types or aspects of development, while 33.430.140 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.430.140, the standards of 33.430.150, Utilities, and the standards of 33.430.180, Stormwater Outfalls. If the proposal can meet the general standards and standards for utilities, but not those for a stormwater outfall, environmental review is required only for the stormwater outfall. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

- B. **Adjustments prohibited.** Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through environmental review described in Sections 33.430.210 through .280.

33.430.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

- A. An existing conditions site plan including:
 1. Location of all Environmental Zone lines on the site;
 2. Outline of any existing disturbance area, including existing utility locations;
 3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, centerline of stream, or wetland boundary as appropriate;
 4. Within the disturbance area, all trees that are 6 or more inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition;
 5. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater; and
 6. Extent of the combined flood hazard area.

- B.** Proposed development plan including:
1. Outline of the proposed disturbance area, including all areas of proposed utility work;
 2. Location and description of all proposed erosion control devices;
 3. A stormwater management plan;
 4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone;
 5. Trees proposed to be preserved and trees proposed to be removed. For trees to be preserved, tree protection, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with Chapter 11.50, Trees in Development Situations;
 6. Where applicable, the location and specifications of the site enhancement option with dimensions, a list of plants on the Nuisance Plants List to be removed, and a landscape plan indicating the size, species, and location of all vegetation to be planted;
 7. Location and volume (cubic yards) of fill to be placed within the combined flood hazard area; and
 8. Location, volume (cubic yards), and design of proposed cut within the combined flood hazard area.
- C.** Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150;
- Septic systems subject to Section 33.430.155;
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180;
- Flood and water control facilities subject to Section 33.430.185;
- Public recreational trails subject to Section 33.430.190; and
- Tree removal in scenic resources zone subject to Section 33.430.195.

Standards A through C and G through S apply to new development in the resource area. Standards D through S except L apply to alterations to existing development in the resource area. Only standards E, J, K, N, Q, R, and S apply to new development and alterations to existing development in the transition areas. All of the applicable standards must be met.

- A.** The maximum disturbance area allowed within the resource area on the site is determined by subtracting all portions of the site outside the resource area from the number listed in

Table 430-1.

Table 430-1 Maximum Disturbance Area Allowed						
	OS and RF Zone	R20	R10	R7	R5	All Other Zones
Maximum Disturbance Area	5,000 sq. ft. [1]	5,000 sq. ft. [1]	5,000 sq. ft. [1]	3,500 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage or 1 acre, whichever is less [1]

Note:

[1] Subtract the amount of area on the site outside the resource area from the number given in the table.

- B.** The disturbance area is set back at least 5 feet from the resource area of any environmental protection zone;
- C.** The disturbance area must be set back at least:
 1. Fifty feet from the edge of any identified wetland;
 2. Fifty feet from the top of bank of any identified water body within the Columbia Corridor or any identified water body within a protection zone on lots zoned R10, R20, or RF;
 3. Thirty feet from the top of bank of any identified water body within a protection zone on all lots except those zoned R10, R20 or RF;
 4. Thirty feet from the top of bank of any identified water body within a conservation zone except those within the Columbia Corridor; and
 5. Five feet from the edge of the combined flood hazard area. This standard does not apply within the IH, IG2 and EG2 zones.
 6. When reconfiguration of the bank carried out in accordance with subsection 33.430.170.A results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the disturbance area must be set back at least 5 feet from the new top of bank line.
- D.** For alterations to existing development, one of the following must be met:
 1. The disturbance area does not exceed the limitations of Table 430-1 and the disturbance area is not expanded into or within five feet of the resource area of an environmental protection zone or within five feet of the combined flood hazard area located outside of the IH, IG2 and EG2 zones; or
 2. If the existing disturbance area now exceeds the limitations of Table 430-1, alterations are allowed within the existing disturbance area if the following are met:
 - a. The existing disturbance area may not be expanded; and
 - b. Increases in building coverage and exterior improvement area are allowed if:

- (1) The increase is located outside of the combined flood hazard area. This standard does not apply within the IH, IG2 and EG2 zones; and
 - (2) A site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet.
- E.** The proposed development is set back at least 5 feet from the resource area of any environmental protection zone;
- F.** The proposed development must be set back at least:
1. Fifty feet from the edge of any identified wetland;
 2. Fifty feet from the top of bank of any identified water body within the Columbia Corridor or any identified water body within a protection zone on lots zoned R10, R20, or RF;
 3. Thirty feet from the top of bank of any identified water body within a protection zone on lots except lots zoned R10, R20 or RF;
 4. Thirty feet from the top of bank of any identified water bodies within a conservation zone except those within the Columbia Corridor; and
 5. When reconfiguration of the bank carried out in accordance with subsection 33.430.170.A results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the disturbance area must be set back at least 5 feet from the new top of bank line.
- G.** The proposed buildings must be set back at least 5 feet from the edge of the disturbance area;
- H.** Where the distance between a building and the edge of the disturbance area is less than 10 feet, additional temporary disturbance area is allowed. The edge of the additional temporary disturbance area may extend no more than 10 feet from the building. The temporary disturbance area must be replanted with three different native shrub species at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet with the remaining area planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
- I.** Temporary disturbance areas and portions of the resource area where removal of non-native vegetation occurs must be replanted so that the area achieves a 90 percent vegetation cover within one year;
- J.** Tree removal and replacement standards.
1. Removal of native trees is allowed as follows:
 - a. Trees removed from resource and transition areas must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.

- b. In resource and transition areas, the combined total diameter of all trees removed may not exceed 225 inches, counting only native trees that are at least 6 inches in diameter;
- c. In resource areas, trees may be removed only if one of the following is met:
 - (1) Within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports;
 - (2) Within 10 feet of proposed driveways or right-of-way improvements; or
 - (3) To create up to 500 square feet of permanent disturbance area for uses such as gardens and play area.
2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;
3. Trees listed on the Nuisance Plants List may be removed, if each tree at least 6 inches in diameter is replaced with one native tree; and
4. For replacement of non-native trees, applicants may pay a revegetation fee as described in Table 430-2 in lieu of planting on the site. The fee is based on the number of trees required under Table 430-3, Option A.

Table 430-2 Minimum Site Enhancement Options	
Option	Action
Option 1 Restoration Planting	Remove plants listed on the Nuisance Plants List. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	<p>Pay a revegetation fee.</p> <p>1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site.</p> <p>2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance.</p> <p>3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued:</p> <ul style="list-style-type: none"> - The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area; - The fee calculation will be rounded up to the next multiple of \$10; and - The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.

- K.** Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

L. Nuisance plants.

1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
2. Plant removal must occur outside of the permanent and temporary disturbance areas.
3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
4. The cleared area must be replanted as follows:
 - a. Seed the entire area of removal with a native grass seed.
 - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four-inch pots and the shrubs a minimum size of one gallon pots.
 - c. Install one native tree that is at least one-half inch in diameter for every nuisance tree over 6 inches in diameter that is removed.
 - d. Planting native species listed on the *Portland Plant List* is required.

M. All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

Table 430-3 Tree Replacement in Environmental Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 6 and up to 12	2 [1]	not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs [2]
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

Note:

[1] Within the combined flood hazard area located outside of the IH, IG2 and EG2 zones, Option A requires at least 3 native trees to be planted.

[2] Option B is not applicable within the combined flood hazard area except on lots zoned IH, IG2 or EG2.

N. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

- O.** Maximum front or street setbacks are as follows:
 - 1. The front building or street setback of the base zone is the maximum building setback for primary structures.
 - 2. On a lot with more than one street lot line the maximum setback standard applies to the street lot line that is farthest from the resource area.
 - 3. In zones with no minimum front or street setback, the maximum setback is 10 feet.
- P.** Fences are allowed only within the disturbance area;
- Q.** Parking and truck area buffers:
 - 1. Auto and light truck areas. For commercial, industrial, and multi-dwelling residential uses, parking areas for autos and light trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L2 standard, as stated in Chapter 33.248, Landscaping and Screening;
 - 2. Medium and heavy truck areas. Where allowed by the base zone, the parking, loading, and maneuvering areas for medium and heavy trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening;
- R.** Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into resource areas; and
- S.** Exterior storage and display areas include a ten-foot perimeter buffer from the resource area. The buffer is landscaped to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening.

33.430.150 Standards for Utility Lines

The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines. All of the standards apply in the resource area. Only standard E applies in the transition area.

- A.** The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;
- B.** The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;
- C.** The utility construction does not occur within a stream channel, identified wetland, or water body;
- D.** Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
 - 1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;

2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and
 3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.
- E.** Tree removal and replacement standards are as follows:
1. Native trees more than 12 inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter that is cut must be replaced as shown in Table 430-3;
 2. Non-native non-nuisance trees may be removed, if each tree 6 or more inches in diameter is replaced as shown in Table 430-3;
 3. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;
 4. Replacement trees and shrubs must meet the planting standards in 33.430.140.K; and
 5. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.
- F.** Exemption. If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A, B and D.

33.430.155 Standards for Septic Systems

The following standards apply to septic systems. All of the standards must be met.

- A. The maximum disturbance area allowed within the resource area on the site for the septic system is no greater than 2,000 square feet;
- B. No trees greater than 6 inches in diameter may be removed;
- C. The proposed disturbance area is located at least 50 feet from the top-of-bank of a stream or edge of any wetland; and
- D. The proposed disturbance area is replanted with a minimum of eight ground cover plants per 10 square feet. The ground cover plants must be a minimum size of four inch pots and must be native species listed in the *Portland Plant List*.

33.430.160 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met.

- A. All development, except for development associated with stormwater outfalls that meet Section 33.430.180, is outside the resource area of the environmental protection zone;

- B.** The total amount of disturbance area allowed within the resource area of the environmental zone is either the amount listed in Table 430-4 or 1 acre, whichever is less, minus the amount of area outside the resource area. Disturbance area associated with construction or installation of stormwater outfalls that meets Section 33.430.180 are not counted towards maximum disturbance area;
- C.** Where there is a house on the site that is in the environmental protection zone, it may remain if a new lot is created that meets the following:
 1. The existing house will remain; and
 2. A new lot is created that is no larger than required to contain the existing house, garage, minimum required setbacks, a 12-foot wide driveway, and an open area of 20 feet by 20 feet.
- D.** Resource areas of the environmental protection zone that are outside of lots being created under the provisions of Subsection B., above, are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;

Table 430-4 Maximum Disturbance Area for a Land Division and PD Allowed Within the Resource Area[1]						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

- E.** Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;
- F.** Tree removal is allowed as follows:
 1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed 225 inches per lot, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3;
 2. Non-native non-nuisance trees. Non-native non-nuisance trees may be removed, but must be replaced as shown in Table 430-3; and
 3. Nuisance trees. Trees listed on the Nuisance Plants List may be removed, but must be replaced. Each tree 6 or more inches in diameter must be replaced with one native tree.
- G.** The standards of Subsections 33.430.140.B, C, and K through R must be met.

- H. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;
- I. New right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and
- J. Utility construction must meet the applicable standards of Section 33.430.150. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard; and
- K. The standards of Subsection 33.430.180 must be met.

Table 430-5			
Maximum Right-of-way and Roadway Widths			
Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

33.430.165 Standards for Property Line Adjustments and Replats

The following standards apply to Property Line Adjustments (PLAs) and replats in the environmental overlay zones that do not meet one of the exemptions in 33.430.080.D.11 or 33.430.080.E.12. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

- A. A Property Line Adjustment or replat may not result in any property being entirely in the environmental protection zone, or entirely in the combined flood hazard area unless that property was entirely in the environmental protection zone or combined flood hazard area before the PLA or replat, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.
- B. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 430-6. A property that contains less than the area listed in Table 430-6 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 430-6.

Table 430-6				
Minimum Area Required Outside of Resource Area				
	OS through R10 Zones	R7 Zone	R5 Zone	All Other Zones
Minimum Area Required	5,000 sq. ft.	3,500 sq. ft.	2,500 sq. ft.	50% of the base zone building coverage or 1 acre, whichever is less

33.430.170 Standards for Resource Enhancement Projects

The following standards apply to resource enhancement projects in the environmental zones. The applicant for projects that will take place within the area shown on Map 430-10 may choose to meet all of the standards of subsection A, all of the standards of subsection B, or all of the standards of subsection C. Applicants for projects that will take place outside the area shown on Map 430-10 must meet all of the standards in subsection C.

- A. Bank reconfiguration.** The following standards apply to bank reconfiguration projects that take place in the Bank Reconfiguration and Basking Features Area shown on Map 430-10. Slough and drainageway banks, which are the area between the ordinary high water mark and the top of bank, may be regraded when all of the following are met:
1. The activity is conducted or authorized by the Multnomah County Drainage District #1 or Peninsula Drainage District #2;
 2. The final slope above ordinary high water after grading is 33 percent or less (33 percent slope represents a rise to run ratio equal to 1:3);
 3. Rock armoring may not be used except surrounding outfalls, inlets, culverts and bridge crossings, the rock armoring cannot exceed a distance of 5 feet from those features, and must be planted with live stakes of native plant stock, one half inch in diameter. Stakes must be used at a density of 2 to 3 stakes per 9 square feet. If the armoring is located on a levee, live stakes are not required;
 4. The placement of large wood on the bank is allowed to improve bank stabilization if installed above the Base Flood Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;
 5. Trees or snags, 6 inches or greater in diameter, that are removed landward of the new top-of-bank must be replaced and meet the following:
 - a. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 430-3, Tree Replacement;
 - b. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;
 - c. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;
 - d. Replacement trees must:
 - (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and
 - (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain;

- e. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Flood Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.
- 6. The area between the ordinary high water mark and the new top of bank must be revegetated as specified in Figure 430-3 and Table 430-7, Bank Revegetation.

**Figure 430-3
Bank Revegetation**

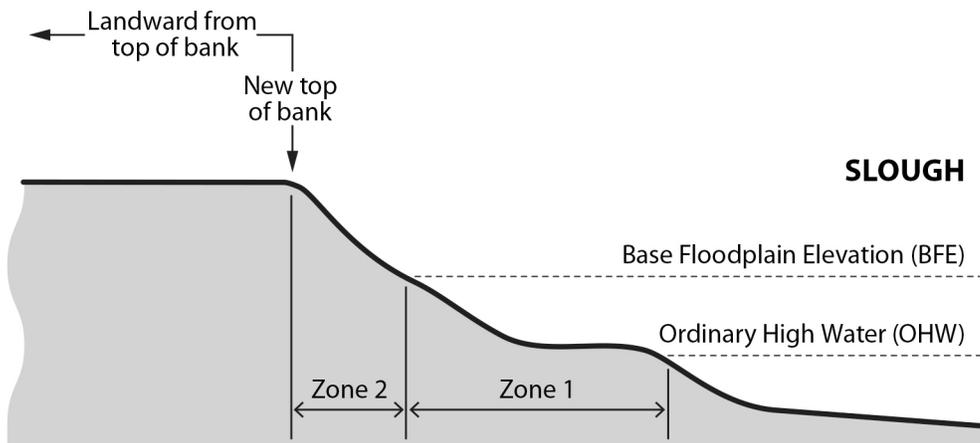


Table 430-7 Bank Revegetation		
Water Body	Zone (See Figure 565-2)	Planting Requirements
Sloughs and drainageways; except on levees	Zone 1	A mix of native emergent wetland vegetation planted at a rate of 50 plugs of vegetation per 100 square feet of area, ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 30 pounds per acre. No trees may be planted in Zone 1.
	Zone 2	A. Outside of the Airport Subdistrict of the Portland International Airport plan district, one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. B. Within the Airport Subdistrict of the Portland International Airport plan district, Option A or ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 20 pounds per acre.
On levees	Zone 1 and 2	A native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees applied at a rate of 50 pounds per acre.

- 7. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

8. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
 - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
 - b. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland, or other water body;
 - c. The viewing area is not in the floodway;
 - d. Outside the combined flood hazard area:
 - (1) Native trees more than 10 inches in diameter are not removed; and
 - (2) Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site;
 - e. Within the combined flood hazard area:
 - (1) Native and non-native non-nuisance trees more than 10 inches in diameter are not removed; and
 - (2) Each 6 to 10-inch diameter native or non-native non-nuisance tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site.
 9. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.
- B. Basking features.** The following standards apply to the placement of large wood or large rocks as basking features for wildlife in the Bank Reconfiguration and Basking Features Area shown on Map 430-10. The placement of large wood or large rocks as basking features for wildlife within the Columbia Slough, Whitaker Slough, Buffalo Slough, Peninsula Canal, or other drainageways or identified wetlands is allowed when all of the following are met:
1. The activity is conducted or authorized by the Multnomah County Drainage District #1, Peninsula Drainage District #2 or the City of Portland Bureau of Environmental Services;
 2. No native trees are removed and no non-native non-nuisance trees are removed within the combined flood hazard area;
 3. The basking feature is installed above the Base Flood Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;
 4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
 - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
 - b. The viewing area is at least 30 feet from the top of bank;
 - c. The viewing area is not in the floodway;
 - d. Outside the combined flood hazard area:
 - (1) Native trees more than 10 inches in diameter are not removed; and
 - (2) Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site;
 - e. Within the combined flood hazard area:
 - (1) Native and non-native non-nuisance trees more than 10 inches in diameter are not removed; and
 - (2) Each 6 to 10-inch diameter native or non-native non-nuisance tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and
 6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.
- C. All other resource enhancement projects.** The following standards apply to all other resource enhancement projects not addressed by subsections 170.A or B. All of the following standards must be met:
1. There is no excavation or fill of, or construction activity within any wetland or water body;
 2. There is no net fill, or increase in the amount of soil on the site;
 3. Outside the combined flood hazard area, no native vegetation listed on the *Portland Plant List* is removed except as allowed by C.6. below. Non-native trees and vegetation may be removed;
 4. Within the combined flood hazard area, no native trees or vegetation listed on the *Portland Plant List* or non-native non-nuisance trees are removed, except as allowed by C.6. below;
 5. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;

6. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
 - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
 - b. The viewing area is at least 30 feet from the top of bank;
 - c. The viewing area is not in the floodway;
 - d. Outside the combined flood hazard area:
 - (1) Native trees more than 12 inches in diameter are not removed; and
 - (2) Each 6 to 12-inch diameter native tree removed is replaced as shown in Table 430-3. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K;
 - e. Within the combined flood hazard area:
 - (1) Native and non-native non-nuisance trees more than 12 inches in diameter are not removed; and
 - (2) Each 6 to 12-inch diameter native and non-native non-nuisance tree removed is replaced as shown in Table 430-3. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
7. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

33.430.175 Standards for Right-of-Way Improvements

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

- A.** The proposed paved roadway portion of the right-of-way must not be more than 26 feet wide and 2600 square feet in area;
- B.** The proposed disturbance area for the right-of-way improvement must;
 1. Be at least 50 feet from the edge of any wetland or waterbody;
 2. Be at least 5 feet from the resource area of any environmental protection zone; and
 3. Be no larger than 3300 square feet in area;
- C.** Planted areas, including stormwater swales, must be planted with native plants from the *Portland Plant List*;
- D.** Trees within the right-of-way may be removed within the improvement area and within 10 feet of the edge of the improvement except that native and non-native non-nuisance trees

greater than 6 inches in diameter located in the combined flood hazard area may not be removed. In no case may the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees that are not native trees do not count toward the 225 inches; and

- E. The right-of-way improvements meet the development requirements of the City Engineer or the Permanent Rule for Private Rights-of-Way.

33.430.180 Standards for Stormwater Outfalls

The following standards apply to the installation of stormwater outfalls. All of the standards apply in the resource area. Only standards B through E and H apply in the transition area.

- A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;
- B. Native trees 12 or more inches in diameter may not be removed. Each native tree at least 6 inches but less than 12 inches in diameter that is removed must be replaced as shown in Table 430-3;
- C. Non-native non-nuisance trees may be removed. Each tree at least 6 inches in diameter must be replaced as shown in Table 430-3;
- D. Trees listed on the Nuisance Plant List may be removed. Each tree at least 6 inches in diameter must be replaced with one tree.
- E. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
- F. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
 - 1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet; and
 - 2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
- G. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;
- H. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 6 inches in diameter; and
- I. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

33.430.185 Standards for Certain Flood and Water Control Facilities

The following standards apply to minor improvements to certain existing flood and water conveyance control facilities. For the purposes of this Section, an existing flood or water conveyance control facility is defined as existing pump stations, wet wells, electrical panels or pads, and trash racks. The minor improvements that these standards apply to are defined as the addition or modification of handrails, access paths, ADA ramps, safety vaults, fall protection posts or pads, or Sewer Level Remote Telemetry (SLRT). All of the standards must be met.

- A. The disturbance area for the minor improvement is not greater than 10 feet wide, not greater than 500 square feet total, and is contiguous to the existing disturbance area for the flood or water conveyance control facility that is being altered;
- B. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
 - 1. Ten native shrubs for every 100 square feet of temporary disturbance area and a native grass and forb seed mix at a rate of 20 pounds per acre; or
 - 2. If on a levee, a native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees at a rate of 50 pounds per acre.
- C. The proposed disturbance area must be located above the ordinary high water mark and outside of wetlands;
- D. No trees more than 6-inches in diameter are removed with the exception of nuisance species trees. Nuisance species trees 6 inches in diameter or larger that are removed must be replaced with one tree meeting the standard of 33.430.140.K; and
- E. At least one site enhancement option must be completed on the site. Applicants must show that an area equivalent in size to at least 100 percent of the proposed permanent disturbance area will be enhanced following one or more of the options described in Table 430-2. If the proposed permanent disturbance area is less than 100 square feet, the minimum required enhanced area must be 100 square feet. The site enhancement area must be located outside of the proposed permanent and temporary disturbance area.

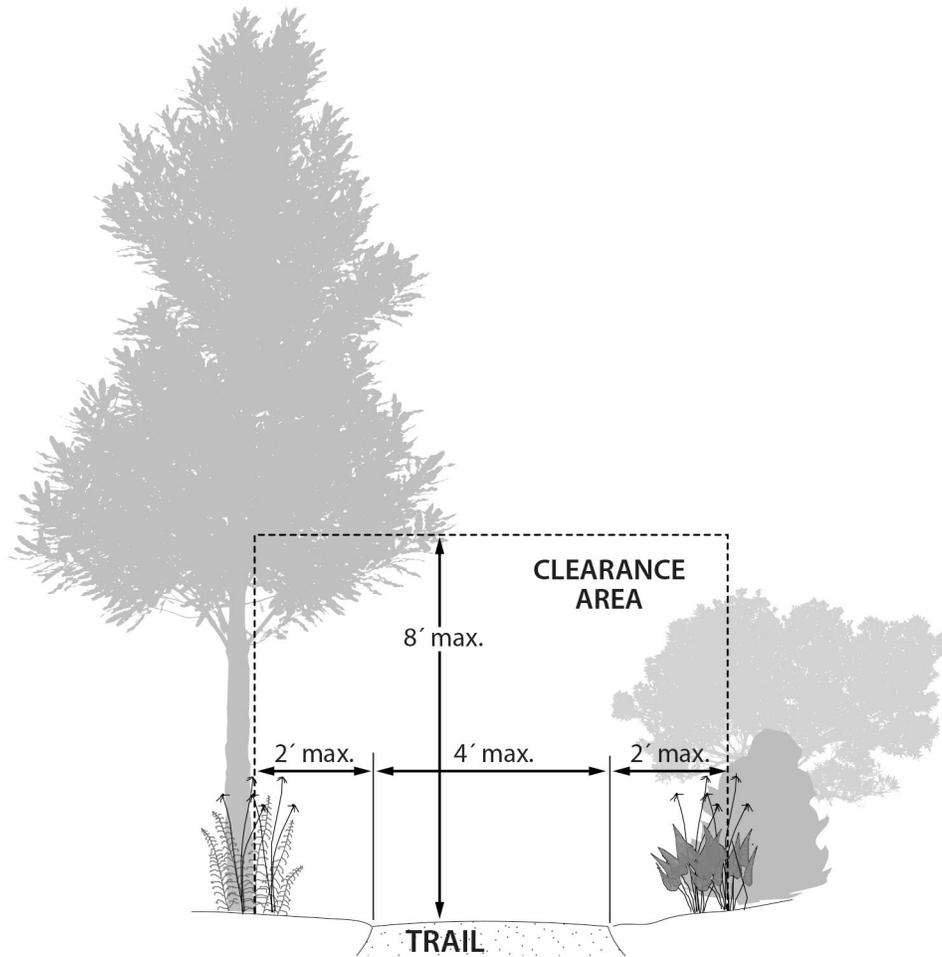
33.430.190 Standards for Public Trails

The following standards apply to public trails and viewing areas developed in conjunction with the public trail. All of the standards must be met.

- A. The trail is located on public property or within a public trail easement;
- B. The trail is no longer than 5,000 feet and no wider than 4 feet with a maximum vegetation clearance of 8 feet high and 2 feet on either side of the trail (see Figure 430-4);
- C. If the trail crosses a waterbody it is constructed above the top of bank;
- D. If a public viewing area is proposed, the following must be met:
 - 1. The viewing area may create up to 500 square feet of permanent disturbance area;
 - 2. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body; and
 - 3. The viewing area is not in the floodway;
- E. Tree removal and replacement standards:
 - 1. Native trees up to 12 inches in diameter and non-native trees of any size may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;

2. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and
3. Replacement trees must meet the planting standards in 33.430.140.K.

Figure 430-4
Trail Vegetation Pruning and Maintenance Area



33.430.195 Standards for Tree Removal in the Scenic Resources Zone

The following standards apply to removal of native trees up to 12 inches in diameter and non-native trees of any size that are located within an environmental overlay zone and the Scenic Resource zone:

- A. Trees may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
- B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;

- C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:
 - 1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or
 - 2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
- D. Replacement plantings must meet the planting standards in 33.430.140.K.

Environmental Review

33.430.210 Purpose

Environmental review is intended to:

- A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;
- B. Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;
- C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources in the environmental conservation zone and more exacting control over development in the environmental protection zone;
- D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the environmental zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed environmental study; and
- E. Provide for the replacement of resources and functional values that are lost through violations of this Chapter.

33.430.220 When Environmental Review is Required

Environmental review is required for all development in an environmental zone that does not meet the development standards of Sections 33.430.140 through .190 and for violations of this chapter. Environmental review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed environmental study. The City Council, Planning Commission, or Director of BDS may initiate an environmental review for environmental zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of environmental zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.430.400.

33.430.230 Procedure

Environmental reviews are processed through the following procedures:

- A. Property Line Adjustments, replats, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.
- B. The following are processed through the Type II procedure:
 - 1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
 - 2. Public safety facilities;
 - 3. Septic systems;
 - 4. Environmental zone boundary modifications;
 - 5. All other uses and development in resource areas of Environmental Conservation zones; and
 - 6. Development within the Transition Area only.
- C. All other uses or development in resource areas of Environmental Protection zones are processed through the Type III procedure.

33.430.240 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required for an environmental review application:

- A. **Supplemental site plans required.** One copy of each plan must be at a scale of at least one inch to 100 feet. The following supplemental site plans are required:
 - Existing conditions;
 - Conditions existing prior to a violation (if applicable);
 - Proposed development;
 - Construction management; and
 - Mitigation or remediation.

A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this Subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

- 1. The existing conditions site plan must show the following for the entire site:
 - a. Combined flood hazard area and floodway boundaries;
 - b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - c. Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;

- d. Drainage patterns, using arrows to indicate the direction of major drainage flow; and
 - e. Existing improvements such as structures, or buildings, utility lines, fences, etc.
2. The proposed development site plan must show the following:
- a. Combined flood hazard area and boundaries of the resource area and the transition area;
 - b. In areas of the site that have been or will be part of the permanent disturbance area, distribution outline of shrubs and groundcovers, with a list of most abundant species;
 - c. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition;
 - d. A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
 - e. Trees six or more inches in diameter, identified by species, with trees proposed to be preserved and removed indicated. In the case of violations, also indicate those that were cut or damaged by stump diameter and species;
 - f. Proposed development, including proposed buildings, walkways, decks, retaining walls, bridges, garages, utility lines, stormwater management systems; and
 - g. Proposed planting areas.
3. A construction management site plan must show the following:
- a. Combined flood hazard area and boundaries of the resource area and the transition area;
 - b. Areas that will be temporarily or permanently disturbed, including equipment maneuvering areas, and perimeter controls;
 - c. Areas where existing topography and vegetation will be left undisturbed;
 - d. Location of site access and egress;
 - e. Equipment and material staging and stockpile areas;
 - f. Erosion control measures; and
 - g. Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.
4. A mitigation or remediation site plan must show the following:
- a. Dams, weirs, or other in-water structures;
 - b. Distribution outline, species composition, number, and percent cover of groundcovers to be seeded or planted;

- c. Distribution outline, species composition, size, number, and spacing of shrubs to be planted;
- d. Location, species, number, and size of each tree to be planted;
- e. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
- f. Water bodies to be created, including depth;
- g. Water sources to be used, including volumes; and
- h. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;
 - a. An impact evaluation includes:
 - (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
 - (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.
 - b. An impact evaluation for a violation includes:
 - (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and
 - (2) Determination of the impact of the violation on the resources and functional values.
2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
 - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Construction timetables;
 - d. Operations and maintenance practices;
 - e. Monitoring and evaluation procedures;
 - f. Remedial actions for unsuccessful mitigation; and
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.430.250 Approval Criteria

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, septic systems, land divisions, Property Line Adjustments, Replats, Planned Developments, and Planned Unit Developments. Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, septic systems, land divisions, Property Line Adjustments, replats, Planned Developments, and Planned Unit Developments:
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;
 - b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
 - c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
 - d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

- e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.
 2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;
 3. Rights-of-way, driveways, walkways, outfalls, utilities, and septic systems;
 - a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;
 - b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
 - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.
 4. Land divisions, Property Line Adjustments, replats, Planned Developments, and Planned Unit Developments:
 - a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones must be in environmental resource tracts;
 - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and
 - c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.
- B. Resource enhancement projects.** In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
1. There will be no loss of total resource area;
 2. There will be no significant detrimental impact on any resources and functional values; and
 3. There will be a significant improvement of at least one functional value.

- C. Public recreational facilities.** In resource areas of environmental zones, public trails, rest points, public viewing areas, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
 2. The public benefits of the proposal outweigh all significant detrimental impacts;
 3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the *Portland Plant List*; and
 4. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.
- D. Modification of zone boundaries.** Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D.3 below is met:
1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in either the resource area of an Environmental Conservation zone or the resource area of an Environmental Protection zone; or
 2. Approved loss of resource area. All of the following must be met:
 - a. All approved development in a resource area has been completed;
 - b. All mitigation required of this development has been successful; and
 - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
 3. The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.
- E. Other development in the Environmental Conservation zone or within the Transition Area only.** In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:
1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

F. Other development in the Environmental Protection zone. In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;
2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;
3. There is a public need for the proposed use or development;
4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;
5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
7. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
8. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and
2. The remediation plan demonstrates that after its implementation there will be:
 - a. No permanent loss of any type of resource or functional value;
 - b. A significant improvement of a least one functional value; and
 - c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.430.260 Performance Guarantees

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.430.270 Special Evaluation by a Professional

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

33.430.280 Modifications That Will Better Meet Environmental Review Requirements

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. Except as specified in 33.610.200 and 33.611.200, the review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Natural Resource Management Plans

33.430.310 Purpose

Natural resource management plans provide an alternative to case-by-case environmental reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional state, and federal agencies.

33.430.320 Scope

Natural resource management plans must cover large ecosystems such as a forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and

protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

33.430.330 Procedure

Adoption and amendment of natural resource management plans is a legislative procedure. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter.

33.430.340 Components

The applicant must submit a natural resource management plan with the following components:

- A. Management objectives to maintain or enhance resources and functional values;
- B. Lists of allowed and prohibited uses;
- C. Maps of areas where these uses are allowed and prohibited;
- D. Types of mitigation or enhancement required;
- E. Maps of areas reserved for these mitigation or enhancement actions;
- F. Timetables for development, mitigation, and enhancement; and
- G. Procedures and criteria for approving uses.

33.430.350 Approval Criteria for Adoption and Amendment.

A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

- A. Compliance with Sections 33.430.310 through 350;
- B. Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and
- C. If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts that are in Section 33.500.050 are met.

Corrections to Violations of This Chapter

33.430.400 Purpose

The purpose of Sections 33.430.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.430.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

33.430.405 Correction Options

Applicants must choose one of the following options to correct environmental code violations.

A. When these options may be used.

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - a. Tree removal:
 - (1) Only non-native trees have been removed;
 - (2) No more than 12 diameter inches of native trees have been removed; or
 - (3) No more than one of the following has been removed:
 - A Madrone 4 inches or less;
 - A Garry Oak 4 inches or less; or
 - A Pacific Yew 2 inches or less;
 - b. No development, exterior alteration, or exterior improvement has occurred below the top of bank or within a wetland, stream channel, drainageway, or waterbody.
 - c. The proposal will remove all illegal development; and
 - d. The proposal will replant illegal clearing.
2. If any of the following apply, the applicant may not use Option One, but may chose either Option Two or Option Three:
 - a. Tree removal. More than 12 diameter inches of native trees have been removed;
 - b. More than one of the following has been removed:
 - (1) A Madrone 4 inches or less;
 - (2) A Garry Oak 4 inches or less;
 - (3) A Pacific Yew 2 inches or less;
 - c. Any of the following has been removed:
 - (1) A Madrone larger than 4 inches;
 - (2) A Garry Oak larger than 4 inches; or
 - (3) A Pacific Yew larger than 2 inches.
3. If the applicant cannot meet Options One or Two, Option Three must be used.
4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.

B. Option One, Remove and Repair. This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.

1. All items and materials placed in the area of violation are removed and no new disturbance area is created;
2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
 - a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;
 - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.

C. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.

1. The applicable standards of Section 33.430.140 through .190 must be met; and
2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:

- a. The area disturbed by the violation activity must be replanted;
 - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.
 - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;
 - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
 - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.
- D. Option Three, Environmental Review.** This option requires Environmental Review, using the approval criteria and procedures below:
1. Approval criteria. The approval criteria of Subsection 33.430.250.G must be met.
 2. Review procedures. Reviews are processed as follows:
 - a. Type III. The following situations require a Type III review:
 - (1) The removal of trees that exceeds the quantity of environmental standard 33.430.140.J.
 - (2) Any development, exterior alteration, or exterior improvement within or below top of bank of a wetland, stream channel, drainageway, or waterbody.
 - b. Type II. All other environmental reviews to correct environmental code violations are processed through a Type II procedure.
 - c. All environmental reviews must provide the information required in Section 33.430.240, Supplemental Application Requirements.

33.430.407 Recurring Violations of This Chapter

- A. Recurring violations on a site.** Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.

- B. Recurring violations by an individual or business.** Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

Notice and Review Procedure

33.430.410 Purpose

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

33.430.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.430.430 Procedure

Applications for building permits or development permits as specified in Section 33.430.420 will be processed according to the following procedures:

- A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.
- B. Notice of an application.**
1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:
 - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.
 - The legal description and address of the site;
 - A copy of the site plan;
 - The place where information on the matter may be examined and a telephone number to call; and
 - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.
- C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.
1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.
 2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.
- D. Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
 2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effective 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178961, effective 6/13/05; Ord. No. 179540, effective 9/26/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534 and Ord. No. 184524, effective 7/1/11; Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 184944, effective 12/31/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189002, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191477, effective 3/1/24.)

1. A minimum of one tree for every 20 feet of river frontage.
 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$356,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
 2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Major Public Trails

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may

detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. Site plans must show the following:
 - a. For the entire site:
 - Combined flood hazard area and floodway boundaries;
 - Boundaries of the Pleasant Valley Natural Resources overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - Topography shown by contour lines at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
 - Drainage patterns, using arrows to indicate the direction of major drainage flow; and
 - Existing improvements such as structures, or buildings, utility lines, fences, etc.
 - b. In areas of the site that have been or will be disturbed:
 - Distribution outline of shrubs and ground covers, with a list of most abundant species;
 - A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater; and
 - Trees greater than six inches in diameter, identified by species. In the case of violations also indicate those that were cut or damaged by stump diameter and species.
 - c. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition.
2. A construction management site plan including:
 - Areas that will be permanently disturbed;
 - Areas that will be temporarily disturbed, including equipment maneuvering areas and the location of perimeter controls;
 - Areas where existing topography and vegetation will be left undisturbed;
 - Location of site access and egress;
 - Equipment and material staging and stockpile areas;
 - Erosion control measures; and
 - Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.

3. A mitigation or remediation site plan including:
 - Dams, weirs, or other in-water structures;
 - Distribution outline, species composition, and percent cover of ground covers to be seeded or planted;
 - Distribution outline, species composition, size, and spacing of shrubs to be planted;
 - Location, species, and size of each tree to be planted;
 - Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - Water bodies to be created, including depth;
 - Water sources to be used, including volumes; and
 - Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the *Pleasant Valley Natural Resources Protection Plan*;
 - a. An impact evaluation includes:
 - (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;
 - (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
 - (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.
 - b. An impact evaluation for a violation includes:
 - (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and
 - (2) Determination of the impact of the violation on the resources and functional values.

coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

- C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.
1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access. The posted notice will contain the same information as the notice posted on the internet.
 2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material area to be planted must be identified with high visibility tape or similar high visibility material.
- D. Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will complete one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
 2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through Pleasant Valley resource review as described in Sections 33.465.210 through 33.465.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.465.150 through .180. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

(Added by: Ord. No. 178961, effective 6/13/05. Amended by: Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189000, effective 7/9/18; Ord. No.

*190023, effective 8/10/20; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22;
Ord. No. 191477, effective 3/1/24.)*

33.475 River Overlay Zones

475

Sections:

General

- 33.475.010 Purpose
- 33.475.020 River Overlay Zones
- 33.475.030 Where These Regulations Apply
- 33.475.050 Supplemental Permit Application Requirements

River General and River Recreational Overlay Zones

- 33.475.200 Use Regulations
- 33.475.210 River Setback
- 33.475.215 Marine Passenger Docks and Marine Passenger Terminals
- 33.475.220 Landscaping
- 33.475.225 Residential Docks
- 33.475.230 Exterior Lighting
- 33.475.235 Bird-safe Glazing
- 33.475.245 Archeological Resources Protection
- 33.475.250 Nonconforming Uses and Development
- 33.475.260 Property Line Adjustments

River Environmental Overlay Zone

- 33.475.400 Use Regulations
- 44.475.403 When These Regulations Apply
- 33.475.405 Items Exempt From These Regulations
- 33.475.410 Environmental Report
- 33.475.420 Review Procedures
- 33.475.430 Prohibitions
- 33.475.440 Development Standards
- 33.475.450 Corrections to Violations of the River Environmental Overlay Zone Regulations

Clean Up of Contaminated Sites

- 33.475.500 Removal or Remediation of Hazardous Substances

Map 475-1 River Overlay Boundary

Map 475-2 Willamette River Top of Bank

Map 475-3 Governor Tom McCall Waterfront Park and Eastbank Crescent

Map 475-4 Archaeological Sensitivity Areas

Map 475-5 Retail Sales and Service Allowed in OS

Map 475-6 Riparian Buffer Area

General

33.475.010 Purpose

The River Overlay zones generally promote the protection, conservation, restoration, enhancement and maintenance of the economic, natural, scenic, historical, and recreational qualities of lands along the Central and South reaches of the Willamette River. This purpose is achieved by applying

regulations that control development of land, change of use and intensification of use. The regulations reflect the desired character of the Central and South reaches of the Willamette River — a character that includes:

- A healthy river, floodplain, and watershed;
- A thriving riverfront with regional gathering spaces, active and passive recreational uses, maritime and commercial activities, and a welcoming mixed-use community; and
- Access to, along and in the river.

The River Overlay Zones also implement the City’s responsibilities under ORS 390.310 to 390.368.

33.475.020 River Overlay Zones

A. Purpose. The River Overlay zones implement the land use pattern identified in the *Central City 2035 Plan (2020)* and *River Plan / South Reach (2020)*. There are three River Overlay zones each with their own purpose:

1. **River General.** The River General overlay zone allows for uses and development that are consistent with the base zoning and allows for public use and enjoyment of the riverfront.
2. **River Recreational.** The River Recreational overlay zone encourages river-dependent and river-related recreational uses, which provide a variety of types of public access to, along, and in the river, and which enhance the river’s natural and scenic qualities.
3. **River Environmental.** The River Environmental overlay zone protects, conserves and enhances important natural resource functions and values while allowing environmentally sensitive development. The purpose of the zone is to limit the impacts from development and vegetation maintenance on the natural resources and functional values contained within the overlay zone. The River Environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site’s protected resources. Mitigation is required for unavoidable impacts and is intended to compensate for impacts and improve natural resource features or functions over time. The River Environmental overlay zone applies to specific natural resource areas identified in two detailed studies: the *Willamette River Central Reach Natural Resources Protection Plan (2020)* and the *River Plan / South Reach Natural Resources Protection Plan (2020)*.

B. Map symbols. The River Overlay zones are shown on the Official Zoning Maps with the following symbols:

Overlay Zone	Map Symbol
River General	g*
River Recreational	r*
River Environmental	e

33.475.030 Where These Regulations Apply

A. General. The regulations of this chapter apply to the land and the water within the Central Reach and South Reach portions of the Willamette Greenway Plan boundary shown on Map 475-1 and designated on the Official Zoning Maps with the River General (g*), the River Recreational (r*), and the River Environmental (e) overlay

zones. The regulations of this chapter do not apply to the River General (g) or River Recreational (r) overlay zones located within the Greenway Overlay zone boundary shown on Map 440-1. See Chapter 33.440, Greenway Overlay zones for regulations that apply to the River General (g) and River Recreational (r) overlay zones within the Greenway Overlay zone boundary.

1. River General and River Recreational overlay zones. The regulations in Sections 33.475.200 through 33.475.260 apply to all sites in the River General and River Recreational overlay zones.
2. River Environmental overlay zone. The regulations in 33.475.400 through 33.475.450 apply to all sites in the River Environmental overlay zone.
3. Removal or remediation of hazardous substances. The regulations in 33.475.500 apply to actions to remove or remediate hazardous substances that have been approved or selected under Oregon or federal cleanup law. The regulations in 33.475.500 only apply to the portions of the site where the removal or remediation actions will occur; development or exterior alterations on other portions of the site outside of the removal or remediation areas must meet all other applicable regulations and procedural requirements of this chapter. Remedial actions within public rights of way and actions not approved or selected by a state or federal cleanup authority must meet all other applicable regulations and procedural requirements of this chapter and may not use 33.475.500. The applicant conducting the removal or remediation action may choose to meet the regulations of 33.475.500 or all other applicable regulations of this chapter.

33.475.050 Supplemental Permit Application Requirements

The following information is required when a permit for development or exterior alteration in the River Overlay zones is reviewed for compliance with this chapter.

- A. Supplemental site plans.** The following supplemental site plans are required when a permit for development or exterior alteration within the River Overlay zones is reviewed for compliance with this chapter. Five copies of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches; and
 1. An existing conditions site plan including:
 - a. Location of all base zone and overlay zone lines on the site;
 - b. Location of the top of bank, river setback line, ordinary high water mark, and the landscaping sub areas;
 - c. Outline of any existing development, including existing river bank stabilization treatments, stormwater treatment facilities, environmental enhancement or mitigation areas, and trails and paths;

- d. Extent of the riparian buffer area and combined flood hazard area;
 - e. The location, size including trunk and canopy crown diameter, and species of trees that are 1.5 inches or greater in diameter that are within and adjacent to the area where ground disturbance or vegetation removal will occur;
 - f. Vegetation other than trees within and adjacent to the area where ground disturbance or vegetation removal will occur. Vegetation may be shown as the area of cover with a list and percent cover of plant species present; and
 - g. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.
2. A proposed development or exterior alterations plan including:
- a. Outline of the proposed project area, including:
 - (1) limits of the temporary and permanent disturbance areas, equipment staging and maneuvering areas, ingress and egress areas, and areas to be left undisturbed;
 - (2) areas of ground disturbance, stockpiling or grading;
 - (3) outfalls and river bank stabilization treatments;
 - (4) trails and paths;
 - (5) areas of vegetation to be left undisturbed including the root protection zone for trees;
 - (6) environmental enhancement or mitigation areas,
 - b. Location of the top of bank, river setback line, ordinary high water mark and the landscaping sub areas;
 - c. Extent of the riparian buffer area and combined flood hazard area;
 - d. Location and volume (cubic yards) of fill to be placed within combined flood hazard area;
 - e. Location, volume (cubic yards), and design of proposed cut within the combined flood hazard area;
 - f. Location and description of all proposed erosion control measures;
 - g. Location and description of all proposed stormwater management facilities;
 - h. Location of proposed fencing and identification of where the fencing is temporary and where it is permanent;
 - i. Location of exterior lighting; and
 - j. A landscaping plan indicating the size, species, and location of all vegetation to be planted.

- B. Photos of the site.** Submission of photographs of the site are not required but are encouraged to supplement the existing conditions site plan.
- C. Mitigation bank credits.** If credits will be purchased from a City-approved mitigation bank to satisfy the requirements of 33.475.440.L, the applicant must provide proof of the purchase of credits.

River General and River Recreational Overlay Zones

33.475.200 Use Regulation

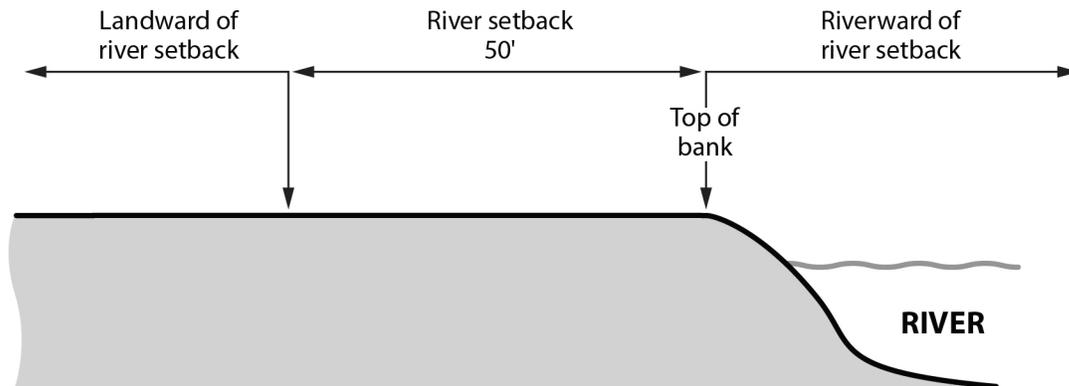
- A. River General overlay zone.** There are no special use restrictions in the River General overlay zone.
- B. River Recreational overlay zone.** Primary uses in the River Recreational overlay zone are limited to recreational uses that are river-dependent or river-related. On sites shown on Map 475-5, Retail Sales and Service use is allowed as an accessory use when the total amount of Retail Sales and Service use does not exceed 1,500 square feet of net building area.

33.475.210 River Setback

- A. Purpose.** The purpose of the river setback is to keep structures separated from the river in areas where the land is not being reserved for river-dependent and river-related uses. Separating structures from the river facilitates protection, maintenance, restoration, preservation and enhancement of the natural, scenic, historic and recreational qualities of the Willamette River by reserving space for the conservation and enhancement of natural vegetation and the opportunity for public access. In addition, OAR 660-015-0005 requires the establishment of a setback line.
- B. General.** The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, in the River General overlay zone, a marine transportation terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock is river-dependent, but the parking lot and offices are not.
- C. The river setback.** The river setback extends from the top of the bank to a point 50 feet landward of the top of bank. See Figure 475-1. Top of bank is shown on Map 475-2. Where top of bank is not shown on Map 475-2, top of bank is determined as described in 33.910.030, Definitions, and 33.930.150, Measuring Top of Bank. Where top of bank is shown on Map 475-2, applicants may choose to determine top of bank as described in 33.910.030, Definitions, and 33.930.150, Measuring Top of Bank.

Where alteration to the river bank carried out to meet 33.475.440.H results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and new top of bank line must be submitted for verification that the top of bank has been measured according to the standard in 33.930.150, Measuring Top of Bank, and then recorded with the County recorder. In all cases the river setback line must be at least 5 feet landward of the new top of bank line.

**Figure 475-1
River Setback**

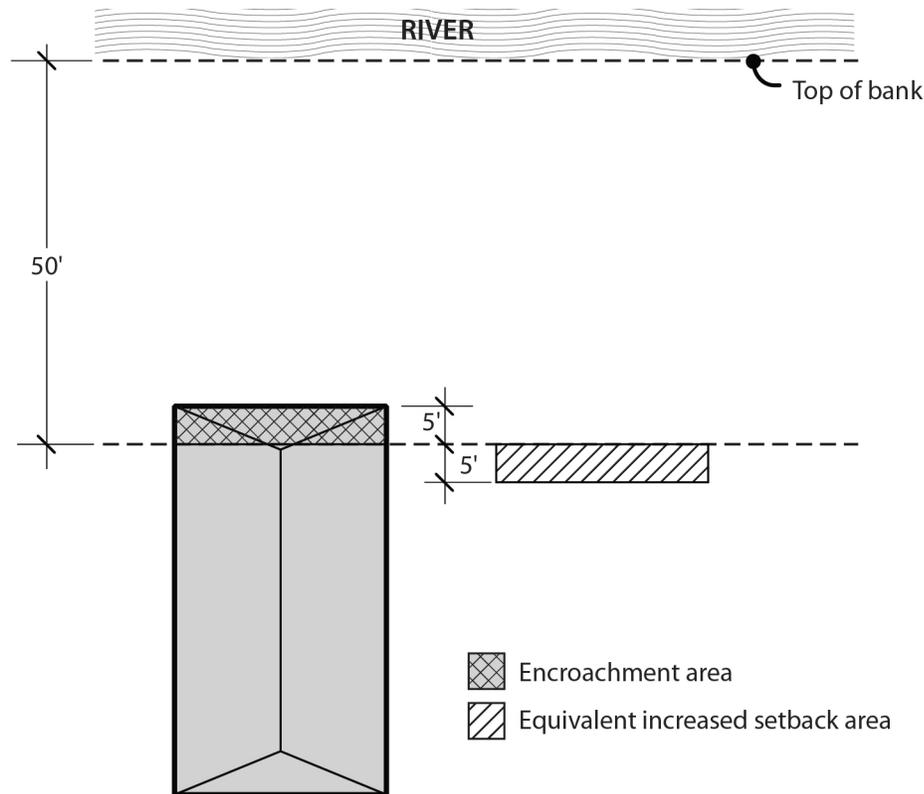


D. River setback standards.

1. Development landward of the river setback. Development, exterior alterations, excavations, and fills landward of the river setback are not required to be river-dependent or river-related.
2. Development within or riverward of the river setback. Except as follows, development, exterior alterations, excavations, and fills within or riverward of the river setback must be river-dependent or river-related:
 - a. Development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed to encroach into the river setback as described in Subsection E. Development, exterior alterations, excavations, and fills located riverward of the setback must be river-dependent or river-related, except as allowed by 33.475.250.D;
 - b. Development within a Historic or Conservation landmark located within or riverward of the river setback is not required to be river-dependent or river-related, and the floor area of the landmark and the exterior improvement area associated with the landmark can be increased up to a total of 10 percent within the river setback when the alteration does not bring the building or exterior improvement area closer to the river.
 - c. All other development, exterior alterations, excavations, and fills that are not river-dependent or river-related are allowed if approved through a Greenway Goal Exception.

- E. Encroachment into the setback.** Development that is not river-dependent or river-related may encroach up to 5 feet into the river setback provided that the setback is increased by an area equivalent in size to the encroachment area. The area that is increased must be located adjacent to the original setback. See Figure 475-2.

Figure 475-2
Encroachment into the River Setback



33.475.215 Marine Passenger Docks and Terminals

- A. Purpose.** River-related development provides goods or services that are directly associated with river-dependent land or waterway use. River-related development is typically allowed within the river setback, however certain river-related development associated with a marine passenger dock, while river-related in nature, does not need to be fully located within the river setback. In order to ensure that these particular types of river-related development do not overwhelm or dominate within the river setback, the total amount of footprint allowed within the setback is limited. The limitation will ensure that the river setback can accommodate other river-related or river-dependent development and provide opportunities for recreation, public access, and the conservation and enhancement of natural, scenic and historic resources.
- B. Standard.** Passenger waiting and queuing areas, security checkpoints, and machine shops associated with marine passenger docks for subregional travel or marine passenger terminals for regional travel are limited to a 5,000 square foot footprint within or riverward of the river setback.

33.475.220 Landscaping

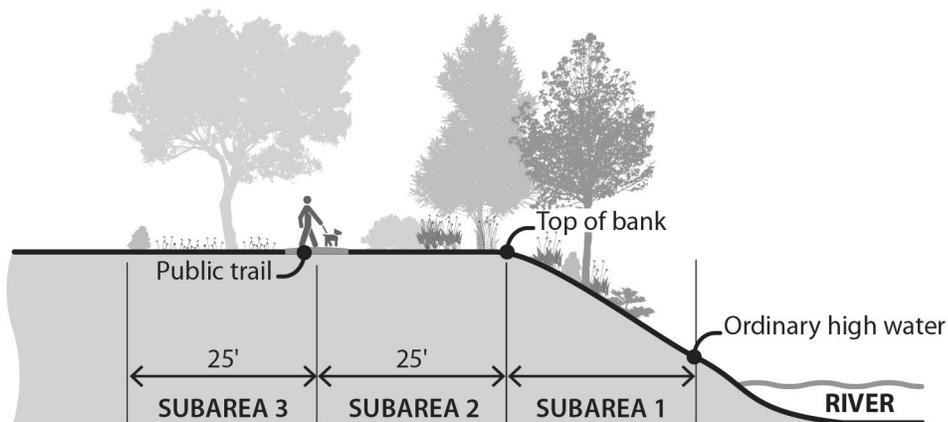
The following regulations apply to new development and exterior alterations to existing development in the River General and River Recreational overlay zones.

A. Purpose. The landscaping regulations are intended to increase vegetation along the Willamette River. Adding a diversity of vegetation within the river setback will improve multiple ecosystem functions, increase fish and wildlife habitat, provide shade, cool the air, and create visual diversity. The regulations are also intended to accommodate safe and enjoyable public access to and along the Willamette River.

B. Required landscaping.

1. Governor Tom McCall Waterfront Park and the Eastbank Crescent beach, shown on Map 475-3, are exempt from this Section.
2. Required landscaping for all other areas. For areas not exempt from this section, land within and riverward of the river setback that is not covered with a building or other structure, existing vehicle area, or developed with a trail or viewing area must be landscaped to meet Table 475-1, Landscaping Planting Density. Subareas are shown on Figure 475-3 and described below. There are three planting densities allowed within each subarea. The applicant may choose which planting density standard to apply within each subarea, and more than one planting density may occur on a site. For example, the applicant may choose planting density 1 for all the subareas, or planting density 2 for subarea 1, planting density 3 for subarea 2, and planting density 1 for subarea 3.
 - a. Subareas:
 - (1) Subarea 1 extends from the ordinary high water mark to the top of bank of the Willamette River.
 - (2) Subarea 2 extends from the top of bank to a point 25 feet landward of the top of bank of the Willamette River.
 - (3) Subarea 3 extends from a point 25 feet landward of the top of bank to a point 50 feet landward of the top of bank of the Willamette River (top of bank is shown on Map 475-2). When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, Subarea 3 extends into the increased setback area.

**Figure 475-3
Landscaping Area**



- b. Vegetation planted to meet the resource enhancement standards of 33.475.440.H or the mitigation standards of 33.475.440.L may be counted towards meeting the landscaping standard.
- c. Exceptions.
 - (1) Landscaping is not required within portions of sites where contamination removal or remediation actions meet the standards of 33.475.500;
 - (2) Landscaping is not required where the Fire Marshal finds that it would pose a safety hazard;
 - (3) Trees and shrubs are not required within utility easements but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre;
 - (4) Trees and shrubs are not required within a Scenic overlay zone but the area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may not be planted within a Scenic overlay zone; or
 - (5) If the area to be landscaped within subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3) and the area with an average slope of 30 percent or steeper is armored with rip rap, or the area within subarea 1 has rip rap that is at least four feet deep, then the required subarea 1 landscaping may be planted on an area of the site that is landward of the river setback but within the River overlay zones, or the applicant may pay a revegetation fee-in-lieu as described below. If the landscaping will be provided on-site, the total area outside of subarea 1 to be landscaped must be equivalent in size to the area that would have been required to be landscaped in subarea 1. More than one landscaped area may be provided to achieve the total, but other required landscaping may not count toward the total:
 - Revegetation fee-in-lieu use and administration. The revegetation fee is collected by Bureau of Development Services and is administered by the

Bureau of Environmental Services (BES). The fees collected are used for revegetation projects on public or private property within the River Environmental overlay zone.

- Calculation of required fee-in-lieu contributions. Applicants must contribute the cost to purchase and plant trees, shrubs and groundcover plants as set out in the next bullet. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor and maintenance.
- Required fee-in-lieu contribution. The applicant must contribute the cost to purchase, plant and maintain one tree, three shrubs and four ground cover plants per 100 square feet of required planting area before a building permit will be issued. The fee calculation will be rounded up to the next multiple of \$10. The minimum area to be used in this calculation is 100 square feet. Calculations that are not a multiple of 100 will be rounded up to the next multiple of 100.

Table 475-1 Landscaping Planting Density			
Subarea	Planting Density 1: Small Trees[1]	Planting Density 2: Medium Trees[1]	Planting Density 3: Large Trees[1]
Landscaping Subarea 1	At least one tree, three shrubs, and four other ground cover plants must be planted for every 100 square feet of subarea. Trees may be clustered. All plants must be native.	At least one tree, six shrubs, and eight other ground cover plants must be planted for every 200 square feet of subarea. Trees may be clustered. All plants must be native.	At least one tree, nine shrubs, and 12 other ground cover plants must be planted for every 300 square feet of subarea. Trees may be clustered. All plants must be native.
Landscaping Subarea 2	Option 1: Same as Subarea 1 Option 2. At least one tree and three shrubs must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered.	Option 1: Same as Subarea 1 Option 2: At least one tree and six shrubs must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. Trees may be clustered.	Option 1: Same as Subarea 1 Option 2. At least one tree and nine shrubs must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre Trees may be clustered.
Landscaping Subarea 3	At least one tree must be planted for every 100 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. If shrubs are provided, a minimum 3 shrubs must be planted for every 100 square feet of subarea. Trees may be clustered.	At least one tree must be planted for every 200 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. If shrubs are provided, a minimum of 6 shrubs must be planted for every 200 square feet of subarea. Trees may be clustered.	At least one tree must be planted for every 300 square feet of subarea, and the entire subarea must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre. If shrubs are provided, a minimum of 9 shrubs must be planted for every 300 square feet of subarea. Trees may be clustered.

[1]Tree size is based on Title 11.60.020.C Canopy Size

C. Landscaped area site preparation. Before installing the required landscaping, the following standards must be met:

1. All prohibited and nuisance plants listed on the *Portland Plant List* must be removed within and riverward of the river setback.
2. All structures and debris located within and riverward of the river setback must be removed except for river-dependent and river-related structures, non-conforming development, erosion control measures, flood control facilities, large wood, and bioengineered structures. Examples of bioengineered structures include bundles of plant materials or soil cells wrapped in biodegradable fabrics.
3. If the area to be planted is not currently vegetated, the soil must be amended with 12 inches of growing medium. If the planting area is in subarea 1 has an average slope of 30 percent or steeper (30 percent slope represents a rise over run ratio of 1:3.3), and is armored with rip rap, the growing medium may be placed in planting wells. The composition of the growing medium must meet one of the following:
 - a. For all planting areas located outside of the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
 - b. For all planting areas located within the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and that any growing medium to be located in subarea 1 is heavier than water.
4. Placement of the growing medium is not allowed when the ground is frozen or saturated; and
5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.

D. Plant requirements. Trees must be a minimum ½-inch caliper, bareroot, or live stakes, unless they are oak or madrone, which may be one gallon size. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used.

E. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use. The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the requirements of this section, and the alterations are over the threshold of Paragraph E.1, the site must be brought into conformance with the development standards of this Section. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. Thresholds triggering compliance. The requirements of Subsections B, C, and D must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$300,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites with Ground Leases, required improvements must be made to the entire site.
3. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, C, and D, above, are also included.

33.475.225 Residential Docks

- A. Purpose.** The residential docks standard is intended to:
- Limit the impacts of new docks on shallow water habitat areas, which are critical for the survival of a variety of aquatic species;
 - Minimize harmful shading that predatory fish species use to prey on fish species listed under the Endangered Species Act;
 - Minimize disruption to water flow patterns and natural sediment transport along the shoreline; and
 - Maintain access to important foraging areas for waterfowl and other wildlife.
- B. Residential dock standards.** The following standards apply to new floating boat docking structures located in a residential zone.
1. The total square footage of the new floating boat docking structure must not exceed 200 square feet. Adjustments are prohibited; and
 2. The new floating boat docking structure may not be located within shallow water habitat. Adjustments are prohibited. Modifications are allowed through river review.

33.475.230 Exterior Lighting

- A. Purpose.** The standards for exterior lighting are intended to:
- Minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along public trails, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river-dependent operations associated with docks.
- B. General standards.** The following standards apply to all exterior lights located within the River General overlay zone.
1. Exterior lights must not project light upward or to the side of the fixture;
 2. The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and

3. Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.

C. Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public streets are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
 - a. Park and Open Area uses;
 - b. The major public trail;
 - c. A public viewing area; or
 - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart; and
4. Exterior lights must not project directly into the Willamette River.

33.475.235 Bird-safe Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects in the South Reach. See Map 475-1. For new buildings, the standards apply per facade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per façade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:

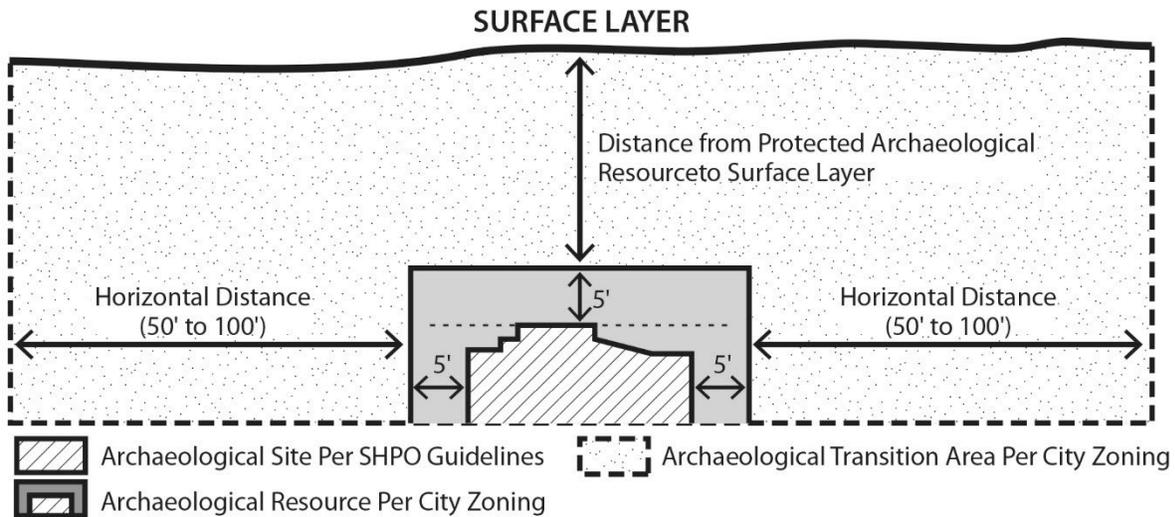
1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
3. The glazed portions of sky bridges or fences.

33.475.245 Archaeological Resources Protection

- A. Purpose.** Archaeological and historical evidence shows that Native Americans lived along the Columbia and Willamette rivers in the Portland region prior to European American contact and settlement. Pre-contact archaeological resources have historic, cultural, and scientific value to the general public and associated Native American tribes, whose ancestors lived in the area and harvested natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbing activities to uncover human remains and archaeological resources that may be eligible for listing on the National Register of Historic Places. The regulations of this section provide a process to survey areas with a high probability of having archaeological resources prior to ground disturbing activities and development and to protect any identified archaeological resources and their functional values.
- B. Definitions.** The following definitions apply for the purposes of implementing this section:
1. Archaeological resource. A resource identified by the State Historic Preservation Office (SHPO) that meets one or both of the following:
 - a. An archaeological site associated with use by Native Americans prior to European-American contact that meets SHPO guidelines plus a 5-foot vertical buffer and a 5-foot horizontal buffer. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource. See Figure 475-4; or
 - b. A property of traditional religious and cultural importance as identified by SHPO and documented in writing by an appropriate tribe.
 2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally from the edge of the archaeological resource, as described below. See Figure 475-4. Archaeological features associated with a resource may also be encountered in the transition area:
 - a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.
 - b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.
 3. Appropriate tribe. One or more tribes identified by the Oregon Legislative Commission on Indian Services or the Washington Governor's Office of Indian Affairs as having the greatest interest in the archaeological resource.

4. Qualified archaeologist. An archaeologist on the SHPO list of qualified archaeologists knowledgeable in Native American lifeways in the Portland Basin in the pre-contact period.
5. Consultation with appropriate tribes. A process that follows SHPO procedures for tribal consultation on state archaeological permits.

Figure 475-4
Archeological Resource Subarea



- C. **Where these regulations apply.** The regulations of this section apply within the high sensitivity areas shown on Map 475-4.
- D. **When these regulations apply.** The regulations of this section apply to new development and alterations to existing development when the development causes more than 200 square feet of disturbance within the high sensitivity area.
- E. **Archaeological resource identification.** Prior to new development or alteration to existing development, the applicant must identify whether archaeological resources exist in the high sensitivity area. If archaeological resources exist, then the regulations of Subsections F. and G. apply. If no archaeological resources exist, then the regulations of Subsection F. and G. do not apply. The applicant must identify whether archaeological resources exist using one of the following two methods:
 1. Written documentation. The applicant must provide documentation that specifies that the high sensitivity area has been previously surveyed and that no archaeological resource was identified. The written documentation must be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability; or
 2. Archaeological survey. The applicant must conduct an archaeological survey to determine whether archaeological resources exist in the high sensitivity area. The archaeological survey must meet the following standards:

- a. A qualified archaeologist must perform the survey in consultation with appropriate tribes.
- b. The survey must include a pedestrian visual inspection of the ground surface of the high sensitivity area. The methodology of the pedestrian visual inspection shall be determined by the qualified archaeologist.
- c. The survey must include a subsurface investigation with at least 1 subsurface probe. The methodology of the subsurface investigation, including the number, location and dimensions of subsurface probes shall be determined by the qualified archaeologist.
- d. A survey report describing the methodology of the survey and whether any archaeological resources were found in the high sensitivity area must be submitted to the Bureau of Planning and Sustainability. If no archaeological resource is found, BPS will provide a zoning confirmation letter to the applicant waiving any additional compliance with this section. If the survey identifies an archaeological resource, the applicant must provide the following additional materials. In the interest of not disclosing the location of archaeological resources, the materials required below will be stamped "Confidential: Sensitive Information." Bureau of Planning and Sustainability and Bureau of Development Services staff will treat these materials in accordance with the City's nondisclosure policies:
 - (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbing activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site;
 - (2) Archaeological survey map. A map showing the locations of all subsurface probes completed for the site;
 - (3) Archaeological resource map. A map showing the boundaries of all archaeological resources that are recorded with SHPO or encountered during the archaeological survey. The map must also show the transition area associated with each archaeological resource and any conservation easements intended to protect archaeological resources. The Bureau of Planning and Sustainability will maintain a confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 475-4; and
 - (4) SHPO archaeological reports. Any archaeological reports related to the site filed with SHPO.

F. Archaeological resource classification. When an archaeological resource has been identified, a qualified archaeologist must classify the archaeological resource as one or more of the following types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.

2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.

G. Archaeological resource protection standards. The following standards apply to identified archaeological resources:

1. Application of development standards. Where more than one archaeological resource is identified together:
 - a. If one of the archaeological resources is a burial, the standards for burials apply to all resources;
 - b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the standards for villages; or traditional, sacred, or cultural use sites apply to all resources;
 - c. If all of the archaeological resources are seasonal campsites or activity areas, the standards for seasonal campsites or activity areas apply to all resources.
2. Ground disturbing activities within the archaeological resource and transition area are prohibited except as follows:
 - a. Ongoing and low-impact activities. Except for the archaeological resource area of burials, the following ongoing and low-impact activities are allowed in archaeological resource and transition areas:
 - (1) Maintenance, repair, and replacement of existing structures, exterior improvements, roads, boat launch areas, and utilities when the activity does not enlarge the existing disturbance area horizontally or vertically;
 - (2) Maintenance of lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;
 - (3) Change of crop type or farming technique on land currently in agricultural use;
 - (4) Alterations of buildings that do not increase building coverage;
 - (5) Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization

- features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and the high sensitivity area;
- (6) Removing a nuisance tree listed on the *Portland Plant List*. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
 - (7) Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
 - (8) Public street and sidewalk improvements that do not enlarge the existing disturbance area horizontally or vertically; and
 - (9) Constructing paved parking lots and circulation areas in the transition area.
- b. Activities allowed with an archaeological resource recovery plan and MOU. For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, ground disturbing activities associated with uses otherwise permitted by this Title are allowed if an archaeological resource recovery plan that meets the following is submitted. Ground disturbing activities other than allowed by Subparagraph G.2.a. are prohibited within the archaeological resource and transition area of a burial:
- (1) An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate tribes, and a private agreement (Memorandum of Understanding) between the applicant, property owner, SHPO and tribes. The required steps include:
 - Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet SHPO standards for archaeological resource recovery projects.
 - Consultation with appropriate tribes.
 - The applicant must contact the appropriate tribes, by registered or certified mail, to request comments on archaeological survey results and archaeological resource recovery plan and offer a meeting. The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.
 - The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological survey results and discuss the archaeological resource recovery plan. More than one meeting may be held.

- After the meetings, and before applying for a building permit, the applicant must send a letter to the appropriate tribes. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.
 - Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, SHPO and at least one appropriate tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.
 - Archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with SHPO and tribal governments must be filed with the building permit.
- (2) For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area within an archaeological resource. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
 - (3) For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
3. Modification of other development standards. For sites with identified archaeological resources, the following development standards are modified:
 - a. Minimum building setbacks are reduced to zero;
 - b. For purposes of meeting minimum landscaping requirements, the applicant may exclude the archaeological resource area from the total site area.

33.475.250 Nonconforming Uses and Development

Nonconforming uses and development in the River General overlay zone are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the river setback that is not river-dependent or river-related:

- A.** The development may continue;
- B.** The development may be changed to an allowed river-dependent or river-related development by right;
- C.** The development may be changed to another nonconforming development if within the existing building. If outdoors, it may not be changed to another nonconforming development; and

- D.** The development may be expanded, but, except as allowed below, not within or riverward of the river setback. Expansion includes adding additional floor area;
1. An existing house located in the river setback may be expanded vertically within the existing building footprint. For the purpose of this standard, building footprint is the perimeter of the building established by the exterior faces of the building foundation. Building footprint does not include porches, decks or eaves. Existing exterior building walls that project beyond the building foundation may be expanded vertically, provided the area of the building foundation is not increased; and
 2. An existing seawall located in the river setback may be expanded for structural reinforcement only, and when the following are met:
 - a. The thickness of the seawall may be increased up to 1 foot. The thickness is measured from the riverward face of the seawall to the landward face of the seawall. Tiebacks may be added in addition to the allowed increase in thickness if no permanent disturbance area associated with the tiebacks is proposed;
 - b. The height and length of the seawall may not be increased;
 - c. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;
 - d. Vegetation removal is allowed as specified in 33.475.440.K.; and
 - e. Mitigation is required as specified in 33.475.440.L.; and
 3. An existing pump station structure located within or riverward of the river setback may be expanded; however, the footprint of the existing structure may not be expanded closer to the river.

33.475.260 Property Line Adjustments

Property line adjustments may not result in a property that is in more than one river overlay zone except as follows:

- A.** The second overlay zone is the River Environmental overlay zone;
- B.** The property line adjustment involves at least one property owned by Portland Parks and Recreation.

River Environmental Overlay Zone

33.475.400 Use Regulation

There are no special use restrictions associated specifically with the River Environmental overlay zone. However, any use restrictions that apply as a result of an accompanying River overlay zone also apply within the River Environmental overlay zone.

33.475.403 When These Regulations Apply

Unless exempted by 33.475.405, the regulations apply to:

- A. Development;
- B. Planting, removing, pruning, mowing, clearing, burning or poisoning trees or vegetation;
- C. Changing topography, grading, excavation or filling;
- D. Resource enhancement; and
- E. All land divisions and property line adjustments except for middle housing land divisions. The regulations of this chapter do apply to development proposed on a middle housing land division site.

33.475.405 Items Exempt From These Regulations

The following items are exempt from the River Environmental overlay zone regulations:

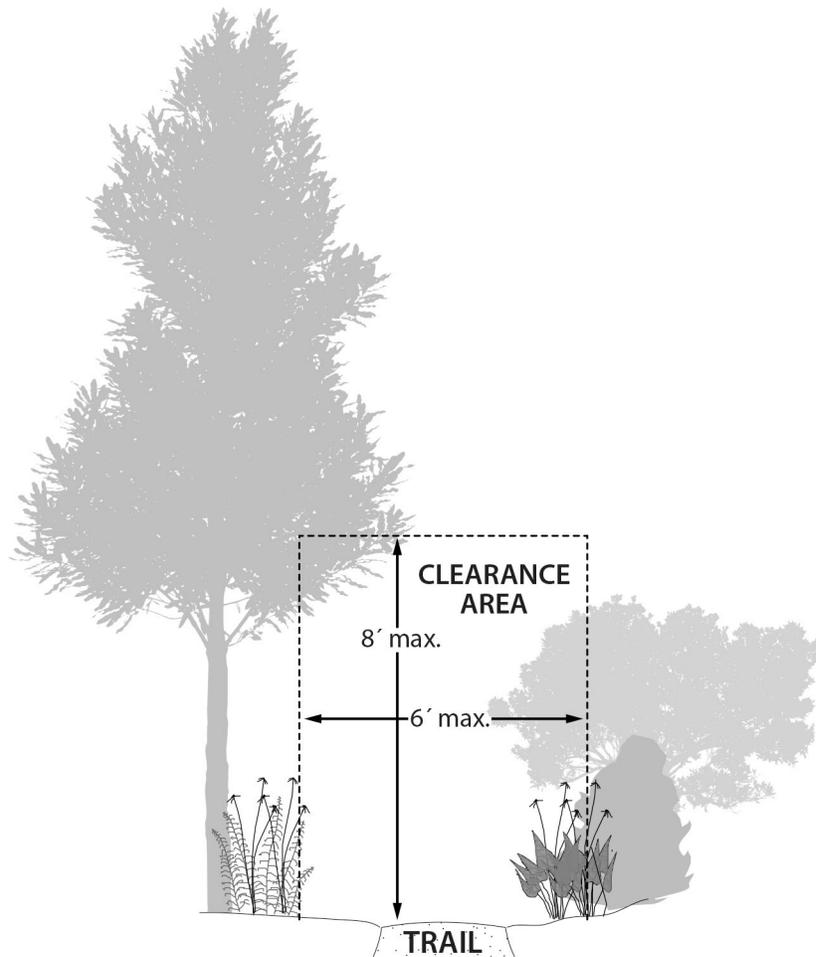
- A. Change of ownership;
- B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- C. Changes to the interior of a building;
- D. Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation systems, stormwater facilities, non-potable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased. Replacement of an existing floating boat dock structure located in a residential zone and alteration or repair of more than 50 percent of the combined constituent systems of an existing floating boat dock structure located in a residential zone is not exempt;
- E. Dredging, channel maintenance, and the removal of materials from the river as follows:
 - 1. Dredging, channel maintenance, and the removal of material within the federal navigation channel.
 - 2. Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
 - a. Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
 - b. Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
 - 3. The placement of dredged materials within the River Environmental overlay zone is not exempt.
- F. Removal of structures and debris located landward of the ordinary high water mark of the Willamette River, streams or drainageways, or more than 30 feet from a wetland;
- G. Installation of temporary erosion control measures;
- H. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;

- I. Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the Nuisance Plants List;
- J. Changes to existing disturbance areas to accommodate outdoor activities such as events, play areas and gardens as long as plantings do not include plants on the Nuisance Plants List and no trees 1.5 or more inches in diameter are removed within or riverward of the river setback and no trees 3 or more inches in diameter are removed landward of the river setback;
- K. Development located on an existing legally-permitted dock, wharf, or pier. A dock, wharf, or pier includes the gangway that provides access to the dock, wharf or pier;
- L. Removal or pruning of vegetation as follows:
 - 1. Removal or pruning of non-tree vegetation listed on the Nuisance Plant List and other non-tree, non-native vegetation located within the riparian buffer area or within or riverward of the river setback. Temporary disturbance must be replanted to meet the relevant subarea standards of Table 475-1.
 - 2. Removal or pruning in areas landward of the river setback and outside the riparian buffer area.
 - a. Removal or pruning of non-native trees and trees on the Nuisance Plants List that are not more than 3 inches in diameter. Temporary disturbance area must be replanted to meet the subarea 3 standard of Table 475-1.
 - b. Removal or pruning of other non-native vegetation and vegetation on the Nuisance Plants List. Temporary disturbance must be replanted to meet the relevant subarea standards of Table 475-1.
- M. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;
- N. Public street and sidewalk improvements that are located within the developed portion of a public right-of-way.
- O. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations when access is by foot only;
- P. Installation of security cameras provided that no more than 100 square feet of ground surface is disturbed landward of top of bank, no ground is disturbed riverward of the top of bank, no native trees over 1.5 inches in diameter are removed within or riverward of the river setback, no trees over 3 inches are removed landward of the river setback, and disturbed area is planted with the following (top of bank is shown on Map 475-2):
 - 1. Three shrubs per 100 square feet; and
 - 2. Grass and forb seed mix at a ratio of 30 pounds per acre restored to pre-construction conditions;
- Q. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed landward of the top of bank, no ground is disturbed riverward of top of bank, no trees over 1.5 inches in diameter are removed within or riverward of the river

setback, no trees over 3 inches are removed landward of the river setback, and disturbance area is planted with the following (top of bank is shown on Map 475-2):

1. Three shrubs per 100 square feet; and
 2. Grass and forb seed mix at a ratio of 30 pounds per acre;
- R.** Utilities installed above or below developed portions of the public right-of-way, and stormwater management facilities within the developed portions of a public right-of-way provided that no ground is disturbed riverward of top of bank (top of bank is shown on Map 475-2);
- S.** Installation of fencing in the following situations:
1. Fencing on an existing paved surface;
 2. Fencing around stormwater facilities that meet the Stormwater Management Manual; or
 3. Temporary fencing to protect resource enhancement project planting areas, prevent access to hazardous material spill areas or contaminated sites, or to close off or control the use of illegal trails. The fence must be removed within five years;
- T.** Installation of signage and maintenance within 5 feet to preserve the visibility of signage provided no trees over 1.5 inches in diameter are removed within or riverward of the river setback, and no trees over 3 inches are removed landward of the river setback; and
- U.** Removal of trash, provided that native vegetation is not removed or damaged. This includes removal of trash from the river bed and from the water. Removal of trash does not include the removal or remediation of hazardous substances.
- V.** Trails meeting all of the following:
1. Trails must be confined to a single ownership or be within a public trail easement
 2. Trail width does not exceed 36 inches, stair or ramp width does not exceed 50 inches, and trail grade does not exceed 20 percent except for the portion of the trail containing stairs;
 3. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 475-5;
 4. No native trees 1.5 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
 5. The trail is not paved; and
 6. The trail is at least 15 feet from the top of bank of all water bodies.

Figure 475-5
Trail Vegetation Pruning and Maintenance Area



33.475.410 Environmental Report

The application of the River Environmental overlay zone is based on two detailed studies: the *Willamette River Central Reach Natural Resources Protection Plan (2020)* and the *Willamette River South Reach Natural Resources Protection Plan (2020)*. The report identifies the type, location, extent and relative condition of natural resource features and describes the functional values they provide within the study area. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of the report.

33.475.420 Review Procedures

Development, exterior alterations, property line adjustments, and land divisions will be reviewed through one of the following tracks:

- A. Standards.** Several specific types of development, exterior alterations, property line adjustments, and land divisions are allowed within the River Environmental overlay zone if the proposal meets certain standards. The standards are intended to encourage sensitive development while providing clear limitations on disturbance, including tree removal, and minimizing impacts on resources and functional values. Adjustments to the standards are

prohibited. Proposals that do not meet all the standards within each relevant section require approval through River Review. When a proposal can meet the standards, the applicant may choose to meet the objective standards of this section or go through the discretionary River Review process. When there are no applicable standards, the proposal must be approved through River Review. Compliance with the standards is determined as part of the building permit or development permit application process. The standards are listed in 33.475.440.

- B. Review.** River Review is required when the proposed development, exterior alteration, property line adjustments, or land division is subject to the River Environmental overlay zone regulations and the development, exterior alteration, or land division either does not meet the River Environmental overlay zone development standards or there are no River Environmental overlay zone development standards that apply to the proposal. The process and approval criteria for River Review can be found in Chapter 33.865, River Review.

33.475.430 Prohibitions

The following are prohibited within the River Environmental overlay zone:

- A.** The packaging or storage of hazardous substances except as follows:
 - 1. Use of consumer quantities of hazardous substances is allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sale outlets for consumption by individuals for purposes of personal use; and
 - 2. Marine vessel fueling stations are allowed.
- B.** The planting or propagation of any plant listed on the *Nuisance Plant List*; and
- C.** Dumping of trash or yard debris.

33.475.440 Development Standards

Unless exempted by 33.475.405., the standards in this Section apply to development, exterior alterations, and land divisions in the River Environmental overlay zone. All of the applicable standards must be met. Proposals that do not meet all the standards within each relevant section require approval through River Review.

- A. Standards for rail rights of way.** The following standards apply to rail rights-of-way:
 - 1. The disturbance area associated with the development of a rail right-of-way must occur within a corridor that is not more than 20 feet wide. No disturbance is allowed outside of the 20-foot-wide corridor;
 - 2. Disturbance associated with the rail corridor or development of the rail corridor must not occur within the riparian buffer area, riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of a wetland or the top of bank of any other stream or water body. See Map 475-6 for the riparian buffer area and Map 475-2 for the top of bank;

3. Vegetation removal is allowed as specified in Subsection K.; and
 4. Mitigation is required as specified in Subsection L.
- B. Standards for utility lines.** The following standards apply to new utility lines and upgrades to existing utility lines, including stormwater conveyance facilities, and private connections to utility lines:
1. The disturbance area for the installation of a utility line or upgrade to an existing utility line, including utility trenching, must be no more than 15 feet wide;
 2. The disturbance area must not occur within the riparian buffer area, riverward of the top of bank of the Willamette River, within the river channel, or within 30 feet of a wetland or the top of bank of any other stream or other water body. See Map 475-6 for the riparian buffer area and Map 475-2 for the top of bank;
 3. Vegetation removal is allowed as specified in Subsection K.;
 4. The temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
 5. Exemption. If a proposed utility line or upgrade to an existing utility line runs through an area that has already been approved as a permanent disturbance area, or allowed by standards of this section, it is exempt from Paragraphs B.1. and B.2.
- C. Standards for stormwater outfalls.** The following standards apply to the installation of stormwater outfalls:
1. The disturbance area associated with the installation or replacement of a stormwater outfall must not be more than 10 feet wide;
 2. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the water body must not exceed 15 percent at any point;
 3. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of three stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual;
 4. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 4 inches in diameter;
 5. Vegetation removal is allowed as specified in Subsection K.; and
 6. Mitigation is required as specified in Subsection L.
- D. Standards for placement of piles.** The following standards apply to the placement of up to four new single piles or two new multiple-pile dolphins for each 100 feet of shoreline:
1. The placement of the piles or dolphins must be associated with a river-dependent or river-related use;

2. An equal number of piles or dolphins as are placed in the River Environmental overlay zone, plus one, must be removed from the River Environmental overlay zone. Removal includes cutting the piles or dolphins off at the river bottom but does not include cutting the pile or dolphin at any point other than the river bottom; and
 3. If the applicant does not own the property where the pile or dolphin removal will occur, the applicant must have an easement or deed restriction sufficient to allow the necessary removal.
- E. Standards for public trails.** The following standards apply to the construction of a new public trail and alterations to an existing public trail:
1. The trail is located on public property or within a public trail easement;
 2. The trail must be setback at least 10 feet, and disturbance associated with construction of the trail must be setback at least 5 feet, from the top of bank of the Willamette River or a stream (top of bank is shown on Map 475-2);
 3. The trail and disturbance associated with construction of the trail must be setback at least 30 feet from a wetland or the top of bank of a water body;
 4. Maximum trail width:
 - a. On sites with the major public trail designation, one trail may be up to 16 feet wide and the disturbance area for the one trail may be up to 24 feet wide;
 - b. For all other trails, the total width of the trail must be no more than 4 feet and the total width of disturbance area must be no more than 8 feet wide;
 5. Vegetation removal is allowed as specified in Subsection K; and
 6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a Scenic overlay zone.
- F. Standards for public viewing areas.** The following standards apply to the construction of a public viewing area:
1. The viewing area must be associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan (2020)* or *River Plan / South Reach Scenic Resources Protection Plan (2020)*;
 2. The total disturbance area must be no more than 800 square feet in area;
 3. The permanent disturbance area associated with the viewing area must not be more than 500 square feet in area;
 4. The total disturbance area must not be located below the top-of-bank of the Willamette River (top of bank is shown on Map 475-2), stream, or any other water body, and must not be located within 30 feet of a wetland;
 5. Vegetation removal is allowed as specified in Subsection K.; and

6. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a Scenic overlay zone.
- G. Standards for view corridors.** The following standards apply to pruning or removing vegetation in a Scenic overlay zone.
1. Tree removal and pruning is allowed as specified in Subsection K.; and
 2. Temporary disturbance areas must be replanted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.
- H. Standards for resource enhancement.** The following standards apply to resource enhancement projects.
1. There must be no excavation, fill, or construction activity below ordinary high water mark of any river, stream, wetland or other water body;
 2. The riverbank may be re-graded if the slope after grading is shallower than the slope prior to grading and the slope is no greater than 20 percent (20 percent slope represents a rise to run ratio equal to 1:5);
 3. Rock armoring must not be used on the surface between the top of bank and the ordinary high water mark of any water body except as required surrounding outfalls (top of bank is shown on Map 475-2);
 4. No structures are proposed landward of the top of bank except trails that meet the regulations of 33.475.440.E, and structures associated with public viewing areas that meet the regulations of 33.475.440.F.;
 5. All nuisance plants listed on the *Portland Plant List* must be removed;
 6. Vegetation removal is allowed as specified in Subsection K.; and
 7. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1. Trees may not be planted within a Scenic overlay zone.
- I. Standards for site investigative work.** The following standards apply to site investigative work. Site investigative work includes soil tests and test pits, land surveys, and groundwater and water quality monitoring stations.
1. No more than 100 square feet of disturbance area is allowed per test pit or monitoring station;
 2. Disturbance associated with site investigative work must be temporary;
 3. No trees are removed; and

4. Temporary disturbance area must be planted with three shrubs per 100 square feet and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre.
- J. Standards for development in a City of Portland park.** The following standards apply to development in a City of Portland park that is not subject to another set of development standards contained in this Section.
1. The total disturbance area must not be more than 2,200 square feet;
 2. Disturbance area must not be located below the top-of-bank of the Willamette River, streams, or other water body, or located within 30 feet of a wetland. See Map 475-2 for the top of bank of the Willamette River;
 3. Vegetation removal is allowed as specified in Subsection K.; and
 4. Mitigation is required as specified in Subsection L.
- K. Standards for removal or pruning of vegetation.** The following standards apply to the removal or pruning of vegetation:
1. All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site;
 2. The removal or pruning must be conducted with handheld equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;
 3. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located outside and landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;
 4. Vegetation that is removed or pruned is limited to the following:
 - a. Vegetation listed on the *Nuisance Plant List*;
 - b. Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist. All sections of wood more than 12 inches in diameter must be placed in the River Environmental overlay zone of the ownership within which the wood was cut unless the City Forester authorizes the removal because the wood is diseased and will threaten the health of other trees;
 - c. Vegetation that exceeds the height restriction of a view corridor with special height restrictions designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*;
 - d. Trees not listed on the Nuisance Plant List that are less than 6 inches in diameter may be removed if the removal or pruning is in conjunction with development or an exterior alteration approved under the standards of this section as follows:
 - (1) Within a rail right-of-way or within 10 feet of the rail right-of-way;
 - (2) Within a utility line corridor;

- (3) Within the disturbance area for installation or replacement of stormwater outfalls;
 - (4) Within a public trail;
 - (5) Within a public viewing area associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*;
 - (6) Within a Scenic overlay zone;
 - (7) Within a resource enhancement area;
 - (8) Within the disturbance area associated with development in a City of Portland park; or
 - (9) Within the disturbance area associated with a residential structure.
- e. Trees less than 3 inches in diameter planted within a resource enhancement area may be removed when the relevant subarea standards of Table 475-1 are met. For the purposes of this standard, approved resource enhancement area means the area meets the resource enhancement standards of Subsection H., or was approved through a land use review.
5. Except for dead, dying and dangerous trees, vegetation removal or pruning within the riparian buffer area is prohibited between April 15 and July 31.
6. Trees removed must be replaced as shown in Table 475-2 and must meet the following:
- a. Replacement vegetation must meet all of the following:
 - (1) Trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent;
 - (2) The planting must occur within the River Overlay zones. Trees must not be planted within a Scenic overlay zone. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation. If tree removal on the project site is located in the combined flood hazard area; and
 - (3) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When at least five trees are planted for replacement, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply if all of the trees being removed are dead, dying, or dangerous trees, as determined by the City Forester or an arborist, or are nuisance trees. In this case, written

proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services; and

- b. Vegetation planted to meet the landscaping requirements of 33.475.220 may be counted towards meeting the tree replacement standard.

Table 475 – 2		
Tree Replacement in River Environmental Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- L. **Standards for mitigation.** The following standards apply to mitigation required by Subsections A., C., J., O., and P.
 - 1. Mitigation ratio. Mitigation must be provided as follows:
 - a. On-site mitigation and mitigation purchased from a City-approved mitigation bank must occur at a minimum 1.5:1 ratio of mitigation area to project disturbance area;
 - b. All other mitigation must occur at a minimum 3:1 ratio of mitigation area to project disturbance area.
 - 2. Location of mitigation. The mitigation area must be located as follows:
 - a. If mitigation will be provided as credits from a mitigation bank, the credits must be purchased from a City-approved mitigation bank located along the Lower Willamette River that is as close as possible to the disturbance area;
 - b. All other mitigation areas must be located in the River Environmental overlay zone and if the disturbance area is located within the combined flood hazard area, the mitigation area must also be located within the combined flood hazard area.
 - 3. If the mitigation area is not on the site where the disturbance occurs and is not credits purchased from a City-approved mitigation bank, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation;
 - 4. Nuisance plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this Paragraph must be replaced as specified in Subsection K.;

5. Plantings required for tree removal, as specified in Subsection K., can be counted towards mitigation if the planting is located within the River Environmental overlay zone or in an area that is contiguous to the River Environmental overlay zone;
6. Required planting density standards are specified in Table 475-3. Trees may be clustered. Trees must not be planted within a view corridor. Plants must be selected from the *Portland Plant List*;

Table 475-3 Planting Density			
	Small Trees[1]	Medium Trees[1]	Large Trees[1]
Planting Density	<p>One tree and one of the following two options for every 100 square feet:</p> <p>Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Three shrub and four other groundcover plants.</p>	<p>One tree and one of the following two options for every 200 square feet:</p> <p>Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Six shrub and eight other groundcover plants.</p>	<p>One tree and one of the following two options for every 300 square feet:</p> <p>Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or</p> <p>Option 2: Nine shrub and 12 other groundcover plants.</p>

[1] Tree size is based on Title 11.60.020.C Canopy Size

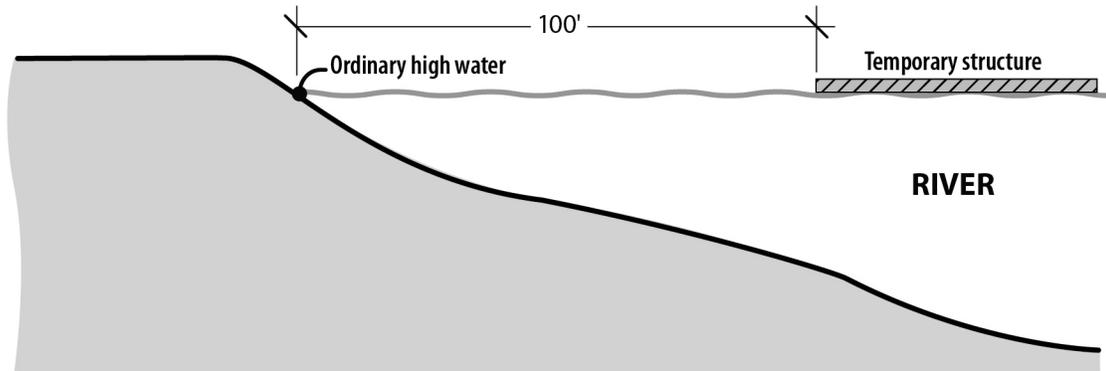
7. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species must be used; and
8. Trees must be a minimum ½-inch caliper, bareroot or live stake, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
9. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When the mitigation area is 1,000 square feet or greater, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply when the mitigation area is less than 1,000 square feet. In this case, written proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services.

M. Standards for application of soil amendments. The following standards apply to the application of soil amendments:

1. The depth of the soil amendment must be no more than 12 inches;
2. The soil must not be applied below the ordinary high water mark of the Willamette River, streams, or other water body, or within 30 feet of a wetland;
3. The composition of the growing medium must meet one of the following:

- a. For all planting areas located outside of the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume); or
 - b. For all planting areas located within the combined flood hazard area, the growing medium must be a blend of loamy soil, sand, small gravels and compost. A landscape architect or civil engineer must certify that the growing medium is adequate to support the establishment and growth of vegetation, and is heavier than water.
4. Placement of soil is not allowed when the ground is frozen or saturated; and
 5. Temporary erosion control measures are required until permanent stabilization measures are functional. Temporary erosion control measures must be biodegradable or removed after permanent stabilization measures are functional or within 3 years, whichever is sooner.
- N. Standards for placement of temporary structures for a seasonal public swimming area.**
The following standards apply to temporary structures for a seasonal public swimming area:
1. One land-based structure exclusively for storing life-safety equipment is allowed per site and must not exceed 300 square feet of floor area;
 2. Temporary floating structures are allowed and must meet the following standards:
 - a. More than one floating structure is allowed per site, but no more than 8 floating structures are allowed per reach of the Willamette River;
 - b. The floating structure must be free-floating or attached to an existing dock, pier or piling. Free floating means that the structure is anchored to the river bottom and is not accessible from the riverbank via anything other than the water;
 - c. The structure must not have walls or a roof; and
 - d. The structure must be at least 100 feet away from the riverbank. The 100 feet is measured horizontally from the ordinary high water mark. See Figure 475-6;
 3. All work necessary to install and remove temporary structures is allowed only between July 1 and October 31. All temporary structures must be removed by October 31; and
 4. The swimming area must be open to the public.

**Figure 475-6
Floating Structures**



O. Standards for all residential structure types. The following standards apply to all residential structure types.

1. The maximum disturbance area allowed within the River Environmental overlay zone on the site is determined by subtracting all portions of the site outside the River Environmental overlay zone boundary from the number listed in Table 475-4.

Table 475-4 Maximum Disturbance Area Allowed			
	RF, R20, and R10	R5	All Other Zones
Maximum Disturbance Area	5,000 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage

[1] Subtract the amount of area on the site outside the River Environmental overlay zone from the number given in the table.

2. The disturbance area must be located outside of the riparian buffer area and must be set back at least:
 - a. Five feet landward of the river setback; and
 - b. Thirty feet from the edge of any identified wetland or the top of bank of any identified-water body located landward of the river setback.
3. Vegetation removal is allowed as specified in Subsection K.
4. The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback.

5. Except as stated in Paragraph O.6, mitigation is required as specified in Subsection L.
 6. For alterations to existing development where the existing disturbance area now exceeds the limitations of Table 475-4, alterations are allowed within the existing disturbance area if the following are met:
 - a. The existing disturbance area may not be expanded; and
 - b. Increases in building coverage and exterior improvement area are allowed if the mitigation requirements specified in Paragraphs L.2. through L.8. are met for an area equivalent in size to at least 50 percent of the increase in building coverage and exterior improvement area. If the proposed development is less than 100 square feet, the minimum mitigation area will be 50 square feet.
- P. Standards for existing residential docks.** The following standards apply to replacing or altering or repairing floating boat dock structures that existed on March 1, 2021, that are located in a residential zone:
1. If the floating boat dock structure has a total square footage greater than 200 square feet, the total square footage of the floating portions must be reduced by at least 25 percent; and
 2. The non-floating portions of the floating boat dock structure must remain in the same location and must not increase in size.
- Q. Standards for land divisions and Planned Developments.** The following standards apply to land divisions and Planned Developments.
1. All development is landward the river setback;
 2. All development is outside the combined flood hazard area;
 3. Where there is a house on the site that is in the combined flood hazard area, it may remain if a new lot is created that meets the following:
 - a. The existing house will remain; and
 - b. A new lot is created to contain the existing house as well as a future building site at least five feet from the combined flood hazard area. For the purpose of this subsection, “building site” means an area of any shape in which a square 40 feet by 40 feet will fit;
 4. Areas of the combined flood hazard area that are outside of lots being created under the provisions of Paragraph P.3. are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowner’s Association, by a public agency, or by a non-profit organization;
 5. The total amount of disturbance area allowed within the River Environmental overlay zone is either the amount listed in Table 475-5 or 1 acre, whichever is less, minus the amount of area outside the River Environmental overlay zone;

Table 475-5 Maximum Disturbance Area for a Land Division and PD Allowed Within the River Environmental Overlay Zone [1]						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

6. Areas of the River Environmental overlay zone outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all the owners of the land division site, by a Homeowner’s Association, by a public agency, or by a non-profit organization;
7. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body;
8. New right-of-way and roadway widths do not exceed the maximums listed in Table 475-6;
9. Utility construction must meet the applicable standards of Subsection B. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard;
10. Installation of stormwater outfalls is allowed as specified in Subsection C;
11. Vegetation removal is allowed as specified in Subsection K.; and
12. Mitigation is required as specified in Subsection L.

Table 475-6 Maximum Right-of-way and Roadway Widths			
Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E, I, and CI	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E, I, and CI	Dead-end	40 feet	28 feet

R. Standards for Property Line Adjustments. The following standards apply to Property Line Adjustments (PLAs) in the River Environmental overlay zone. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

1. A Property Line Adjustment may not result in any property being entirely in the River Environmental overlay zone, unless that property is entirely in the River Environmental overlay zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.

2. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 475-7. A property that contains less than the area listed in Table 475-7 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 475-7.

Table 475-7				
Minimum Area Required Outside of the River Environmental Overlay Zone				
	OS through R10 Zones	R7 Zone	R5 Zone	All Other Zones
Maximum Area Required	5% of site area	17% of site area	22% of site area	50% of the base zone building coverage

33.475.450 Corrections to Violations of the River Environmental Overlay Zone Regulations

- A. Purpose.** The purpose of the correction regulations is to ensure the timely restoration of natural resources and functional values that have been degraded due to a violation of the River Environmental overlay zone.

These regulations establish a process to determine which review requirements will be applied to remedy a violation that takes place in the River Environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.475.450.B details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

- B. Correction Options.** Applicants must choose one of the following options to correct a river environmental code violation.

1. When these options may be used.
 - a. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
 - (1) No more than 12 diameter inches of trees were removed;
 - (2) No ground disturbance occurred riverward of the top of bank of the Willamette River in the riparian buffer area, or within 30 feet of a wetland or the top of bank of a stream or other water body. See Map 475-2 for top of bank;
 - (3) The correction will remove all illegal development; and
 - (4) The correction will replant illegal clearing.
 - b. If any of the following occurred, the applicant may not use Option One, but may choose either Option Two or Option Three:
 - (1) More than 12 diameter inches of trees were removed;
 - (2) A Madrone, Garry Oak, or Pacific Yew larger than 3 inches was removed; or

- must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots;
- (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met; and
 - (7) For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ½ inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
3. Option Two, Retain and Mitigate. This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met. Adjustments and modifications to these standards are prohibited.
- a. The applicable standards of paragraphs 33.475.440 must be met; and
 - b. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
 - (1) The area disturbed by the violation activity must be replanted to meet the standards of Table 475-3;
 - (2) For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used. Plants must be native and selected from the *Portland Plant List*.
 - (3) A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3;
 - (4) Any Nuisance or Prohibited Plants listed on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
 - (5) Trees must be a minimum ½ inch in diameter, bareroot or live stake, unless they are oak, madrone, or conifer, which may be three- to five-gallon size. No more than 10 percent of the trees may be oak or madrone. Trees must not be planted within a Scenic overlay zone. Trees may be clustered. Shrubs must be a minimum of two-gallon size. All other species must be a minimum of four-inch pots; and
 - (6) The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met. When the planting area exceeds 1,000 square feet, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply when the planting area is less than 1,000 square feet. In this case, written proof that

all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services; and

- c. For violations involving the removal of trees, two times the number of diameter inches removed must be planted on the site, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum ½-inch in diameter unless they are oak, Madrone, or conifer, which may be three- to five-gallon size.
4. Option Three, River Review. This option requires River Review, using the approval criteria and procedures below:
 - a. Approval criteria. The applicable approval criteria of Subsection 33.865.120 must be met.
 - b. Review procedures. Reviews are processed as follows:
 - (1) Type III. A Type III review is required for any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or water body.
 - (2) Type II. All other reviews to correct violations are processed through a Type II procedure.
 - (3) All River Reviews must provide the information required in Section 33.865.040, Supplemental Application Requirements.

Clean Up of Contaminated Sites

33.475.500 Removal or Remediation of Hazardous Substances

- A. General.** The following regulations are substantive requirements that apply to actions taken to remove or remediate hazardous substances. All of the regulations must be met unless one or more are demonstrated to be impracticable pursuant to subsection G, below.
- B. Where these regulations apply.** The regulations of this section apply to the portion of the site located within the boundaries of the removal or remediation action.
- C. Review procedure.**
 1. Except as described in Paragraph C.2., compliance with these regulations is processed through a Type II procedure.
 2. If the action to remove or remediate hazardous substances is subject to this Code but exempt from procedural requirements, the action must comply with the substantive requirements of these regulations to the extent required under state or federal law and the person performing the action must notify the City that the action is exempt. A person conducting a cleanup otherwise exempted from the procedural requirements may choose to obtain a permit.

- D. Relationship to other regulations in this chapter.** Actions to remove or remediate hazardous substances that are approved or selected under Oregon or federal cleanup law are exempt from the procedural requirements of Chapter 33.475. Any part of an action that is not in itself a remedial or removal action must meet all other applicable regulations and procedural requirements of this chapter.
- E. Regulations that apply to actions to remove or remediate hazardous substances.** The following regulations apply to proposals for the removal or remediation of hazardous substances:
1. The removal or remedial actions and the final remedy must not preclude the use of the site consistent with the uses allowed by the base zone or an approved conditional use. If the site is within the River Industrial overlay zone or riverward of the river setback, the final remedy must allow the use of the site for river-dependent or river-related activities unless the site is found to be unsuitable for river-dependent or river-related uses. Generally, this means that the final remedy must allow development of major public trails, dredging necessary to establish or maintain navigation to and from riverfront sites, the placement of piles or dolphins, or the development of a marine facility, dock, or wharf or other river-dependent or river-related structure;
 2. Buildings, structures and equipment required as part of removal or remediation actions must be located and designed taking into account the purpose of the river setback standard which is to keep structures at least 50 feet away from the top of bank of the river, reserve space for public access to the river and development of major public trails, and allow for natural resource enhancement (top of bank is shown on Map 475-2); and
 3. Water quality treatment facilities must be located outside of the River Environmental overlay zone.
- F. Regulations that apply to actions to remove or remediate hazardous substances that occur in specific areas.** The following regulations apply to actions within the River Environmental overlay zone to remove or remediate hazardous substances based on specific locations:
1. The following regulations apply to areas landward of the top of bank (top of bank is shown on Map 475-2):
 - a. Disturbance of the ground and removal of native vegetation must be avoided outside of the actual soil removal areas. If avoiding disturbance or native vegetation removal is not practicable, disturbance and removal must be minimized.
 - b. Where ground disturbance or removal of native vegetation cannot be avoided, the area must be replanted. The replanting standards are as follows:
 - (1) Nuisance and prohibited plants identified on the *Portland Plant List* must be removed within the area to be replanted and within 10 feet of any plantings;
 - (2) Planting density. The replanting area must meet one of the following plant and planting density standards specified in Table 475-8. Trees may be

clustered. Trees must not be planted within a view corridor designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*.

Table 475-8 Planting Density			
	Small Trees[1]	Medium Trees[1]	Large Trees[1]
Planting Density	One tree and one of the following two options for every 100 square feet:	One tree and one of the following two options for every 200 square feet:	One tree and one of the following two options for every 300 square feet:
	Option 1: Three shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or	Option 1: Six shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or	Option 1: Nine shrubs and seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; or
	Option 2: Three shrub and four other groundcover plants.	Option 2: Six shrub and eight other groundcover plants.	Option 2: Nine shrub and 12 other groundcover plants.

[1] Tree size is based on Title 11.60.020.C Canopy Size

- (3) Plant diversity. For planting areas over 600 square feet, at least two different tree species and sizes, three different shrub species, and four different groundcover species are used;
 - (4) Plant size. Trees must be a minimum ½-inch caliper or bareroot unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
 - (5) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
- c. Tree replacement. Trees that are 1.5 inches or greater in diameter that are removed must be replaced based on Table 475-9:

Table 475-9 Tree Replacement in Hazardous Substance Cleanup Sites		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	2	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- (1) Size. The replacement trees must be a minimum ½-inch diameter or bareroot unless they are oak or madrone, which may be one gallon size.

Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent.

- (2) Type. The replacement trees must be native trees selected from the *Portland Plant List*;
 - (3) Location. All replacement trees must be planted within the River Environmental overlay zone, within 50 feet of the River Environmental overlay zone, or within 50 feet of the top of bank of the Willamette River in the River Environmental overlay zone. See Map 475-2. If the project site is located in the combined flood hazard area, the plantings must also be within the combined flood hazard area. The person conducting the cleanup must own the property where the trees are planted or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the plantings; and
 - (4) Replacement trees can be counted toward meeting the requirements of subsubparagraph F.1.b(2).
- d. All vehicle areas and construction staging areas installed for purposes of conducting the removal and remediation actions must be removed from the River Environmental overlay zone when they are no longer necessary for remedy construction. All such areas must be removed by the time the project is complete and the areas must be replanted according to the standards of subparagraph F.1.b, above.
2. The following regulations apply to the area between the top of bank and the ordinary high water mark:
 - a. When there is an alteration to the area between top of bank and the ordinary high water mark that is greater than 500 square feet or includes more than 50 cubic yards of excavation or fill, changes the ground contours, results in the removal of buildings, requires engineering of the river bank or includes in-water work, the following should be met (top of bank is shown on Map 475-2):
 - (1) The area between the top of bank and the ordinary high water mark where the alteration occurs must be designed using biotechnical techniques including soil bioengineering (top of bank is shown on Map 475-2). Figures 475-7 and 475-8 show examples of biotechnical techniques. In addition to using biotechnical techniques, the following requirements apply:
 - Rock armoring or other hard surface armoring methods must not be used between the top of bank and the Ordinary High Water Mark except as needed surrounding outfalls. This is not intended to preclude using rock or other hard surface stabilization methods below the surface if necessary to contain hazardous substances or to preclude the use of rocks or gravel as part of the biotechnical technique;
 - The bank must be sloped or terraced in a way that allows the establishment and maintenance of vegetation as the primary soil stabilization method;

- If the site is currently used for public recreation, including access to a beach or the river, the bank must be sloped or terraced in a way that allows for at least one public access way to the beach or river;
 - Large wood, including root wads, tree boles and logs, must be used to reduce localized erosion, improve bank stabilization, and improve ecological values and, if the site is currently used for public recreation, support continued use of beaches and the river; and
 - At least eighty percent of the area between the top of bank and the ordinary high water mark that is being altered as a result of the remedy must be planted with shrubs. At least one tree must be planted for every 400 square feet of altered area. All of the area that is not planted with shrubs or trees must be fully covered with ground cover plants. All plants must be selected from the *Portland Plant List* and should be appropriate for the conditions on the site. The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
- (2) If biotechnical techniques are not practicable, as described in 33.475.500.G, and rock armoring is used on the surface between the top of bank and the Ordinary High Water Mark, then the slope of the bank must be shallow enough to allow a combination of rock and vegetation. See Map 475-2. At a minimum, live native willow or dogwood stakes should be planted in adequate soil, in the interstices between the rocks at a ratio of three stakes for every square yard of rock armoring.
- b. When there is a minor alteration of less than 500 square feet or less than 50 cubic yards of excavation or fill to the area between the top of bank and the ordinary high water mark, the regulations of paragraph G.1, above apply. See Map 475-2.
3. In the area that is riverward of the Ordinary High Water Mark, the following apply:
- a. Avoid in-water permanent structures that will impact the navigation channel or will preclude river-dependent or river-related development from accessing and utilizing the river for public recreation, transportation, tourism, or the transport, transfer and conveyance of goods and materials to and from the upland site;
 - b. Integrate large wood, or other natural wave deflection structures or techniques that mimic the function of large wood, into the near-shore environment. Rock armoring, chemically treated wood, articulated block, and industrial debris is discouraged;
 - c. If the area is a beach or is a shallow water depositional area, then the final design should include all of the following:
 - (1) At least six inches depth of substrate that is ½-inch rounded gravel or smaller in size should be placed over capping material;
 - (2) The submerged slope should be no steeper than 1:7 (rise to run ratio); and
 - (3) Public access from major public trails or abutting upland sites to the river should not be precluded.

- d. If the area is not a beach or is not a shallow water depositional area, then the final substrate should be rounded rock no larger than 6 inches (D100=6") with an average gradation size of 3 inches (D50=3"). Angular rock is discouraged.

G. Demonstration of Impracticability. A person conducting a cleanup may be exempted from compliance with any requirement in this section if the person demonstrates that compliance with the requirement is not capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project remedial purposes. The person must still comply with that requirement to the extent practicable and remains subject to all other applicable requirements. To demonstrate impracticability the applicant must submit an engineering analysis, a cost schedule and any other information, such as desired future use of the site, that supports a demonstration that a requirement cannot be fully met.

Figure 475-7
Example 1: Upland and In-Water Contamination Cleanup

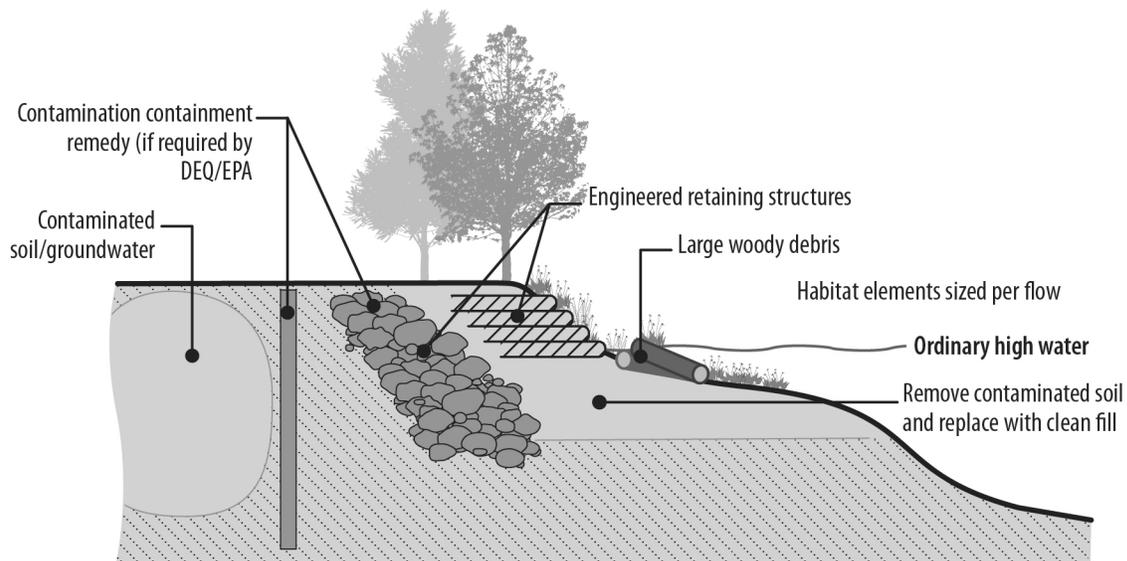
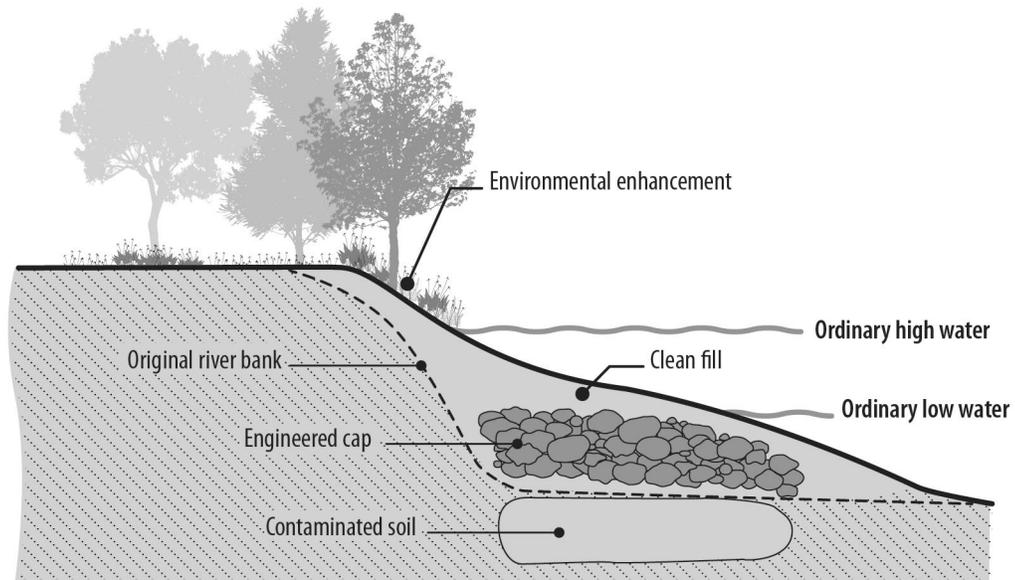


Figure 475-8
Example 2: In-Water Contamination Cleanup



(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

33.510 Central City Plan District

510

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- 33.510.262 Parking Built Before July 9, 2018
- 33.510.263 Parking and Loading Access

Map 510-1 Central City Plan District and Subdistricts

Map 510-2 Maximum Floor Area Ratios

Map 510-3 Base Heights

Map 510-4 Bonus Heights

Map 510-5 Greenway Bonus Target Areas

Map 510-6 Special Residential Use Areas

Map 510-7 Required Building Lines

Map 510-8 Ground Floor Windows

Map 510-9 Ground Floor Active Use Areas

Map 510-10 Parking Sectors

Map 510-11 Shadow Study Required

Map 510-12 Retail Sales and Services Limited

Map 510-13 Streetcar Alignment

Map 510-14 South Park Blocks Frontages

Map 510-15 South Waterfront Greenway Public Access

Map 510-16 North Pearl Height Opportunity Area / South Waterfront Height Opportunity Area /
RiverPlace Height Opportunity Area

Map 510-17 Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted

Map 510-18 North Pearl Subarea Special Building Height Corridor

Map 510-19 Required Central City Master Plan

Map 510-20 View Corridor Areas

Map 510-21 South Waterfront 2002 Top of Bank Line

Map 510-22 Park Blocks Required Building Line

Map 510-23 Floor Area Transfer Sectors

General

33.510.010 Purpose

The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.

33.510.020 Where the Regulations Apply

The regulations of this chapter apply to the Central City plan district. The boundaries of the plan district and its subdistricts are shown on Map 510-1 at the end of this chapter, and on the Official Zoning Maps. For other regulations, in cases of conflict the most restrictive regulation controls. The

information depicted on Maps 510-1 through 510-23 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Where Maps 510-1 through 510-23 identify a right-of-way as a “proposed right-of-way” or “proposed accessway,” the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

- A.** If the right-of-way or accessway has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.
- B.** If the right-of-way or accessway has not been improved or dedicated, the regulation applies based on the location of the facility as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Bureau of Transportation and is documented in the Transportation Element of Portland’s Comprehensive Plan.

Use Regulations

33.510.100 Vehicle Repair and Vehicle Sales or Leasing

- A.** Vehicle Repair uses are prohibited in the areas shown on Map 510-17.
- B.** The sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, trucks, travel trailers, and other recreational vehicles, is prohibited in the areas shown on Map 510-17, with the following exceptions:
 - 1. Offices for the sale or leasing of consumer vehicles where the vehicles are displayed or stored elsewhere are allowed; and
 - 2. The temporary sale or leasing of consumer vehicles is allowed for up to 14 consecutive days. The time between temporary sales or leasing events must be 4 times as long as the duration of the last event.

33.510.110 Mixed Use Waterfront Development

- A. Purpose.** The Central City 2035 Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Central City 2035 Plan, Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river dependent industrial activities are allowed as part of mixed use projects.
- B. Where these regulations apply.** The regulations of this section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.
- C. Additional uses allowed.** The following uses are allowed in the nonresidential portion of a mixed use development:

1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and
2. Marinas.

D. Minimum residential density. Where there are any non-residential uses on the site, minimum residential densities are one dwelling unit for each 2,000 square feet of site area.

33.510.112 Commercial Parking

Commercial Parking is subject to special regulations in Sections 33.510.261 and 33.510.262. Visitor Parking and Undedicated General Parking, as described in Sections 33.510.261 and 33.510.262, are Commercial Parking. The other types of parking are accessory parking, although either may operate as commercial parking according to 33.510.261 and 33.510.262.

33.510.114 Exemptions for Portland State University

Development by Portland State University within the University District / South Downtown is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.

33.510.115 Additional Uses Allowed in the Open Space Zone

A. Purpose. Additional uses are allowed on sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use, and may include little or no green space. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

B. Additional uses allowed.

1. Retail Sales and Service uses are allowed as follows:
 - a. On sites that are 1 acre or less in size, the total net building area of all Retail Sales and Service uses on the site may be up to 2,500 square feet.
 - b. On sites that are more than 1 acre in size, the total net building area of all Retail Sales And Service uses on the site may be up to 10,000 square feet, or 5 percent of the total site area, whichever is less.
2. Parking that is totally below grade and existed as of February 9, 2000; and
3. The uses listed in Subparagraph B.3.a. are allowed on sites that meet the requirements of Subparagraph B.3.b. Adjustments to this paragraph are prohibited.

- a. Uses allowed:
 - (1) Major Event Entertainment;
 - (2) Commercial Outdoor Recreation; and
 - (3) Up to 15,000 square feet of Office.
- b. Requirements for sites where uses in Subparagraph B.3.a. are proposed:
 - (1) The site must be at least 5 acres in area;
 - (2) The site must be within 500 feet of a Transit Station;
 - (3) The site is not within the River General (g*) overlay zone;
 - (4) The standards of Chapter 33.262, Off-Site Impacts, must be met;
 - (5) The site must have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;
 - (6) The site must have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and
 - (7) If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

C. Good Neighbor Agreement

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.
2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.
3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator.
 - a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4., below.
 - b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:

- (1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;
 - (2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:
 - The notice must be mailed at least 14 days before the date of the meeting;
 - The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and
 - The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.
- c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:
- (1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;
 - (2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;
 - (3) Additional meetings. Additional meetings may be held.
- d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement.
- At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:
- (1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b.(2), above;
 - (2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;
 - (3) The names and addresses of those who attended the meeting;

- (4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;
 - (5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;
 - (6) A copy of the notice of City Council hearing required by C.3.e.(1), below; and
 - (7) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;
 - (2) The notice must also be published in a recognized newspaper;
 - (3) The notice must be mailed at least 14 days before the hearing; and
 - (4) The notice must contain at least the following information:
 - The date, time, and place of the City Council hearing;
 - A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
 - The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
 - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.C.3. of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4. of the Zoning Code;
 - A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
 - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
 - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
 - A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.

- f. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.
4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:
 - a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;
 - b. Event limitations;
 - c. Noise management;
 - d. Box Office hours of operation;
 - e. Litter management;
 - f. Lighting;
 - g. Communications, including a process for receiving, recording, and responding to community comments;
 - h. Alcohol management;
 - i. Security;
 - j. Hours of operation including those for set-up and take-down;
 - k. Community use of the site;
 - l. Motorized events;
 - m. Oversight committee;
 - n. Enforcement of the Good Neighbor Agreement;
 - o. Exceptions to the Good Neighbor Agreement;
 - p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and
 - q. Effective date, term of the agreement, and date of expiration.

D. Comprehensive Transportation Management Plan

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.

2. When a Comprehensive Transportation Management Plan is required. A Comprehensive Transportation Management Plan is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use.
3. Required process for development and approval of a Comprehensive Transportation Management Plan. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator
 - a. Develop a Draft Comprehensive Transportation Management Plan. The applicant must develop a Draft Comprehensive Transportation Management Plan that includes all of the elements listed in Paragraph D.4., below.
 - b. Notice of Draft Plan. The applicant must mail written notice to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site that the Draft Comprehensive Transportation Management Plan is available.
 - c. City Council hearing. The applicant must request a City Council hearing. The Comprehensive Transportation Management Plan must be considered at a City Council hearing held to also consider the Good Neighbor Agreement. The hearing must be at least 14 days after the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by Subparagraph D.3.b., above, is mailed.

The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Comprehensive Transportation Management Plan required by Paragraph D.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

- (1) A copy of the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by D.3.b., above;
- (2) The names and addresses of all those to whom notice that the Draft Comprehensive Transportation Management Plan is available was mailed;
- (3) The Draft Comprehensive Transportation Management Plan that has been made available to the neighbors, and, if different, the version of the Comprehensive Transportation Management Plan that the applicant requests Council to approve;
- (4) A copy of the notice of City Council hearing required by Subparagraph D.3.d., below; and

- (5) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- d. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site;
 - (2) The notice must also be published in a recognized newspaper;
 - (3) The notice must be mailed at least 14 days before the hearing; and
 - (4) The notice must contain at least the following information:
 - The date, time, and place of the City Council hearing;
 - A copy of the Comprehensive Transportation Management Plan requested to be approved by Council and filed with the City Auditor's Office, as specified in D.3.c.(3);
 - The street address or other easily understood geographical reference to property to be covered by the Comprehensive Transportation Management Plan;
 - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.D.3. of the Zoning Code, and has included the elements in the Comprehensive Transportation Management Plan required by Paragraph 33.510.115.D.4. of the Zoning Code;
 - A statement that Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan;
 - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
 - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
 - A statement that all information submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- e. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to all neighborhood associations and business associations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Comprehensive Transportation Management Plan. The Comprehensive Transportation Management Plan must consider all of the following items:
 - a. Existing conditions, including traffic counts, parking availability, attendee mode splits, and site access and circulation;
 - b. Impacts of anticipated Major Event Entertainment and Commercial Outdoor Recreation uses, including a parking demand analysis; and
 - c. Proposed mitigation measures.

33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

- A. Purpose.** Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.
- B. Retail Sales and Service Limitation.** On sites shown on Map 510-12, Retail Sales And Service uses are limited to 50,000 square feet of net building area per use. Approval through a conditional use review is required for any individual Retail Sales And Service use over 50,000 square feet of net building area, but individual Retail Sales And Service uses with more than 60,000 square feet of net building area are prohibited. These limitations do not apply to hotel uses.

33.510.117 Retail Sales And Service and Office Uses in the RX Zone

- A. Purpose.** The provisions of this section enhance the residential character of the RX zone, improve the economic viability of residential development and promote active streetscapes by allowing commercial uses. At the same time, commercial uses are regulated to assure that residential uses are the primary use in the zone.
- B. Where these regulations apply.** The regulations of this section apply to sites in the RX zone.

The regulations of Paragraph D.2. apply to sites that are not on the Park Block frontages; the regulations of Paragraph D.3. apply to sites that are on the Park Block frontages. The South Park Block frontages are shown on Map 510-14.

- C. Adjustments prohibited.** Adjustments to the regulations of this section are prohibited.
- D. Retail Sales And Service and Office uses in the RX zone.**
 1. Outdoor activities on all sites. All commercial uses must be conducted entirely within fully enclosed buildings. Exterior display of goods and exterior storage are not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.
 2. Sites not on Park Block frontages. On sites that are not on the South Park Block frontages, shown on Map 510-14, the following regulations apply:
 - a. New multi-dwelling development. Retail Sales And Service or Office uses are allowed as part of a new multi-dwelling development as follows:

- (1) Up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use; or
 - (2) Up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use if at least 50 percent of the area of the ground floor contains Retail Sales And Service or Office uses.
- b. Conversion of existing development.
- (1) Up to 60 percent of net building area in a multi-dwelling development that existed on July 9, 2018 may be converted to Retail Sales And Service and Office uses.
 - (2) Up to 100 percent of the net building area of any building may be converted to Retail Sales And Service and Office use if:
 - A legally-established non-residential use was operating in the building on July 9, 2018 and
 - The development maintains the same number of dwelling units in the building after the conversion.
3. Sites on South Park Block frontages. On sites that are on the Park Block frontages, shown on Map 510-14, the following regulations apply:
- a. Up to 100 percent of the floor area of the ground floor of a building may be in Retail Sales And Service and Office use; and
 - b. Up to 20 percent of the net building area located somewhere other than the ground floor is allowed if approved through a Conditional Use review.

33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone

A. Generally.

1. The regulations of this subsection apply to sites in the IG1 zone that are not subject to Subsections B. or C., below.
2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet.
3. Conditional uses.
 - a. More than one Retail Sales And Service or Office use on a site is a conditional use.
 - b. Retail Sales And Service uses where the net building area plus the exterior display and exterior storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the net building area plus the exterior display and storage area is more than 25,000 square feet, or the square footage of the site area, whichever is less, are prohibited.
 - c. Office uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the net

building area is more than 60,000 square feet or the square footage of the site area, whichever is less, are prohibited.

B. Historic Resources

1. The regulations of this subsection apply in the IG1 Zone to Historic Landmarks, Conservation Landmarks, and contributing resources within Historic Districts and Conservation Districts.
2. Allowed uses.
 - a. Retail Sales And Service and Traditional Office. Up to 12,000 square feet on a site may be in Retail Sales And Service or Traditional Office use. The total amount of square footage includes net building area, exterior display, and exterior storage area of all Retail Sales And Service and Traditional Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
 - b. Industrial Office. Up to 100 percent of the gross building area on a site may be in an Industrial Office use including gross building area added inside of the building as it existed on July 9, 2018. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on July 9, 2018 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Traditional Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Traditional Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

C. Central Eastside Subdistrict

1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central Eastside.
2. Where these regulations apply. The regulations of this subsection apply to sites zoned IG1 in the Central Eastside Subdistrict that are not subject to Subsection B.
3. Allowed uses.
 - a. Retail And Service and Traditional Office uses.
 - (1) Sites up to 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:
 - Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More

- than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
- Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.
- (2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:
- Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.
 - Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.
- b. Industrial Office.
- (1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.
- (2) Exceptions.
- Exception 1. When the following four standards are met, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to an amount equal to four times the total square footage of the site. Industrial Office use in excess of four times the square footage of the site is prohibited:
 - At least 33 percent or 5,000 square feet, whichever is more, of the total amount of ground-floor floor area on the site must be in a Manufacturing and Production, Warehouse and Freight Movement, or Industrial Service use. The required industrial use can be consolidated in one building on the site or can be spread out through multiple buildings on the site;
 - Each space for the required industrial use must be on the ground floor and must be at least 5,000 square feet in area;
 - The minimum floor to ceiling height of each space for the required industrial use must be 20 feet; and
 - Each space for the required industrial use must include at least one loading door or entrance that serves the industrial space. If more than one industrial space is created then each space must have at least one loading door or entrance, or must have access to a shared loading door or entrance in a common area accessible from each industrial space located on the ground floor.

- Exception 2. If the site is 20,000 square feet or less in size, up to 60,000 square feet of net building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.
 - Exception 3. Industrial Office uses are allowed in buildings that existed on December 21, 2016. In this case, 100 percent of the net building area may be in an Industrial Office use including floor area added inside of the building as it existed on December 21, 2016. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on December 21, 2016 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
- c. Group Living, Daycare and Community Services uses. Group Living, Daycare and Community Services uses are allowed on sites that had Group Living, Daycare and Community Service uses operating at the same time on July 9, 2018. The total amount of net building area allowed for Group Living, Daycare and Community Service uses combined is an amount equal to 3 times the total site area. If the Group Living use allowed by this section is discontinued for 3 continuous years, Group Living uses are no longer allowed on the site. If the Daycare or Community Service uses allowed by this subparagraph are discontinued for 3 continuous years, new Daycare or Community Service uses are subject to the use provisions of the IG1 zone.

33.510.120 Retail Sales And Service and Office Uses in Specified Historic Resources in the IH Zones

- A. Where these regulations apply.** The regulations of this subsection apply in the IH Zone to Historic Landmarks, Conservation Landmarks, and contributing resources within Historic Districts and Conservation Districts.
- B. Allowed uses.** Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- C. Conditional uses.** More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

33.510.121 Residential Uses in the EX Zone

- A. Purpose.** Residential uses are restricted in portions of the EX zone in the Lower Albina and Central Eastside subdistricts in order to avoid conflicts between residential and industrial activities.
- B. Residential use restrictions.**
1. Residential uses are prohibited in the areas shown on Map 510-6.

2. Residential uses are only allowed through a Central City Master Plan in the areas shown on Map 510-6.

Development Standards

33.510.200 Floor Area Ratios

- A. Purpose.** Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. Generally, the highest FARs in Portland are applied in the Central City plan district to support its role as the region's premier center for jobs, health and human services, and urban living. The minimum FARs required in the Central City plan district are intended to ensure a minimum level of development on a vacant site, ensure that not all development potential is transferred off a site, and ensure redevelopment of under-utilized sites. The maximum FARs allowed in the Central City plan district balance multiple objectives of the Central City 2035 Plan including:
- Locating the largest floor area ratios along the Transit Mall and high-capacity transit lines;
 - Varying building bulk across the Central City;
 - Generally, stepping down allowed building bulk to the Willamette River and neighborhoods adjacent to the Central City; and
 - Ensuring that building bulk is compatible within historic districts.
- B. Adjustments.** Adjustments to floor area ratio regulations are prohibited.
- C. Floor area ratio.**
1. Generally, maximum floor area ratio (FAR) for sites in the Central City plan district are shown on Map 510-2. Maximum FAR can be increased on a site if FAR is transferred or earned through a bonus as allowed by 33.510.205, Floor Area Bonus and Transfer Options. Increases in FAR on a site are limited as described in Subsection D. Exemptions are in Subsection E.
 2. On the site shown on Map 510-2 as requiring residential use, the maximum FAR for the entire site is 9 to 1 if all floors above the ground floor on the western half of the block are in a residential use.
 3. Minimum floor area ratio. Minimum FAR is required as follows:
 - a. For sites where the maximum allowed FAR before bonuses and transfers is up to 4 to 1, the minimum FAR is 1 to 1;
 - b. For sites where the maximum allowed FAR before bonuses and transfers is between 5 to 1 and 8 to 1, the minimum FAR is 2 to 1; and
 - c. For sites where the maximum allowed FAR before bonuses and transfers is 9 to 1 or greater, the minimum FAR is 3 to 1.
- D. Limits on increased floor area.** Maximum FAR can be increased on a site if FAR is transferred or bonus FAR is earned as allowed by 33.510.205, Floor Area Bonus and Transfer Options. The following limits apply to increases in FAR:

1. Unless otherwise specified in Paragraphs D.2. and D.3, the maximum amount of FAR that can be earned on a site through use of bonus options is 3 to 1. There is no limit on the amount of FAR that can be transferred to a site.
2. South Park Blocks frontages. Transferring floor area to sites, or portions of sites, zoned RX is prohibited within the South Park Block frontage areas shown on Map 510-14.
3. South Waterfront subdistrict. In the South Waterfront subdistrict the following applies:
 - a. An FAR of more than 3 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, the open space fund bonus option, or the South Waterfront Willamette River Greenway bonus option. However, the total amount of floor area on a site, including bonus floor area and transferred floor area, must not be more than 9 to 1.
 - b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:
 - (1) The floor area above the 9 to 1 ratio is transferred from the South Waterfront Greenway Setback Area shown on Figure 510-2; and
 - (2) The portion of the South Waterfront Greenway Setback Area that floor area is being transferred from must have been dedicated to the City after September 1, 2002.

E. Exemptions. The following are exemptions from the regulations in Subsection C.:

1. Neighborhood facilities.
 - a. Purpose. This regulation encourages creation of facilities to serve those who live and work in the Central City. These facilities are necessary elements of a complete neighborhood.
 - b. Standards. Floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:
 - (1) Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.
 - (2) Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. The facility must be open at least five days each week and fifty weeks each calendar year.
 - (3) Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.

- (4) Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.
- (5) All facilities. All neighborhood facilities must meet the following:
 - The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed;
 - The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
 - The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified above. The covenant must comply with the requirements of Section 33.700.060.
2. South Waterfront subdistrict. In South Waterfront subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.
3. Minimum FAR. Sites zoned Industrial or Open Space, and sites with a school that will be operated by or for a public school district are exempt from the minimum floor area ratio.

33.510.205 Floor Area Bonus and Transfer Options

- A. Purpose.** Floor area bonus and transfer options allow additional floor area as an incentive for certain uses and types of development that provide a public or community benefit. The bonus floor area can be gained in exchange for affordable housing or riverfront open space in new development. Transfer options can be used in exchange for historic preservation and transferring FAR within a subdistrict. In the South Waterfront subdistrict new development gains bonus floor area and height in exchange for creating open space and expanding the Willamette River Greenway within the subdistrict.
- B. Priorities for the use of bonus and transfer options.** When FAR will be increased using bonuses or transfers, the following regulations specify which bonus and transfer options must be used before other bonus or transfer options:
 1. Unless otherwise specified in Subparagraph B.2. the first 3 to 1 of any increase in FAR on a site must be earned or gained through use of one of the following options:
 - a. The inclusionary housing bonus option described in Subparagraph C.2.a;
 - b. The Affordable Housing Fund bonus option described in Subparagraph C.2.b.;
 - c. The historic resources transfer provisions described in Paragraph D.1. or
 - d. The riverfront open space bonus option described in Subparagraph C.2.c.

2. Exceptions. The following exceptions apply to the bonus and transfer option priorities specified in Paragraph B.1:
 - a. The South Waterfront subdistrict is exempt from the bonus and transfer options usage priorities specified in Paragraph B.1. However, if the site is within the Greenway bonus target area shown on Map 510-5, and the development does not trigger the requirements of 33.245, Inclusionary Housing, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options;
 - b. Floor area transferred legally through a covenant recorded prior to July 9, 2018 may be used to increase maximum FAR on a site before using one of the bonus or transfer options listed in Paragraph B.1. until July 9, 2020. For the purposes of this subparagraph, used means that the transferred floor area has been shown on an eligible receiving site in a complete application for design review; and
 - c. Unused floor area earned through a bonus that no longer exists in the zoning code can be utilized on the site where it was earned before using one of the bonus or transfer options listed in Paragraph B.1.
- C. Floor area bonus options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.
1. General regulations.
 - a. The bonus options are only allowed in situations where stated. Adjustments to the requirements or to the amount of bonus floor area earned are prohibited.
 - b. Bonus FAR is only available to sites zoned RM3, RM4, RX, CX, or EX, unless specifically stated otherwise.
 - c. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area, however in some cases, certain bonus options must be used before other bonus options can be used or transferring can occur. See Subsection B.
 - d. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.D.
 - e. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.
 2. Bonus floor area options.
 - a. Inclusionary housing bonus option. Projects that include buildings that trigger 33.245, Inclusionary Housing, receive bonus floor area. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245, up to a maximum increase of 3 to 1 FAR on the site.

- b. Affordable Housing Fund bonus option. Proposals that contribute to the Affordable Housing Fund (AHF) receive bonus floor area. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). Until January 9, 2020 the applicant will receive 1.5 square feet of bonus floor area for each square foot purchased from PHB. After January 9, 2020 the applicant will receive 1 square foot of bonus floor area for each square foot purchased. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and 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 option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
- c. Riverfront open space bonus option. The riverfront open space bonus provides an opportunity to expand publicly accessible open space along the Willamette River. Proposals that provide open space adjacent to the river setback area will receive bonus floor area. For each square foot of open space provided, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
 - (1) Location. The open space must be located outside of but adjacent to the river or greenway setback. When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, the open space must be located outside of but adjacent to the increased setback area;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area. Each area must be designed so that a 25 foot by 25 foot square will fit entirely within it;
 - (3) Ownership and use. A public access easement must be provided that allows for unrestricted public access from 5 am to 12 midnight unless otherwise specified by the terms of the easement; and
 - (4) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of 3 square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

- (1) Location. The open space must abut the South Waterfront Greenway Setback Area, as shown on Figure 510-2;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
 - (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
 - (4) Ownership and use. One of the following must be met:
 - The open space and pedestrian connection must be dedicated to the City; or
 - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
 - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.b.(2) and E.5.g.(5) that apply to South Waterfront Greenway subarea 3;
 - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
 - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
 - (2) Ownership and use. One of the following must be met:
 - The open space must be dedicated to the City; or
 - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
 - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the

open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;

- (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
 - (5) The bonus floor area may be used only in the South Waterfront subdistrict.
- f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$14.30 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:
- (1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;
 - (2) The bonus floor area may be used only in the South Waterfront subdistrict; and
 - (3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:
 - a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.
 - b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

- (1) Be in a RM3, RM4, RX, CX, EX, or OS zones, and
 - (2) Contain a Historic Landmark, Conservation Landmark, or a contributing resource in a Historic District or Conservation District for which the Bureau of Development Services verifies the following:
 - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
 - If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
 - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
- c. Sites eligible to receive floor area:
- (1) Must be zoned RM3, RM4, RX, CX or EX; and
 - (2) Must be within the Central City plan district outside of the South Waterfront subdistrict.
- d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.
- e. Exceptions.
- (1) Sites with eligible historic resources in a RM3, RM4, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan district if they meet the standards of 33.120.210.D, 33.130.205.C or 33.140.205.D.
 - (2) Sites with eligible historic resources in the RM1 and RM2 zones may transfer floor area if they meet the standards of 33.120.210.D.
2. Transfer of floor area within a floor area transfer sector. In the RX, CX, EX, and OS zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same floor area transfer sector shown on Map 510-23. In addition, floor area transfers are subject to the following requirements:
- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district;

- b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
- c. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.510.210 Height

A. Purpose. The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region's premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

B. Base height.

1. Base heights are shown on Map 510-3. Heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E. Adjustments to height limits shown on Map 510-3 are prohibited.
2. Exceptions to base height. Generally, the following minor projections are allowed to extend above the base heights shown on Map 510-3. However, in a view corridor shown on Map 510-20, if the site is not eligible for a height increase, projections above the height limit shown on Map 510-3 are prohibited. Eligibility for a height increase is shown on Map 510-3. In a view corridor shown on Map 510-20, if the site is eligible for a height increase, the following minor projections are allowed, but the projection must not extend above the height limit shown on Map 510-4. Small wind turbines are subject to the standards of Chapter 33.299:
 - a. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth or diameter of 5 feet or less may extend 10 feet above the base height limit, or 5 feet above the highest point of the roof, whichever is greater. If the item is more than 5 feet wide, deep, or tall, it is subject to the height limit;
 - b. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the base height limit;

- c. Walls or fences located between individual rooftop decks may extend 6 feet above the base height limit if the wall or fence is set back at least 4 feet from the edges of the roof;
 - d. Rooftop mechanical equipment and any required screening for the mechanical equipment, and stairwell enclosures that provide rooftop access may extend above the base height limit as follows. The equipment and enclosures must be set back at least 15 feet from roof edges on street facing facades:
 - (1) Elevator mechanical equipment may extend up to 16 feet above the base height limit; and
 - (2) Other mechanical equipment, required screening, and stairwell enclosures may extend up to 10 feet above the base height limit if the equipment or enclosures do not cumulatively cover more than 10 percent of the roof area;
 - e. Roof mounted solar panels may extend above the height limit as follows:
 - (1) On flat roofs and on the horizontal portion of mansard roofs, solar panels may extend up to 5 feet above the top of the highest point of the roof; and
 - (2) On pitched, shed, hipped or gambrel roofs, solar panels 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; and
 - f. Antennas, power poles and public safety facilities.
- C. Shadow study.** Sites shown on Map 510-3 as requiring a shadow analysis must provide a shadow study that shows that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
- D. Bonus height options.** Bonus height can be achieved through the following options:
- 1. Bonus height in the South Waterfront subdistrict. Within the South Waterfront subdistrict, buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus as follows:
 - a. In the area located between 125 feet to 150 feet landward of the South Waterfront height reference line shown on Map 510-16, buildings may earn a height bonus of 25 feet if approved as a modification through design review. Projections above 150 feet are prohibited.
 - b. In the area located between 150 feet landward of the South Waterfront height reference line shown on Map 510-16 and the western boundary of the subdistrict, buildings earn a height bonus of 125', up to a maximum building height of 250 feet. Adjustments are prohibited.

2. South Waterfront height opportunity area.
 - a. Purpose. In the core of the South Waterfront subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:
 - Support the growth of an Innovation Quadrant in the Central City;
 - Provide diverse housing opportunities;
 - Support the density goals of the subdistrict while ensuring quality design;
 - Create additional opportunities for visual access through the subdistrict;
 - Promote the development of slender towers with an east-west orientation;
 - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade Range to the east;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
 - Create an urban form that is visually permeable; and
 - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.
 - b. Additional building height may be requested as a modification through design review as follows:
 - (1) The site must be in the South Waterfront height opportunity area shown on Map 510-16;
 - (2) The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;
 - (3) One of the following must be met:
 - The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or
 - Floors of the building above 75 feet must be 10,000 square feet in area or less;
 - Adjustments to the standards of this subsubparagraph are prohibited; however, modifications through design review may be requested as follows:
 - A modification to the 25,000 square foot limitation may be requested;
 - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
 - (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions

of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;

- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

- (6) The applicant must contribute \$28.10 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:
 - a. The site must be shown on Map 510-3 as eligible for a height increase;
 - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
 - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;

- (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; or
 - (3) The historic resource transfer of Paragraph 33.510.205.D.1.
- c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
- (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
 - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.
- d. North Pearl Height Opportunity Area. The following additional standards apply when bonus height will be used in the North Pearl Height Opportunity area shown on Map 510-16:
- (1) When bonus height will be used on sites located entirely between NW Naito Parkway and the Willamette River, building façades above 100 feet that face NW Naito Parkway or the Willamette River must not exceed 120 feet in length; and
 - (2) When bonus height will be used on sites that are not located between NW Naito Parkway and the Willamette River the following must be met:
 - The building must not be taller than 175 feet; or
 - If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.
- e. RiverPlace Height Opportunity Area. Up to 325 feet of height is allowed in the RiverPlace height opportunity area shown on Map 510-16 when the following standard is met:
- (1) Purpose. In the RiverPlace height opportunity areas, additional building heights may be appropriate to meet density goals as well as:
 - Provide diverse housing opportunities;
 - Support high quality design;

- Create additional opportunities for visual access through the area;
 - Promote the development of slender towers with an east-west orientation;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Create open space amenities connecting to the riverfront;
 - Contribute to the area's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the area;
 - Create an urban form that is visually permeable and maintains all protected public views and view corridors.
- (2) Standard. If the building is taller than 75 feet, the floors of the building above 100 feet must not be more than 10,000 square feet each. Adjustments are prohibited, however modification through design review may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e.

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
 - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront subdistrict. The site is subject to the review requirements stated in Paragraph E.4.
 - b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
 - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a design review using the specific area's design guidelines.
3. Amount of height potential that can be transferred. The allowed height at the proposed open space site may be transferred within the Central City plan district consistent with the limits stated below.
 - a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for additional height as shown on Map 510-3. Increases in height that result in buildings greater than the maximum height shown on Map 510-4 are prohibited. The transferred height may not be used in addition to any bonus heights allowed by Paragraph D.3.
 - b. The open space site must be dedicated to the City before the issuance of building permits for the building receiving the increased height.

4. Design Review.
 - a. Procedure. The review is processed with a Type III procedure. The Parks Bureau will provide advice to the Design Commission.
 - b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - (1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City 2035 Plan's park and open space policies;
 - (2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and
 - (3) The Parks Bureau approves of the site.

33.510.211 Shadow Study Required

A shadow study is required for new structures that are 100 feet or more in height on sites shown on Map 510-11, and for major remodels to existing structures that increase the height of the existing structure to 100 feet or higher on sites that are shown on Map 510-11. The shadow study must show that the shadow cast by the new or remodeled structure does not cover more than 50 percent of the adjacent open space at 10 am on March 21. Adjacent includes open space located across a right-of-way from the site. Adjustments are prohibited.

33.510.215 Required Building Lines

- A. Purpose.** The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.
- B. Required building line standards.** Major remodeling that includes a residential use is exempt from the required building line standards until January 1, 2029.
 1. General Standards. Unless otherwise specified in Paragraphs B.2. through B.5., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or

- b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."
 2. Standards for sites with frontage on a street shown on Map 510-7. New development and major remodels on a site with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the length of the street lot line; or
 - b. The building must set back at least 6 feet from the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:
 - (1) When the setback area is at least 6 feet and less than 12 feet wide at least 50 percent of the setback must be landscaped with ground cover plants and shrubs;
 - (2) When the setback area is 12 feet wide or more, at least 80 percent of the setback area must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet of the setback area.
 3. Standards for the South Waterfront subdistrict. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:
 - (1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or
 - (2) Be landscaped in one of the following ways:
 - The proposed landscaping meets the L2 standard;

- The proposed landscaping meets the landscaping regulations of 33.510.253.E.5.g(5) for subarea 3 of the South Waterfront Greenway Setback Area except that trees are not required; or
 - The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
4. Standards for West Burnside. On sites with frontage on West Burnside between 10th and 21st Avenues, buildings must be set back 10 feet from the street lot line. This standard applies to new development and major remodels. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
5. Standards for the Park Blocks. On sites with frontage on a street shown on Map 510-22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setback of the base zone.

33.510.220 Ground Floor Windows

- A. Purpose.** In the Central City plan district, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level;
 - Avoid a monotonous pedestrian environment; and
 - The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.
- B. Ground floor windows.** The following ground floor window standards apply in the RX, CX and EX zones. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle

parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:

1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. Until January 1, 2029, the standard for development that includes a residential use is 40 percent of the ground level wall area.
2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.510.221 Windows Above the Ground Floor

- A. Purpose.** Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.
- B. Where this regulation applies.** The regulation of this section applies to sites near the streetcar alignment shown on Map 510-13 as follows:
 1. In the Central Eastside subdistrict, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.
 2. In the South Waterfront Subdistrict, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment. The regulation also applies to the portion of a site within 200 feet of a proposed streetcar alignment, as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Bureau of Transportation.
 3. In all other subdistricts, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment.
- C. Standard.** Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground

floor windows. Ground level wall areas include all exterior wall areas up to 10 feet above the finished grade.

33.510.223 Bird-Safe Exterior Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. For major remodeling projects, the standards apply per facade when at least 75 percent of the façade is altered and the altered facade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:
 - 1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
 - 2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
 - 3. The glazed portions of sky bridges or fences.

33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies and other common areas of the building, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.
- B. Sites and development subject to the ground floor active use standard.** The ground floor active use standards apply on sites with frontage on a street shown on Map 510-9. Standards C.1 and C.3 apply to new development and major remodels. Standard C.2 only applies to new development.

C. Ground floor active use standards.

1. Dwelling units are prohibited on the ground floor within 25 feet of the street lot line of a street shown on Map 510-9. Development that includes a residential use is exempt from this standard until January 1, 2029.
2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 510-9, a plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards.
Accessory structures are exempt from the standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing façade or wall;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
 - d. The street-facing facade or wall must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City 2035 Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-6. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre).

- D. Timing and location of the housing.** Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project.

33.510.240 Drive-Through Facilities

Drive-through facilities are prohibited in the Central City plan district.

33.510.242 Demolitions

In R, C, and E zones, 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 in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.510.243 Ecoroofs

- A. Purpose.** Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
 - Allow for the placement of structures and other items that need to be located on roofs; and
 - Support the architectural variability of rooftops in the Central City.
- B. Ecoroof standard.** In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards. Until January 1, 2029, development that includes a residential use can choose to meet Subsection B. or C. below:
1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
 - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 - b. Areas used for fire evacuation routes;
 - c. Stairwell and elevator enclosures;
 - d. Skylights;
 - e. Solar panels;
 - f. Wind turbines;
 - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system;

- A. Special building height.** A special building height corridor shown on Map 510-18 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments to this requirement are prohibited.
- B. Pearl subdistrict waterfront development.**
1. Purpose. These standards are intended to ensure both physical and visual connections to the river and river-based activities.
 2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the Pearl subdistrict.
 3. Development standards.
 - a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
 - b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the River Overlay zones; see Chapter 33.475.
 - c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
 - d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the major public trail.

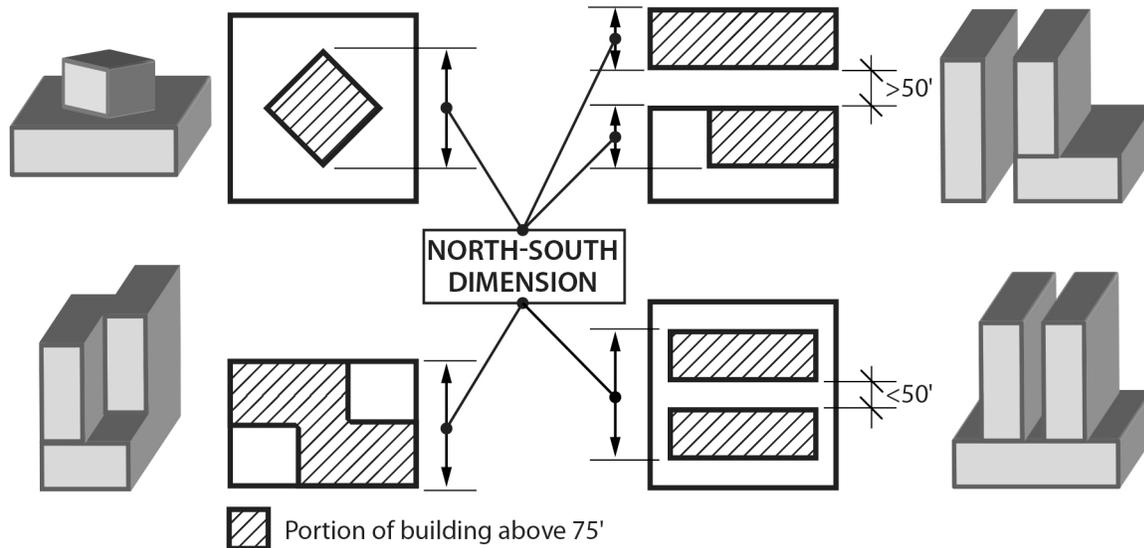
33.510.251 Additional Standards in the South Waterfront Subdistrict

Sites in the South Waterfront subdistrict must meet the following standards.

- A. Special building height corridors and tower orientation.**
1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.
 2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.
 3. Maximum north-south dimension. The north-south dimension is measured as specified in Subparagraph A.3.e. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:

- a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
- b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
- c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;
- d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;
- e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:
 - (1) The north-south dimension of a building is measured as follows:
 - From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - A line drawn at right angles between the two east-west lines is the north-south dimension;
 - (2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

**Figure 510-1
Measuring North-South Dimension**



B. Accessways.

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Setback Area and provide a transition from the natural emphasis of the South Waterfront Greenway Setback Area to the urban emphasis of the rest of the district.
2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;
3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the building must meet the building line requirements of Section 33.510.215 on the accessway frontage;
4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.5.g(5) that apply to subarea 3 of the South Waterfront Greenway Setback Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

C. Locker rooms and additional bicycle parking.

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;

2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;
3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and
4. Exception for existing long-term bicycle parking.
 - a. Purpose. These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.
 - b. Where these standards apply. These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the South Waterfront subdistrict of the Central City plan district.
 - c. Existing Bicycle Parking. Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:
 - (1) The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;
 - (2) The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
 - (3) The bicycle parking area does not exceed 500 spaces;
 - (4) The bicycle parking must be within 100 feet of a suspended cable transportation system; and
 - (5) The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

33.510.252 Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.

2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IG1 zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

A. Purpose. The regulations of this section:

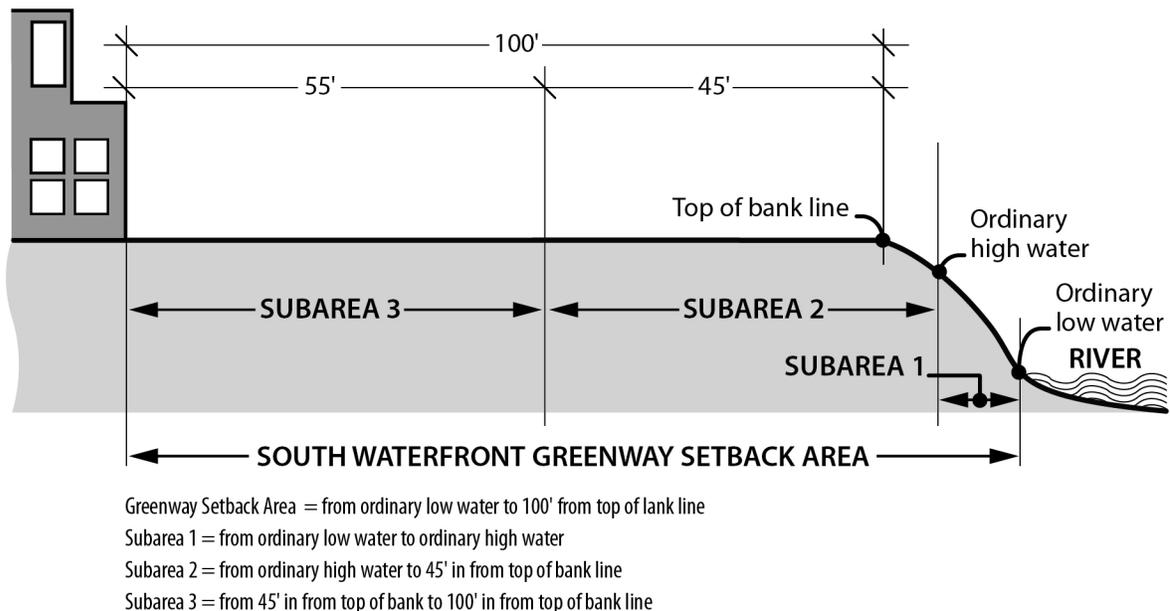
1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

B. Relationship to other regulations. Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code.

Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.

- C. **Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

Figure 510-2
South Waterfront Greenway Area and Subareas



- D. **Required South Waterfront Greenway Setback Area improvements.** Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.
 - a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$356,000, the site must be brought into conformance with the landscape requirements of Paragraph E.5.g. that apply to subareas 2 and 3 of the South Waterfront Greenway Setback Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;

- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
 - (1) Trees in subarea 2;
 - (2) Shrubs in subarea 2;
 - (3) Ground cover in subarea 2;
 - (4) Trees in subarea 3;
 - (5) Shrubs in subarea 3;
 - (6) Ground cover in subarea 3; and
 - (7) Other required landscaping;
 - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.g, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.g for subarea 1 must be met.
3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.e., and Subparagraph E.5.f. The requirement to provide an access

easement for, and construct, the major public trail, pedestrian connections, and public viewpoints applies only when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;

4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
 - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;
 - b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
 - (1) The applicant must provide the BDS with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and
 - (2) The required improvements must be constructed or installed within 4 years of issuance of the Certificate of Occupancy or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owners. If landscaping is required by the subsection, the owner must submit a report to BDS documenting that the landscape standards of Subparagraph E.5.g., below, have been met on the site. The report must be submitted within 1 year of the installation date, or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

E. Review thresholds and development standards.

1. Design review. Within the South Waterfront Greenway Setback Area show on Figure 510-2, new development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.
2. South Waterfront greenway review. South Waterfront greenway review is required for the following:
 - a. New development or exterior alterations that do not meet the standards of Paragraph E.5 b through E.5.i and are not exempted by Paragraph E.4. South Waterfront greenway review is not required for exterior alterations to nonconforming development in the South Waterfront Greenway Setback Area if the exterior alteration brings the site closer to conformance with the applicable standards in E.5;
 - b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.

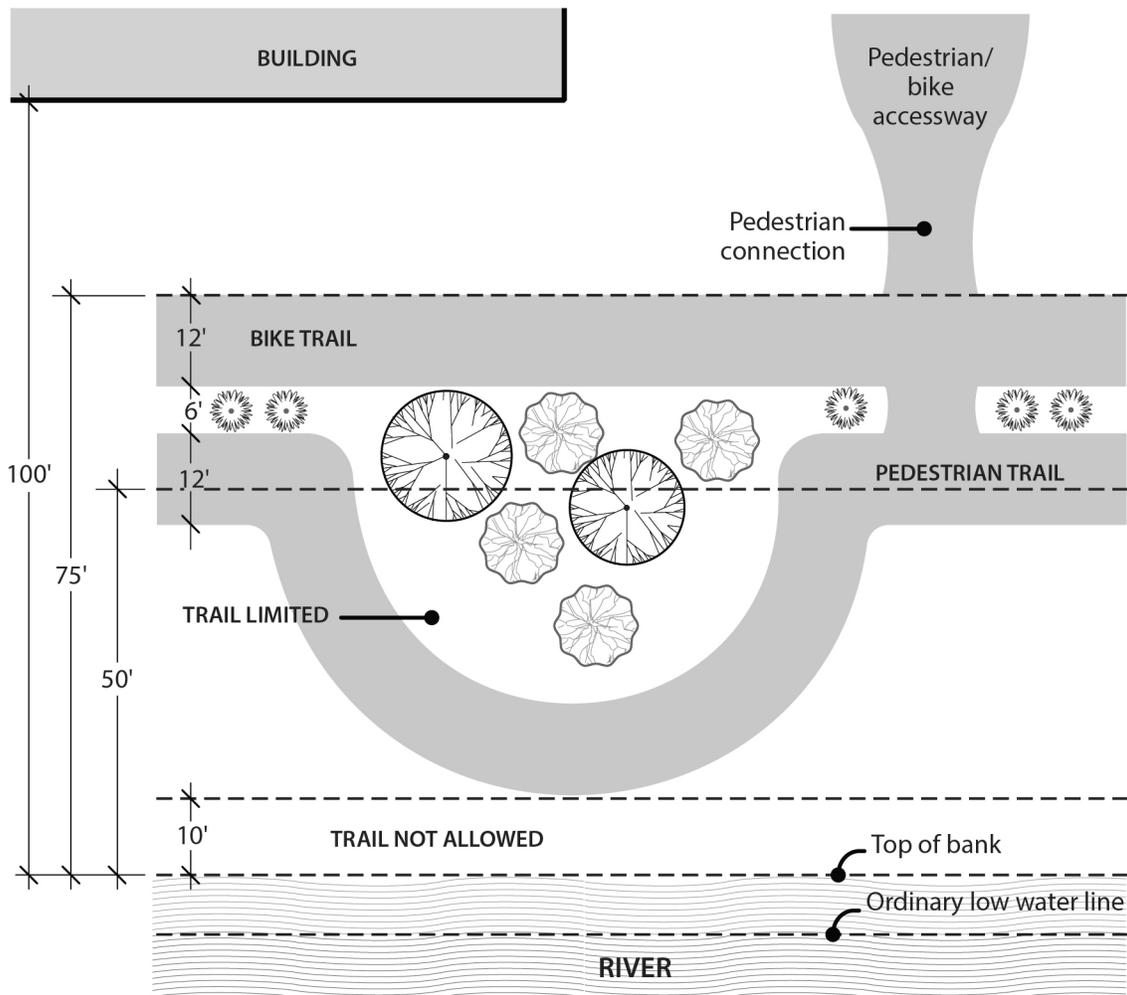
3. Adjustment review. An adjustment, or modification through design review, is required for new development or exterior alterations that do not meet the standards of Paragraph E.5.j and are not exempted by Paragraph E.4.
4. Exemptions. The following are exempt from this Subsection:
 - a. Changes to the interior of a building;
 - b. Normal maintenance and repair;
 - c. Dredging, channel maintenance, and the removal of gravel from the river as follows:
 - (1) Dredging, channel maintenance and the removal of material within the federal navigation channel.
 - (2) Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
 - Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
 - Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
 - (3) The placement of dredged materials within the River General overlay zone is not exempt.
 - d. Emergency procedures necessary for safety or the protection of property.
 - e. Development of public streets identified in the adopted *South Waterfront District Street Plan, Criteria and Standards* are exempt from design review, but not greenway review.
 - f. Planting of native vegetation listed on the Portland Plant List when planted with hand-held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi.
 - g. Tree removal as follows. Trees removed must be replaced as shown in Table 510-1.
 - (1) Trees on the Nuisance Plants List;
 - (2) Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist;
 - (3) Trees that exceed the height restriction of a view corridor within special height restrictions designated in the Central City Scenic Resources Protection Plan; or
 - (4) In addition to the trees listed above, up to a combined total diameter of 50 inches of non-native, non-nuisance trees.
5. Development standards.
 - a. Where these standards apply:

- (1) Standards E.5.b through E.5.h apply in the South Waterfront Greenway Setback Area shown on Figure 510-2. South Waterfront greenway review is required for proposals that do not meet the standards. Adjustments to standards E.5.b through E.5.h are prohibited.
 - (2) The standards in E.5.i apply within the combined flood hazard area and within the South Waterfront Greenway Setback Area shown on Figure 510-2. South Waterfront greenway review is required for proposals that do not meet the standards. Adjustments to the standards in E.5.i are prohibited.
 - (3) The standards in E.5.j apply within the River General overlay zone. Adjustments or modifications through design review are allowed for the standards in E.5.j.
- b. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Setback Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.
- (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.f., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line;
 - (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.
- c. Buildings. Buildings are allowed within the South Waterfront Greenway Setback Area if they meet E.5.c.(1) and (2) and either E.5.c.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Setback Area. Alterations to nonconforming buildings are allowed provided the building and any projections are not expanded within the South Waterfront Greenway Setback Area.
- (1) The site meets the non-landscaped area requirements under E.5.b., above; and
 - (2) The building does not obstruct required pedestrian connections and trails; and
 - (3) The building is river-dependent or river related; or
 - (4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:
 - The building has less than 1,000 square feet of floor area;
 - The building is entirely within subarea 3 and not located within the combined flood hazard area; and

- The building is located landward of the South Waterfront recreational trail.
- d. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Setback Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Setback Area.
- e. Major public trails and pedestrian connections.
- (1) Purpose. Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the major public trails.
- (2) Major public trails. Major public trails must meet the following standards. When required by Subsection D., sites with major public trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a major public trail that meets the following standards. See Figure 510-3.
- Location. The major public trail must be located in the South Waterfront Greenway Setback Area shown on Figure 510-2. All portions of the major public trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line; however, any portion of the major public trail that is within 45 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.b.;
 - Width. The major public trail must consist of two paths, each at least 12 feet in width;
 - Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.5.f. The landscaping may be interrupted by public access connections between the two paths;
 - Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
 - Connectivity.
 - The major public trail or major public trail easement must connect to the existing major public trails or trail easements on adjacent sites; and
 - The major public trail or major public trail easement must connect to the required pedestrian circulation system on the site.

- Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Major Public Trails, must also be met.
- (3) Pedestrian connections. When a major public trail or major public trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Figure 510-3
South Waterfront Greenway Trail

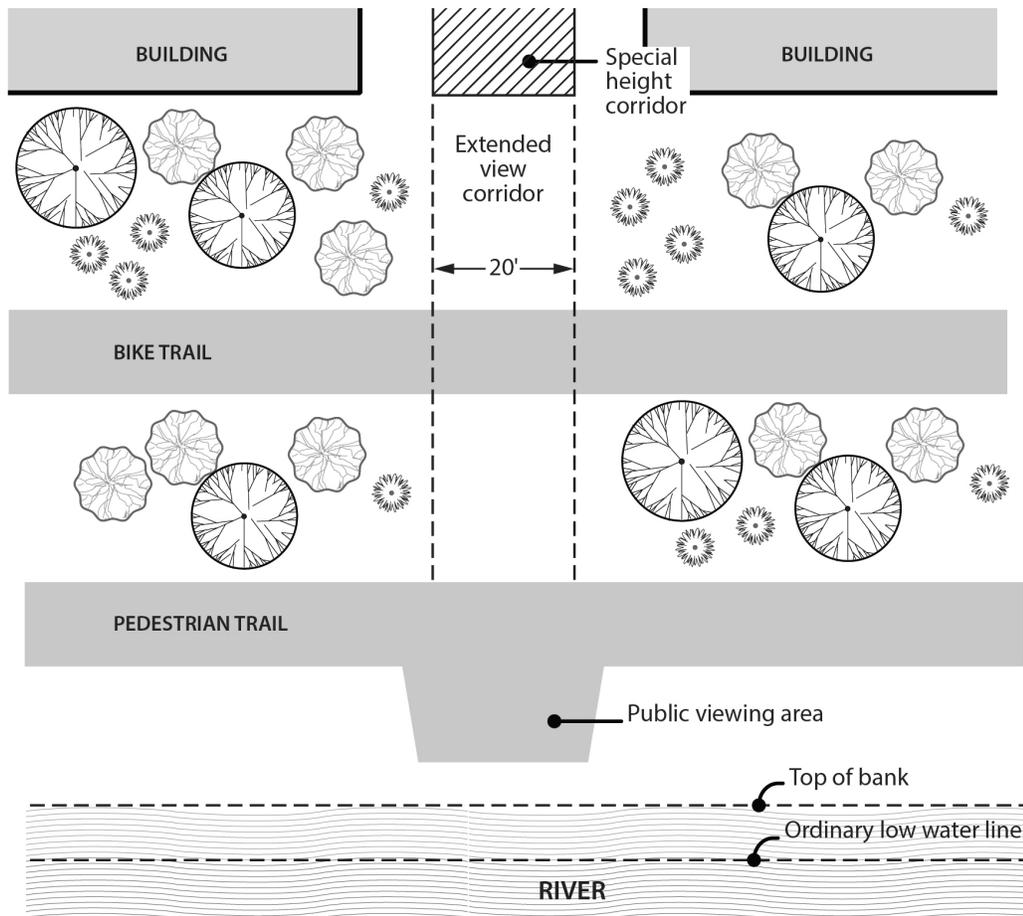


f. Public viewpoints.

- (1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- (2) Viewpoint requirements. A public viewpoint must be provided on sites designated in the Central City Scenic Resources Protection Plan.
 - Sites with a viewpoint designation must provide a viewpoint area that meets the following standards:
 - The viewpoint area must be at least 500 square feet in area;
 - The viewpoint area must abut the Greenway trail or a public access connection must be provided from the Greenway trail to the viewpoint area;
 - The viewpoint area and any public access connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails;
 - Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
 - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street as shown in Figure 510-4.
- g. Landscaping.
- (1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
 - (2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.040. However, plants identified in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List* must be removed.

Figure 510-4
Public Viewpoint and View Corridor



- (3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
 - Trees. Trees are not required, but are allowed;
 - Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 1 Plant list of the *Portland Plant List* may be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

- (4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:
- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
 - Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. At least eight different species must be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- (5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Plant list. Except as allowed by (1), (2) and (3), only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. The following plants are prohibited:
 - Plants included on the Nuisance Plants List or Required Eradication List of the *Portland Plant List*;
 - Plants included in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List*.
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- h. Other development. Other development is allowed within the South Waterfront Greenway Setback Area if it meets E.5.h.(1) and (2) and either E.5.h.(3) or (4).
- (1) The site meets the non-landscaped area requirements under E.5.b;
- (2) The development does not obstruct required pedestrian connections and trails; and

- (3) The development is located in subarea 3; or
 - (4) The development is river-dependent or river-related.
- i. Trees.
- (1) Trees must be preserved except as follows:
 - Trees on the Nuisance Plants List may be removed;
 - Trees located within 10 feet of existing or proposed buildings and structures attached to buildings may be removed;
 - Trees that exceed the height restriction of a view corridor within special height restrictions designated in the Central City Scenic Resources Protection Plan may be removed;
 - Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist may be removed; and
 - In addition to the trees listed above, up to 50 inches of non-native, non-nuisance trees may be removed.
 - (2) Trees removed within the South Waterfront Greenway Setback Area that are 1.5 inches in diameter or greater and trees located in the combined flood hazard area landward of the South Waterfront Greenway Setback Area that are 3 inches in diameter or greater must be replaced as shown in Table 510-1.
 - (3) Replacement trees must meet the following:
 - Replacement trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
 - Replacement trees must not be planted within a view corridor. Planting to replace trees removed from the combined flood hazard area must be within the combined flood hazard area. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation.
 - (4) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
 - (5) All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site.

- (6) Temporary disturbance area must be replanted to meet the subarea 3 standards in 33.510.253.F.2.f.(5).

Table 510-1 Tree Replacement in the South Waterfront Greenway Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

j. Exterior lighting.

- (1) Purpose. The standards for exterior lighting are intended to:
- Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along the major public trail, pedestrian connections to the major public trail, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river dependent operations associated with docks.
- (2) General standards. The following standards apply to all exterior lights.
- Exterior lights must not project light upward or to the side of the fixture; and
 - The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and
 - Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.
- (3) Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the greenway setback, and all permanent exterior lights located within 25 feet landward of the greenway setback. Exterior lights within public streets are exempt from this Subsubparagraph.
- Exterior lights are allowed only if the lights are for the following use or development:
 - Park and Open Area uses;
 - The major public trail or pedestrian connections to the major public trail;
 - Public viewing areas; or
 - River-dependent or river-related development.
 - Structures that support exterior light fixtures must be setback at least 5 feet from the top of bank of the Willamette River except for docks and gangways, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body;

- Structures that support exterior light fixtures must be spaced at least 25 feet apart;
- Exterior lights must not project directly into the Willamette River.

F. Greenway goal exception. Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.840.200, Greenway Goal Exception.

33.510.255 Central City Master Plans

A. Purpose. A Central City Master Plan establishes a clear development strategy for significant redevelopment sites in the Central City. Central City Master Plan review is intended to ensure that development on the site will positively contribute to the existing and desired surrounding urban form. The review will result in an urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:

- A development site that has a strong orientation towards transit and multimodal transportation alternatives.
- A safe and vibrant public realm, supported by active ground floor uses, open space areas and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options;
- A development site that has adequate urban services such as water, stormwater, sewers, and fire-hydrants, and
- Building bulk, height, orientation, and programming that protects public views and preserves light and air within the public realm, and is oriented to active and passive public gathering spaces, including public open spaces, transit stations, and the Willamette River.

B. When a Central City Master Plan review is required.

1. Central City Master Plan review is required for the following types of development in the areas shown on Map 510-19:
 - a. New development; and
 - b. Alterations to existing development that increase the floor area or exterior improvement on a site by more than 20,000 square feet.
2. Exemption. The following are exempt from Central City Master Plan review:
 - a. Development associated with a School use; and
 - b. Development on a lot that is 40,000 square feet or less in total area. This exemption does not apply if the lot is part of a site that is more than 40,000 square feet in total area.

C. Voluntary Central City Master Plan. An applicant may voluntarily submit for a Central City Master Plan review. The minimum size threshold for a voluntary Central City Master Plan

review is 160,000 square feet of lot area. There can be more than one lot and more than one site within the boundaries of a voluntary Central City Master Plan.

- D. Flexibility allowed.** An approved Central City Master Plan review allows additional flexibility in the following situations:
1. Floor area may be transferred among sites within the master plan boundary without having to meet the prioritization in 33.510.205.B;
 2. The minimum floor area ratio standard in 33.510.200.C.2 may be met for the master plan area as a whole rather than on a site-by-site basis;
 3. The bonus height limits shown on Map 510-4 may be achieved without having to provide the bonuses or transfers required by 33.510.210.D.3; and
 4. Residential uses may be allowed on the sites shown on Map 510-6 as allowing residential uses through a Central City Master Plan.
- E. Review procedure.** A Central City Master Plan is processed through a Type III procedure.
- F. Design advice request.** A design advice request is required prior to submitting an application for a Central City Master Plan review.
- G. Components.** A Central City Master Plan must include the following components:
1. **Boundaries.** The boundaries of the master plan area must be shown on a site plan. For sites where a Central City Master Plan is required, the boundary must include all contiguous lots in common ownership within the area shown on Map 510-19. Contiguous includes lots across a shared right-of-way. Lots in separate ownership may be included, but are not required.
 2. **Proposed urban design and development framework.** The following materials must be included to provide clear visual information about the proposal:
 - a. A site plan showing the following:
 - (1) Location, size, and dimensions of all existing and proposed structures, and the location of all main entrances to existing and proposed buildings;
 - (2) Location, size and dimensions of the building coverage of all proposed structures;
 - (3) Description of existing and proposed land uses. The description must include information as to the general amount, type and location of all uses;
 - (4) Existing and proposed internal pedestrian, bicycle, and vehicle circulation system, including where each part of the proposed system connects to public rights-of-way adjacent to the master plan boundary, and transit service lines and stations within or adjacent to the master plan boundary;
 - (5) Existing and proposed location of public rights-of-way;
 - (6) Location of bicycle and vehicle parking; and

- (7) Location, size and shape of all open areas such as parks, plazas, landscaped and hardscaped areas and outdoor recreation amenities including those that are required in 33.510.255.K.
 - b. A three-dimensional massing diagram that identifies the maximum existing and proposed building envelopes, with proposed building dimensions and height for each building, including building massing where a tower will be setback from the edge of a podium; and
 - c. Sections, sectional elevations, and perspectives that illustrate the relationship of site redevelopment to the surrounding urban form in terms of building height and massing.
 3. Project narrative. A narrative that describes the project, identifies how the Central City Master Plan is consistent with the applicable design guidelines. Specific information about the proposed range and density of land uses and the proposed phasing of development must also be included. If the proposed Central City Master Plan involves the transfer of floor area, information about the location of the receiving and sending sites, the ownership of the sites, and amount of floor area to be transferred and retained at each site must be included.
 4. Infrastructure capability. The adequacy of infrastructure must be addressed. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure needs of the development associated with that phase.
 5. Design advice. A copy of the design advice request summary.
- H. Approval Criteria.** A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.
1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan;
 2. The master plan demonstrates how development will comply with the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;
 3. Development on lots with river frontage incorporates elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;
 4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;
 5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent

- public park rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;
6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;
 7. Internal open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to any adjacent open space. Internal open areas enhance visual permeability through the site, especially on sites near the Willamette River. The size and location of each open area must be adequate to accommodate the intended use of the space.
 8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 9. The proposed street plan must provide multi-modal street connections to support the surrounding street grid pattern;
 10. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed development; and
 11. The master plan demonstrates that, to the extent practical and feasible, inactive uses such as, but not limited to, parking and access, loading, and trash and recycling are shared or consolidated, with the goal of activating the pedestrian environment.
 12. The proposal will not have a significant adverse effect on truck and freight movement;
 13. City-designated scenic resources are preserved;
 14. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone; and
 15. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.
- I. Amendments to a Central City Master Plan.** Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. The amendment request must meet the applicable approval criteria in 33.510.255.H.
1. Major change. The following major changes are processed through a Type III review:
 - a. Changes to the boundary of the master plan area;

- b. Removing a proposed public right-of-way, or moving a proposed public right-of-way more than 10 feet;
 - c. Removing an open area, or changing the location, dimension, or area of an open area as required by 33.510.255.K by more than 5 percent or 10 feet; or
 - d. Changing a condition of approval of the master plan.
 2. Minor change. A minor change is one that is neither major nor administrative. Minor changes are processed through a Type II review.
 3. Administrative change. Administrative changes are allowed without a land use review. An administrative change meets all of the following:
 - a. The change is consistent with all conditions of the master plan approval and the conditions of any concurrent approval;
 - b. The change meets all development standards not modified by the master plan; and
 - c. Other than the boundary of the master plan, the change does not change any location, quantity, dimension, or area identified in the approved plans or narrative by more than 5 percent or 10 feet. Changes to the boundary of the master plan are a major change.
- J. Duration.** An approved Central City Master Plan remains in effect until development allowed by the plan has been completed, except that a Central City Master Plan expires 10 years from the date of the final decision if none of the development or activity allowed by the plan has commenced.
- K. Open area requirement.**
 1. Purpose. The open area requirements promote a site design that provides access to light and air, opportunities for outdoor activities including active and passive recreation, public gathering spaces, and visual relief from the built environment. The standards are also intended to produce open areas at a scale compatible to what large sites would have if divided by the 200 foot street grid pattern common through the Central City.
 2. Amount of required open area. A minimum of 20 percent of the master plan area must be devoted to open area. Open areas may include parks, outdoor recreation amenities, plazas, public fountains, or landscaped areas. Areas used for parking, loading, and driveways do not count toward the 20 percent minimum open area requirement.
 3. Required open area development standards.
 - a. At least 20,000 square feet, or 50 percent, whichever is less, of the required open area must be designed as parks or plazas. At least one of the parks or plazas must have dimensions that allows a 50 foot by 50 foot square to fit entirely within it, and in Central City Master Plan Area 6, shown on Map 510-19, at least one park or plaza must be located directly adjacent to the OS zone.

- b. Bike and pedestrian accessways may not constitute more than 25 percent of the required open space.
- c. The open space must meet one of the following tree density standards. Tree canopy sizes are defined in 33.248.030.C.2:
 - (1) A minimum of one tree per 1,000 square feet of park or plaza area is required if all of the trees are small canopy trees; or
 - (2) A minimum of one tree per 2,000 square feet of park or plaza area is required if at least one medium or large canopy tree is provided.
- d. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of the park or plaza at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21.

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

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

Parking and Access

33.510.261 Parking Built After July 9, 2018

- A. Purpose.** The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
 - 1. **Growth Parking.** Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. **Preservation Parking.** Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
3. **Visitor Parking.** Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.

- C. Organization of parking regulations.** This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

Generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units. Visitor Parking may be located where demand is shown.

Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.

Map 510-10 shows the Central City plan district parking sectors. There are maximums for parking in all of the parking sectors. In some cases, Central City Parking Review may be required, while other proposals may need adjustments.

- D. Where these regulations apply.** The regulations of Sections 33.510.261 apply to parking built after July 9, 2018. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.
- E. Sites split by parking sector boundaries.** If the site is split by parking sector boundaries, and the maximum ratio in the two sectors differ, the maximum ratio is based on the regulations that apply to the site of the use the parking will be serving.
- F. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.
1. **When Growth Parking is allowed.** Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
 2. **Maximum allowed parking.** Growth Parking is limited to the maximum ratios in Table 510-2. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
 3. **Operation.** Growth Parking may be operated as either accessory or commercial parking at all times.

Table 510-2 Maximum Parking Ratios [1]						
Uses	Parking Sectors					
	1 North Pearl	2 North/ Northeast	3 Goose Hollow	4 Core	5 Central Eastside	6 South Waterfront
Residential Uses	1.2	1.2	1.2	1.2	1.2	1.2
Office, Retail Sales And Service, Schools, Colleges, Daycare	1.5	1.35	1.5	1.0	2.0	2.0
Grocery Store	2.0	2.0	2.0	2.0	2.0	2.0
Anchor Retail [2]	1.5	1.5	1.5	1.5	1.5	1.5
Hotel/motel and meeting or conference rooms	1/room, plus 1/1,000 square feet of meeting/conference rooms.					
Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service	1.0	2.0	1.0	1.0	2.0	1.0
Medical Center	1.5	1.35	1.5	1.5	2.0	2.0
Major Event Entertainment, Commercial Outdoor Recreation, Parks And Open Areas	Parking requires Central City Parking Review and must meet the Visitor parking approval criteria in 33.808.100.					
Community Service, Religious Institutions, Theaters, and all other uses	.5	.5	.5	.5	.5	.5

[1] Maximum ratios are per 1,000 square feet of net building area for non-residential/hotel uses; per dwelling unit or hotel room for residential/hotel uses

[2] Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

G. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. In the South Waterfront subdistrict, existing buildings with Medical Center or College uses are eligible to apply for Preservation parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking. If the parking area is

created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking.

2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.
3. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking, except for hotels and motels where the maximum ratio is one half the ratio allowed for new hotels. See Table 510-2. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
4. Required covenants. Preservation Parking requires the following covenants:
 - a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:
 - (1) The owner must specify which buildings the parking is based on;
 - (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.
 - b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
 - (1) Covenant:
 - There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must specify which buildings the parking is based on, and ensure that the parking will be primarily for those buildings for at least 10 years from the date the garage begins operation. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property; and
 - A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit. Written documentation must be provided that shows that the changes comply with the regulations of this Chapter.
 - (2) Changes to existing covenants. Changes to a covenant between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.

- (3) New covenants. A new covenant between the owner of the parking and the owners of buildings for which the parking will be provided is allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.
 5. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.
- H. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to this subsection are prohibited.
1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.
 2. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.
 3. Operation. Visitor Parking is operated as commercial parking, except as follows:
 - a. “Early Bird” discounts are prohibited on weekdays, and
 - b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
- I. All parking built after July 9, 2018.** The regulations of this subsection apply to all new parking regardless of type.
1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.
 2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential uses or hotels.
 - a. Five spaces or five percent of the total number of parking spaces on the site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required;
 - b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking;
 - c. At least twenty percent of the carpool spaces must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger; and
 - d. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.
 3. Surface parking and structured parking with no gross building area above it are prohibited except as follows:

- a. Parking on top of a structure is allowed.
 - b. Up to 100 parking spaces may be on a surface parking lot or in structured parking with no gross building area above it if the parking is for a public school use;
 - c. In the Central Eastside and Lower Albina subdistricts up to 20 of the maximum allowed number of parking spaces for a site may be on a surface parking lot if the following are met. Adjustments to these standards are prohibited:
 - (1) The parking is accessory to a Manufacturing and Production, Wholesale Sales, Industrial Service, or Warehouse and Freight Movement use;
 - (2) The parking is located in the IH or IG1 zones; and
 - (3) The surface parking lot is located directly adjacent to the building in which the use exists. In this case, the parking on the surface parking lot must operate as accessory parking only and is prohibited from operating as commercial parking.
 - d. In the South Waterfront subdistrict, surface parking that is operated by the City of Portland on a site that will be developed as a park in the future is allowed. The property owner must execute a covenant with the City reflecting that the future development and use of the site will be a park, and the covenant must be attached to and recorded with the deed of the site. The covenant must meet the requirements of 33.700.060.
4. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure the following must be met. Adjustments to the following standards are prohibited.
- a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Irving and SW Jackson Streets.
 - b. The structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Jackson Streets.
 - c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues.
 - d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
 - e. Street-facing facades.
 - (1) Street-facing facades in Parking Sector 6. Within Parking Sector 6, 50 percent of facades that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area must be designed to accommodate Retail Sales And Service or Office uses at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.
 - (2) Street facing facades in all other Parking Sectors. In all other parking sectors, 50 percent of the street-facing facade must be designed to accommodate

Retail Sales And Service or Office uses. Areas designed to accommodate these uses must be developed at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation no later than December 31 each year. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
 - a. The number of parking spaces and the amount of net building area on the site.
 - b. A description of how the parking spaces were used in the following categories. Percentage of parking used for:
 - (1) Short-term (less than 4 hours);
 - (2) Long-term daily (four or more hours);
 - (3) Average number of monthly permits issued (other than carpool);
 - (4) Number of signed monthly Carpool stalls in the facility; and
 - (5) Number of spaces that either include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, or currently provide at least a Level 2 electric vehicle charger.
 - c. Rate schedule for:
 - (1) Hourly parking;
 - (2) Daily Maximum Rate;
 - (3) Evening Parking;
 - (4) Weekend Parking;
 - (5) Monthly parking;
 - (6) Carpool parking; and
 - (7) Electric vehicle parking if different from above rates
 - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
 - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.
 - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

33.510.262 Parking Built before July 9, 2018

- A. Purpose.** With adoption of the Central City 2035 Plan, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, operation restrictions and reporting requirements have been reduced.

The new regulations do not supersede other types of approvals such as existing Preservation Parking covenants, design review and adjustments.

- B. Where these regulations apply.** These regulations apply to all parking that legally existed on July 9, 2018. The regulations also apply to all parking where a complete application was received before July 9, 2018, or parking that received either a land use or building permit before July 9, 2018.

- C. Assignment of parking types.** The parking types assigned below are the same types as described in Subsection 33.510.261.B.; or if not assigned below the parking is Undedicated General. Undedicated General is all parking other than Visitor Parking, that is not associated with a particular development.

1. If the parking was built as Growth Parking it continues to be Growth Parking.
2. If the parking was built as Preservation Parking it continues to be Preservation Parking.
3. If the parking was built as RX Zone Parking or Residential/Hotel Parking it is now Growth Parking.
4. If the parking was built as Visitor Parking it continues to be Visitor Parking.
5. All other parking is Undedicated General Parking.

D. Operation.

1. If the parking is in a structure:
 - a. Growth and Preservation parking may operate as accessory or commercial parking.
 - b. Visitor Parking is operated as commercial parking except as follows:
 - (1) "Early Bird" discounts are prohibited on weekdays, and
 - (2) The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
 - c. Undedicated General Parking is subject to all previous conditions of approval.
2. If the parking is on a surface parking lot:
 - a. Growth Parking:
 - (1) Unless specified in Subsubparagraph D.2.a.(2), Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:

- Monthly permits are only allowed for residents and employees of the subdistrict;
 - Hourly and daily parking is prohibited; and
- (2) Growth Parking that was operating as RX Zone Parking on July 9, 2018 must operate as accessory to a Residential use.
- b. Preservation Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, Preservation parking that operates as commercial parking is subject to the following limitations:
- (1) Monthly permits are only allowed for residents and employees of the subdistrict; and
 - (2) Hourly and daily parking is prohibited.
- c. Undedicated General Parking. The operation of Undedicated General Parking is subject to all previous conditions of approval.
- E. Changes.** Changes to parking regulated by this Section are regulated as follows.
1. Changes that would be prohibited if requested for new parking are prohibited.
 2. Changes from one type of parking to Visitor Parking or changes from Visitor Parking to Preservation or Growth requires a Central City Parking Review.
 3. Changes in conditions of approval requires Central City Parking Review.
 4. An increase in the number of spaces for all other parking types is subject to the regulations of Section 33.510.261.
 5. An increase in the number of spaces for Undedicated General Parking is prohibited.
 6. An increase in site area devoted to surface parking is prohibited.

33.510.263 Parking and Loading Access

The regulations of this section apply to all parking and loading access.

- A. Purpose.** The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.

B. Parking and loading access standards.

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:
 - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
 - c. On SW Park between SW Jackson Street and SW Salmon Street;
 - d. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;
 - e. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;
 - f. On 1st Ave between NW Davis Street and SW Stark Streets;
 - g. On 1st Ave between SW Washington and SW Yamhill Streets; and
 - h. Motor vehicle access to or from any parking area or structure is prohibited along any site frontage that abuts a street with a light rail or street car alignment in it unless entering and exiting the parking area or structure does not result in any motor vehicle travelling onto or across the light rail or streetcar alignment, in which case the access is allowed.
2. Unless addressed by Paragraph B.1., motor vehicle access to any parking area, loading area, or parking structure is not allowed in the following situations:
 - a. To or from any of the following streets:
 - (1) Major City bikeway;
 - (2) Major City Traffic Street;
 - (3) Major Truck Street; and
 - (4) Major Transit Priority Street.
 - b. To or from any parking area or structure when the access will cause or allow a vehicle to travel onto or across a light rail or street car alignment anywhere within 75 feet of the parking access measured from the property line.
3. All other streets. Motor vehicle access to any parking area, loading area, or parking structures is allowed.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. Nos. 187216 and 187217, effective 7/24/15; Ord. No. 187796, effective 7/8/16; Ord. No. 188162, effective 2/1/17; Ord. No. 188631, effective 11/4/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189001, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24.)

17. Nonconforming situations

a. Required improvements.

- (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than \$356,000 paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
- (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
- (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.

b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.

c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.

d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:

- a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
- b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
- c. In all zones, at least half of the open area must be in common ownership.

33.515.280 Columbia South Shore Environmental Review

A. Purpose of the review. Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.

B. Modifying Environmental Zone boundaries. Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations

stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.

C. Procedures. All required reviews are processed through a Type II procedure.

D. Approval criteria.

1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
 - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
 - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;
 - d. If the mitigation area is within a protected resource:
 - (1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and
 - (2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.
 - e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5-year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:
 - (1) Full achievement of required resource values; and
 - (2) Compliance with development standards of Section 33.515.278.
 - f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

- d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

33.526.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.
- B. Where these regulations apply.** Except as follows, the standards of this section apply to new development and alterations to existing development that add at least 40,000 square feet of net building area on sites that abut an Enhanced Pedestrian Street shown on Map 526-4. The following are exempt from the standards.
 1. Development in the RM1, RM2, and RM3 zones;
 2. Development where there has been a school use on the site since June 18, 2004; and
 3. Accessory structures.
- C. Required building lines.** Either Paragraph C.1. or C.2., must be met. This standard only applies along the Enhanced Pedestrian Street. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.
- D. Ground floor active uses.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street, a plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards. Development that includes a residential use is exempt from the ground floor active use standard until January 1, 2029:
 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

2. The area must be at least 25 feet deep, measured from the street-facing facade or wall;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

33.526.290 Ground Floor Windows

- A. Purpose.** In the Gateway plan district, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Standard.** All exterior walls on the ground level that face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

33.526.300 Required Windows Above the Ground Floor

- A. Purpose.** These regulations prevent large blank walls above the ground floor from facing residential sites outside the plan district. Together with the height regulations, this helps lessen the impact of tall buildings in the regional center on adjacent residential neighborhoods.
- B. Required windows above the ground floor.** Sites across a street and within 50 feet of R7 through R2.5 zones outside the plan district must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

33.526.310 Exterior Display and Storage

Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.526.320 Drive-Through Facilities

Drive-through facilities are prohibited.

33.526.330 Gateway Master Plan

- A. Purpose.** The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new

development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.

- B. Flexibility achieved.** An approved Gateway master plan allows additional flexibility in any of the following situations:
1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
 2. Allows uses to be arranged on the site in the most appropriate manner by allowing uses to be located in zones where they are otherwise not permitted, except that household living is prohibited in EG zones.
 3. Allows the development of required housing at an alternate location;
 4. Defers the building of required open area;
 5. Defers the construction of required streets, accessways, and other transportation elements; or
 6. Allows applicants to take advantage of bonus options in 33.526.230.
- C. Contents of a Gateway master plan.** In addition to the application requirements of Section 33.730.060, a Gateway master plan must contain the components listed below. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases. The plan must include:
1. Floor area. How allowable floor area will be distributed throughout the site. This can be shown by location of buildings, by subareas of the site, or by amount assigned to each lot. Floor area may be reallocated within the site.
 2. Location of uses. The location of proposed uses on the site. If a use is allowed on the site, it may be located on a portion of the site where the zoning would otherwise not permit it. Regardless of use, the base zone development standards will apply.
 3. Housing.
 - a. The location, density, and general type of housing to be built. If residential development is required by the base zone, the plan must show how the requirement will be met.
 - b. If the required housing is proposed for a location outside of the residentially-zoned area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Gateway plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing.

4. Minimum and maximum requirements. The total combined floor area for the entire site and for each use must be within the minimum required and maximum allowed, including bonus floor area, for the plan area. Floor area transfers outside of the Gateway master plan site are prohibited.
5. Infrastructure capability. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.
6. Circulation. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.
7. Open area. The plan must identify when and where the open area will be built.
8. Connectivity. The plan must identify when and where the streets, accessways, and other internal connections will be built.
9. Proposed reviews and criteria. Required reviews, such as design and other land use reviews, for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development.
 - a. If the applicant requests that all of the required reviews be done as part of the review of the master plan, the plan must explain and provide enough detail on how the proposals comply with the approval criteria for the reviews.
 - b. If the applicant decides to defer these reviews to the time of future development, the plan must specify what review procedures and approval criteria will be used for reviewing that development.
 - c. Adjustments and modifications. If any adjustments or modifications are being requested in conjunction with the Gateway master plan review, the application must include a statement as to how each adjustment and modification complies with the approval criteria for the adjustment or modification.

D. Duration and expiration of a Gateway master plan.

1. A Gateway master plan must include currently proposed developments and developments that might be proposed within at least 3 years.
2. An approved Gateway master plan remains in effect until development allowed by the plan has been completed, the plan is amended or superseded, or it becomes void as specified in Paragraph D.3., below.
3. If there has been no development on the site within 10 years after the Gateway master plan is approved, the Gateway master plan is void, and no further development will be allowed on any area previously covered by the plan until a new or updated plan is approved.

E. Implementation.

1. Development in conformance with a Gateway master plan.

- a. Development that is consistent with and conforms to the specific Gateway master plan is not required to go through another Gateway master plan review, but may be subject to additional reviews specified by the plan.
 - b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.
2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

33.526.340 Parking

A. Purpose. The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

B. Maximum allowed parking spaces.

1. Maximum allowed parking spaces. Except as specified in B.2., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. The maximums apply to both surface and structured parking.
2. Exceptions.
 - a. Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 200 square feet of net building area. The maximum applies to both surface and structured parking.
 - b. Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 300 square feet of net building area.
 - c. Park-and-ride facilities. There is no maximum for park-and-ride facilities.

C. Location.

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:

- a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.
 - b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
 - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

D. Structured parking near light rail. In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D.1. through D.5, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and face a sidewalk, plaza, or other public open space.

(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; 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. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.530 Glendoveer Plan District

530

Sections:

33.530.010 Purpose

33.530.020 Where the Regulations Apply

33.530.030 Minimum Lot Size

33.530.040 Building Setbacks

33.530.050 Additional Standards for Flag Lots

Map 530-1 Glendoveer Plan District

33.530.010 Purpose

The regulations of the Glendoveer plan district are intended to ensure that the special development patterns fostered by Ascot zoning and succeeding zoning provisions established by Multnomah County are protected and continued under City zoning regulations following annexation.

33.530.020 Where the Regulations Apply

The standards of this chapter apply only to areas zoned R7 and which were zoned LR7.5 by Multnomah County prior to the establishment of City zoning. Glendoveer plan district boundaries and areas that were formerly zoned LR7.5 and are now zoned R7 are shown on Map 530-1, located at the end of this chapter, and on the Official Zoning Maps.

33.530.030 Minimum Lot Size and Maximum Density

For land divisions within the Glendoveer plan district, the following maximum density and minimum lot size standards replace the respective standards in 33.610:

- A. Maximum density C in Table 610-1 is 7,500 square feet;
- B. Minimum lot area for all other lots in Table 610-2 is 7,500 square feet; and
- C. Minimum lot width for all other lots in Table 610-2 is 70 feet.

33.530.040 Building Setbacks

- A. **Building setback standards.** The minimum building setbacks are:

Setback	Distance
Front setback	30 feet
Side setback	10 feet [1]
Rear setback	15 feet

[1] For sites with attached houses, the required building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.

- B. **Setback standards for detached garages.** Detached garages are allowed in side and rear building setbacks that do not abut a street if all of the following are met:

1. The garage entrance is at least 50 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;
2. The garage has dimensions that do not exceed 24 feet by 24 feet;
3. The garage is no more than 15 feet high and the garage walls are no more than 10 feet high, excluding the portion of the wall within a gable;
4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation; and
5. Dormers meet the setback standards of Subsection A, above.

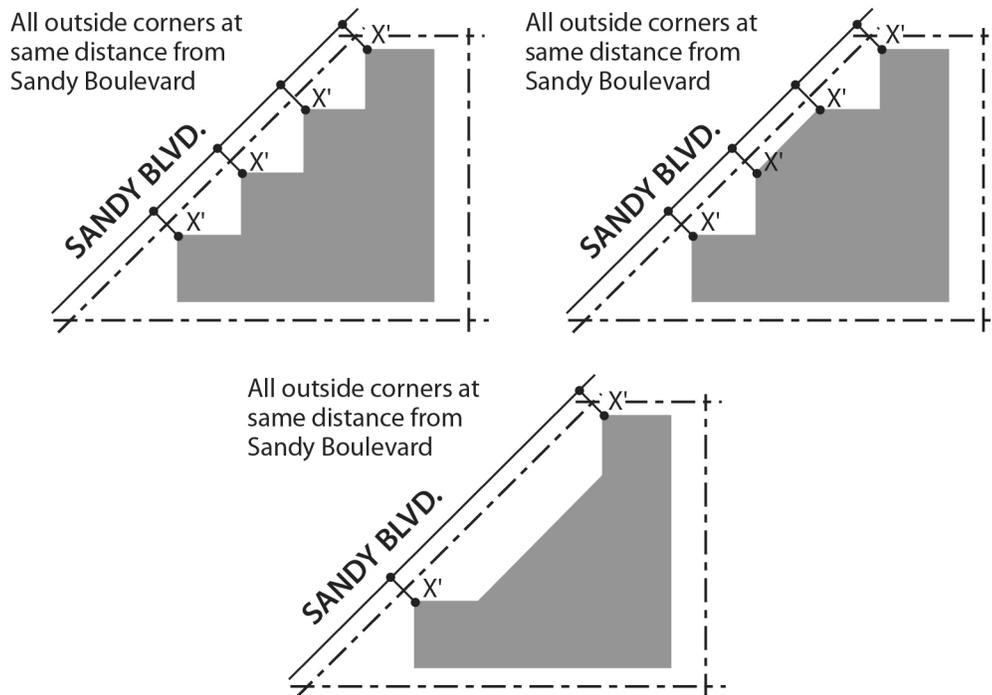
33.530.050 Additional Standards for Flag Lots

- A. Minimum lot dimensions.** Flag lots are exempt from the minimum front lot line standard. The minimum lot width and minimum lot depth required for each flag lot is 70 feet. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the “flag” portion of the lot. All other lot dimension standards must be met.
- B. Setbacks.** Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are 15 feet.
- C. Maximum Height.** The maximum height for all structures on flag lots is 25 feet.

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 182429, effective 1/16/09; Ord. No. 190851, effective 6/30/22; Ord. No. 191609, effective 3/1/24.)

1. Parallel to Sandy Boulevard; or
2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are at the same distance from Sandy Boulevard, as shown in Figure 536-4.

Figure 536-4
Examples of building facades facing Sandy Boulevard



33.536.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.
- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations. Development that includes a residential use is exempt from the enhanced pedestrian street standards until January 1, 2029.
- C. Enhanced Pedestrian Street standards.** New development must meet the following standards:
 1. Active building uses. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle

of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street. Accessory structures are exempt from this standard.

Areas designed to accommodate active building uses must meet all of the following standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing facade;
 - c. The area must be designed to accommodate a single tenant or multiple tenants;
 - d. The street-facing facade facing the Enhanced Pedestrian Street must include windows and doors; and
 - e. Parking is not allowed in the active building use areas.
2. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from an Enhanced Pedestrian Street unless the site has no other street frontage.

33.536.290 Maximum Allowed Parking in the RM4, CM2, and CM3 zones

- A. Purpose.** Limiting the number of parking spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as an even more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians, and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The maximum ratios are lower in Hollywood than in many other parts of the city because the entire plan district is within one-half mile of a light rail station and the Hollywood Transit Center.

- B. Where these regulations apply.** These regulations apply to accessory parking in the RM4, CM2, and CM3 zones.
- C. Maximum allowed parking.**
1. Generally. Surface and structured accessory parking is limited to the maximum ratios listed as Standard A in Table 266-2, except as allowed in Paragraphs C.2 through C.4, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use, or for household living, based on the number of units.
 2. Household Living. For Household Living uses, the maximum ratio for surface parking is 1.35 spaces per unit. When 75 percent or more of the parking is in structured parking the maximum number of parking spaces allowed is 1.7 spaces per unit.

3. Retail Sales And Service. The following maximum ratios apply to the following specific Retail Sales And Service uses. The maximum for all other Retail Sales and Service uses is stated in Table 266-2:
 - a. Retail, personal service, repair oriented. The maximum ratio is 1 space per 250 square feet of net building area.
 - b. Restaurants and bars. The maximum ratio is 1 per 75 square feet of net building area.
4. Office uses.
 - a. Medical and dental clinics. The maximum parking ratio for medical and dental clinics is 1 space per 330 square feet of net building area.
 - b. All other Office uses. The maximum parking ratio for all other Office uses is 1 space per 400 square feet of net building area. However, the maximum ratio is 1 space per 300 square feet of net building area if the following are met:
 - (1) At least half of the parking accessory to uses on the site is in structured parking;
 - (2) Parking structures on the site must be designed so that at least 50 percent of the street-facing facade meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard

- A. Purpose.** These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites along Sandy flexibility in site design.
- B. Where these regulations apply.** These regulations apply to sites with frontage along Sandy Boulevard.
- C. On-site location of vehicle areas.** Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

33.536.320 Nonconforming Development

- A. Purpose.** These regulations ensure that improvements to nonconforming development will comply with the parking limits established for the Hollywood plan district.
- B. Sites that are nonconforming in maximum allowed parking spaces.** If changes to a use or building are made to a site that is nonconforming in the maximum allowed parking spaces, existing parking spaces that are in excess of the maximum may be retained if the following conditions are met:
 1. Parking area may not be expanded, but may be reconfigured; and
 2. If the parking area is reconfigured, it must meet the minimum setback and perimeter landscaping requirements and the minimum parking space and aisle dimensions stated in Chapter 33.266.

(Added by Ord. No. 174325, effective 5/5/00. Amended by: Ord. No. 174980, effective 11/20/00; Ord. No. 177422, effective 6/7/03; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.537 Johnson Creek Basin Plan District

537

Sections:

General

- 33.537.010 Purpose
- 33.537.020 Where These Regulations Apply
- 33.537.030 Items Subject to These Regulations
- 33.537.040 Items Exempt from Environmental Regulations

Development Standards

- 33.537.100 General Development Standards
- 33.537.110 Transfer of Development Rights
- 33.537.120 Bonus Density
- 33.537.125 Tree Removal Standards
- 33.537.130 Springwater Corridor Standards
- 33.537.140 South Subdistrict Standards
- 33.537.150 Floodplain Standards
- 33.537.160 Johnson Creek Flood Risk Area

Map 537-1 Johnson Creek Basin Plan District

General

33.537.010 Purpose

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

This plan district is intended to be used in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin, to protect resources and functional values in conformance with Goal 8 of the Comprehensive Plan and Statewide Planning Goal 5.

33.537.020 Where These Regulations Apply

The regulations of this chapter apply in the Johnson Creek Basin plan district. The boundaries of the plan district are shown on Map 537-1 at the end of this chapter, and on the Official Zoning Maps.

The regulations of Sections 33.537.010 through 33.537.120 apply to all sites in the plan district. The regulations of Section 33.537.125 apply to sites that abut the Springwater Corridor, sites where any portion is within the combined flood hazard area and sites where any portion is within the South

subdistrict. The regulations of Section 33.537.130 apply to sites that abut the Springwater Corridor. Where any portion of a site is in the combined flood hazard area, the entire site is exempt from the regulations of Section 33.537.140 and is instead subject to the regulations of Section 33.537.150. The regulations of Section 33.537.160 apply to sites in the Johnson Creek Flood Risk Area. The South subdistrict, Springwater Corridor, and Flood Risk Area are shown on Map 537-1.

33.537.030 Items Subject to These Regulations

The following are subject to the development standards and required reviews of this chapter.

- A. New development and exterior alterations;
- B. New above or below ground utilities that are not in public rights-of-way; and
- C. Removal of trees 6 or more inches in diameter.

33.537.040 Items Exempt from Environmental Regulations

The following items are exempt from environmental overlay zone regulations within the plan district, as they are compatible with the purposes of the plan district and will not adversely impact significant resources and functional values.

- A. Construction and maintenance of a public recreation trail and support facilities within the Springwater Corridor; and
- B. Maintenance within existing rights-of-way, including road widening, rebuilding of bridges, resurfacing, and installation of curbs and sidewalks.

Development Standards

33.537.100 General Development Standards

The standards of this section apply to the entire Johnson Creek Basin plan district.

- A. The following are prohibited within the Johnson Creek floodway. Exceptions to this are fences, public bridges, outfall structures, and fire hydrants, which are allowed subject to standards set by the Bureau of Environmental Services.
 - 1. New above ground structures;
 - 2. Alterations to existing commercial and industrial structures that exceed 50% of the assessed value; or
 - 3. Increase of building coverage.
- B. Release of water from Powell Butte reservoirs into Johnson Creek is prohibited unless there is a system malfunction or when the release would result in no more than a 10 percent increase in water volume at any point in the creek during the release period. Water discharged during scheduled release periods must be dechlorinated.
- C. Groundcovers and shrubs identified on the Nuisance Plants List may be removed.
- D. Planting of plants listed on the Nuisance Plants List is prohibited.

- E. All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.

33.537.110 Transfer of Development Rights

- A. Purpose.** These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites where any portion of the site is in the combined flood hazard area to areas that can accommodate the additional density without environmental conflict.
- B. Regulations.** Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.
 - 1. Sending sites.
 - a. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.
 - b. Sites in single-dwelling zones where any portion of the site is in the combined flood hazard area may transfer development rights.
 - 2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:
 - a. Sites in the RMP zone;
 - b. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;
 - c. Sites where any portion of the site is in the combined flood hazard area; and
 - d. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
 - 3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.
 - 4. Transfer procedure. Transfer of development rights is allowed as follows:
 - a. Planned Development (PD) required. The receiving site must be approved for development as a PD. The purpose of the PD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria of this subsection and the approval criteria in Chapter 33.665, Planned Development Review.
 - b. Sending site included. The sending site must be a part of the application for PD review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.

- c. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded within 90 days of the PD approval, or if the PD includes a land division, before the Director of BDS's approval of the final plat.
5. Approval Criteria. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the transfer will be approved when the review body finds that all the following approval criteria have been met:
 - a. A PD proposed for the site that includes the transferred density has been approved; and
 - b. The owner of the sending site has executed a covenant with the City that reflects the reduction in potential density for the sending site.
6. Adjustments prohibited. Adjustments to the provisions of this section are prohibited.

33.537.120 Bonus Density

- A. Purpose.** Density bonuses promote denser development and encourage development in areas that have full and efficient urban services. They also encourage development patterns that reduce impact on environmentally sensitive sites.
- B. Qualifying situations.** Density bonuses are allowed except where prohibited. Density bonuses are prohibited on:
 1. Portions of a site that are in Environmental Protection or Conservation overlay zones;
 2. Sites where any portion of the site is in the combined flood hazard area; or
 3. Portions of a site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Subsection 33.537.140.E, Maximum Density for Land Divisions and Planned Developments.
- C. Maximum density.** Proposals that meet the requirements of Subsection D, below, may increase their maximum density by 50 percent. Bonus density may be combined with transfer of development rights. The maximum increase in density that will be allowed when bonus and transfer development rights are combined is 100 percent.
- D. Requirements.** Proposals to use density bonuses must meet the following:
 1. Development. Development must be any housing type that has at least two units in each structure or attached houses and must meet the development standards for residential development in the RM1 zone. Adjustments to this paragraph are prohibited.
 2. Planned Development (PD) required. The proposal must be approved for development as a Planned Development. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the following standards must be met:
 - a. Access to transit. Access from each dwelling unit within the proposal to a transit street or transitway, as identified in the Transportation Element of the City's Comprehensive Plan, must be provided. The access must be by a direct route

that is not more than one-quarter mile long. A direct route is one that follows public or private streets. A direct route may also include a pedestrian path developed as part of the proposal if the City receives an access easement for public use of the pedestrian path.

- b. Sewer and water. Development sites within the project must be served by City sanitary sewer and water lines located in dedicated rights-of-way.
- c. Storm water retention and detention. All storm water originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

33.537.125 Tree Removal Standards

- A. Purpose.** The regulations of this section limit tree removal to protect the scenic and recreational quality of the Springwater Corridor, reduce stormwater runoff, flooding, erosion, and landslides and protect water quality and native vegetation.
- B. Where these regulations apply.** The standards of this section apply to trees that are 6 or more inches in diameter in the following locations:
 1. Within 20 feet of the Springwater Corridor right-of-way;
 2. On sites where any portion of the site is within the combined flood hazard area; and
 3. On sites where any portion of the site is within the South Subdistrict as shown on Map 537-1.
- C. Standards.** Trees 6 or more inches in diameter may not be removed unless one or more of the following are met:
 1. The tree is determined by an arborist to be dead, dying or dangerous and needs to be removed;
 2. The tree is listed on the Nuisance Plants List;
 3. The tree is within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports, or within 10 feet of a proposed driveway or right-of-way improvements;
 4. The tree must be removed due to installation, repair, or maintenance of water, sewer, or stormwater services. For new installation of services, tree removal allowed under this provision is limited to a single 10 foot wide utility corridor per site;
 5. The tree is within a proposed roadway or City-required construction easement;
 6. The tree is at least 6 and up to 12 inches in diameter and does not meet any of the other standards of this Subsection, but is replaced with two trees. Replacement plantings must meet Section 33.248.030, Plant Materials. Trees removed within 20 feet of the Springwater Corridor must be replaced within the 20 feet of the Springwater Corridor; or

7. Trees that do not qualify for removal under C.1 through 6 may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. However, where the tree removal requires environmental review, only environmental review is required.

- D. Tree removal without development.** When no development is proposed, tree removal allowed under the standards of Subsection C.1 through 5, above, is subject to the tree permit requirements of Title 11, Trees.

33.537.130 Springwater Corridor Standards

- A. Purpose.** This section ensures protection of the Springwater Corridor as a transportation, recreation and scenic amenity.
- B. Where these regulations apply.** The standards of this section apply to sites that abut the Springwater Corridor. These regulations do not apply within a public right-of-way. The Springwater Corridor is shown on the Official Zoning Maps and on Map 537-1 at the end of this chapter.
- C. Standards.**
 1. General standards.
 - a. Motor vehicle areas. Motor vehicle parking, loading, and maneuvering areas are not allowed within 20 feet of a lot line abutting the Springwater Corridor;
 - b. Waste collection and waste storage areas. In multi-dwelling, C, E, I, and IR zones, exterior waste collection and waste storage areas must be screened from the corridor, the screen must be at least five feet deep and meet the L2 standard of Chapter 33.248, Landscaping and Screening;
 - c. Tree removal. Trees within 20 feet of a lot line abutting the Springwater Corridor are subject to the tree removal standards of 33.537.125.
 2. Special setback standards.
 - a. Landscaped buffer required. New development and expansion of existing development, including buildings, other structures, fences, parking and loading areas, paved and graveled areas, and exterior display and storage areas, must be set back and provided with a landscape buffer along lot lines abutting the Springwater Corridor.
 - (1) R zones. In R zones, a 20 foot landscaped buffer is required along a lot line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.
 - (2) C, E, and I zones. In C, E, and I zones, a 10 foot landscaped buffer is required along a property line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.
 - b. Bicycle and pedestrian paths. Connections for bicycles and pedestrians are allowed through the setback area.

33.537.140 South Subdistrict Development Standards

- A. Purpose.** These regulations mitigate the negative impacts that may result from the development of areas where flooding and landslides are common. The impermeable clay soils of the steep-sided Boring Lava hills to the south of the creek contribute to rapid stormwater runoff in the winter, and contribute to flooding. Unlike the flatter areas north of the creek, in the South subdistrict there are numerous small streams that can quickly carry stormwater runoff to Johnson Creek. The extensive tree canopy on these hillsides helps to slow stormwater runoff. Limitations on development density, tree removal, and impervious surface area reduce stormwater runoff, provide groundwater recharge, reduce erosion, protect water quality, and retain native vegetation. These regulations work together to protect watershed health while allowing the safe and efficient development of unconstrained lands.
- B. Where these regulations apply.** The regulations of this section apply in the South subdistrict as shown on Map 537-1. Where any portion of a site is in the combined flood hazard area, the entire site is exempt from the standards of this section and is instead subject to the regulations of Section 33.537.150, Floodplain Development Standards.
- C. Tree removal.** Tree removal is subject to the standards of 33.537.125.
- D. Impervious surface.** No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.
- E. Maximum Density for Land Divisions and Planned Developments.** The maximum allowed density of development for Land Divisions and Planned Developments is determined by calculating the number of acres in each land classification and multiplying those figures by the following fractions in Table 537-1, below.

All land in the South subdistrict is divided into three land classifications, Classes I through III. Class I lands are generally the steepest sites having the greatest amount of natural hazards while Class III lands are generally flat without natural hazards. This land classification system is the basis for many of the regulations of this chapter.

Table 537-1 Land Class Characteristics and Density Restrictions		
Land Class	Characteristics of the Land Class	Maximum Density
Class I lands	Located on slopes with a grade of 30 percent or greater.	One-fourth the maximum density allowed in the base zone.
Class II lands	Located on slopes with grade of 20 percent or greater, but less than 30 percent.	One-half the maximum density allowed in the base zone.
Class III lands	Located on slopes with grade of less than 20 percent.	Maximum density allowed in base zone.

33.537.150 Floodplain Standards

- A. Purpose.** The regulations of this section manage development in the floodplain in order to protect the quality and natural functions of the floodplain and reduce the loss of property in areas where flooding is common. Together, these regulations help reduce stormwater

runoff, provide groundwater recharge, reduce erosion, retain and enhance native vegetation, and enhance water quality.

- B. Where these regulations apply.** These regulations apply to sites where any portion of the site is in the combined flood hazard area.
- C. Housing Types.** In the RM1 and RM2 zones, allowed housing types are limited to residential structures with at least two units in each structure and attached housing. A house is allowed on lots of record that cannot accommodate more than one dwelling unit under the provisions of Section 33.120.205, Density. Adjustments to this section are prohibited.
- D. Tree removal.** Tree removal is subject to the standards of 33.537.125.
- E. Impervious surface.** No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of impervious surface.

33.537.160 Johnson Creek Flood Risk Area

- A.** Where the entire site is within the Johnson Creek Flood Risk Area, as shown on Map 537-1, land divisions and PDs are prohibited.
- B.** Where a portion of the site is within the Johnson Creek Flood Risk Area, as shown on Map 537-1, land divisions and PDs are allowed only if the portion of the site in the Flood Risk Area is placed in a tract.

(Added by Ord. No. 164472, effective 8/16/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 169763, effective 3/25/96; Ord. No. 170495, effective 8/21/96; Ord. No. 170806, effective 1/17/97; Ord. No. 172208, effective 5/13/98; Ord. No. 174263, effective 4/15/00; 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. 177689, effective 7/19/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190834, effective 10/1/22; Ord. No. 191477, effective 3/1/24.)

33.538 Kenton Plan District

538

Sections:

General

- 33.538.010 Purpose
- 33.538.020 Where These Regulations Apply

Use Regulations

- 33.538.100 Prohibited Uses
- 33.538.110 Limited Uses

Development Standards

- 33.538.200 Drive-Through Facilities
- 33.538.210 Maximum Building Height
- 33.538.220 Floor Area Ratio
- 33.538.230 Required Building Lines
- 33.538.240 Active Use Areas
- 33.538.250 Parking Access Restricted Streets

Map 538-1 Kenton Plan District

Map 538-2 Maximum Building Heights

Map 538-3 Floor Area Ratio

Map 538-4 Required Building Lines

Map 538-5 Active Building Use Areas

Map 538-6 Parking Access Restricted Streets

General

33.538.010 Purpose

The Kenton plan district use regulations foster a vital retail corridor along Denver Avenue. The Kenton plan district development standards ensure that the design of new buildings, and modifications to existing buildings, are compatible with the historic character of the area. These regulations also ensure a pleasant, safe and efficient environment for pedestrians along the Denver Avenue commercial corridor and near the light rail station. Together, these regulations:

- Enhance the commercial character along Denver Avenue by restricting industrial uses;
- Discourage auto-oriented uses and development; and
- Encourage retail uses in the historic storefront buildings along Denver Avenue.

33.538.020 Where These Regulations Apply

The regulations of this chapter apply in the Kenton plan district. The boundaries of the plan district are shown on Map 538-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.538.100 Prohibited Uses

The following uses are prohibited:

- A. Wholesale Sales; and
- B. Vehicle Repair.

33.538.110 Limited Uses

- A. Individual Manufacturing and Production uses are limited to 3,000 square feet of net building area; and
- B. Retail vehicle sales or leasing is limited to 3,000 square feet of net building area per site. Retail vehicle sales or leasing where the net building area is more than 3,000 square feet is prohibited.

Development Standards

33.538.200 Drive-Through Facilities

Drive-through facilities are prohibited.

33.538.210 Maximum Building Height

Maximum building heights are shown on Map 538-2.

33.538.220 Floor Area Ratios

- A. **Purpose.** The minimum floor area ratio requirements ensure a level of development along Denver Avenue that is compatible with the existing buildings. The maximum floor area ratio requirements, which allow higher FARs, encourage increased intensity near the light rail station.
- B. **Minimum and maximum FAR.** Minimum and maximum floor area ratios are shown on Map 538-3. The minimums and maximums apply to new development and additions of floor area to the site.
- C. **FAR bonus.** The following FAR bonus options apply to sites that have a maximum FAR shown on Map 538-3. The regulations of this Subsection do not apply where Map 538-3 does not show a maximum FAR; on those sites, the base zone FAR regulations, including bonus regulations, apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
 - 1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.
 - 2. FAR bonus options:
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. 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.

- b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) 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. 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
 - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and 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 option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.538.230 Required Building Lines

- A. Purpose.** These regulations ensure a lively and attractive pedestrian environment with buildings that are compatible with the historic storefront buildings. They ensure that ground level uses are near the sidewalk.
- B. Where these regulations apply.** These regulations apply to site frontages shown on Map 538-4. Multi-dwelling zoned sites are exempt from the regulations.
- C. Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 1. Zero setback standard. On frontages designated for the zero setback standard on Map 538-4, buildings must extend to the street lot line for the entire lot frontage except that up to 10 feet of the length of the building may be set back up to 10 feet from the street lot line to accommodate the main entrance.
 2. Pedestrian amenities standard. On frontages designated for the pedestrian amenities standard on Map 538-4, buildings must extend to the street lot line for at least 75 percent of the lot frontage. Up to 25 percent of the building may be set back up to 10 feet from the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

33.538.240 Active Building Use Areas

- A. **Purpose.** These regulations work with the Required Building Line standard to ensure a lively and attractive pedestrian environment with buildings that are compatible with the existing historic storefront buildings. These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk.
- B. **Where these regulations apply.** These regulations apply to new development along frontages shown on Map 538-5. Development that includes a residential use is exempt from the active building use area standards until January 1, 2029.
- C. **Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a frontage shown on Map 538-5.

Areas designed to accommodate active building uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing facade;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing facade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

33.538.250 Parking Access Restricted Frontages

- A. **Purpose.** This regulation preserves on-street parking, while reducing the impact of automobiles. It creates a safer, more attractive environment for pedestrians. On Denver Avenue this regulation protects the existing historic pattern of no mid-block curb cuts.
- B. **Parking access restricted.** Motor vehicle access to a vehicle area or structure is not allowed through a frontage shown on Map 538-6.

(Added by Ord. No. 175210, effective 1/26/01. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 190477, effective 8/1/21; Ord. No. 191609, effective 3/1/24.)

33.560 North Cully Plan District

560

Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

Map 560-1 North Cully Plan District

33.560.010 Purpose

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$273,800 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

33.560.030 Procedures

Requests for a North Cully Development review are processed through a Type III procedure.

33.560.040 Submittal Requirements

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

33.560.050 Approval Criteria

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). They ensure that buildings are built near the sidewalk and the area between the building and the sidewalk includes pedestrian amenities.

- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. Development in the multi-dwelling residential zones and alterations or exterior improvements to existing development are exempt from these regulations.
- C. Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 - 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - 2. The building must extend to within 10 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as seating areas, sidewalk cafes or vendor's stands.

33.561.280 Active Building Use Areas

- A. Purpose.** The Active Building Uses standard works together with the Required Building Line, Ground Floor Windows, and Motor Vehicle Access standards to ensure a vibrant and attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk. Active uses include but are not limited to lobbies, retail, residential, commercial, and office.
- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. The following are exempt:
 - 1. Alterations or exterior improvements to existing development;
 - 2. Accessory structures; and
 - 3. Development that includes a residential use is exempt until January 1, 2029.
- C. Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 561-4.

Areas designed to accommodate active building uses must meet the following standards:

- 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- 2. The area must be at least 25 feet deep, measured from the street-facing façade;
- 3. The area may be designed to accommodate a single tenant or multiple tenants;

4. The street-facing facade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

33.561.300 Motor Vehicle Access

- A. Purpose.** To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along Interstate Avenue, motor vehicle access should be limited when possible.
- B. Parking access restricted.** Motor vehicle access to a vehicle area or structure is not allowed from Interstate Avenue unless the site has no other street frontage.

33.561.310 Compatibility Standards in the RM1 Zone

- A. Purpose.** These standards ensure that development of sites with the potential for medium density development:
 - improves the transition between high density mixed-use development along Interstate and single-dwelling zone areas;
 - contributes positively to established neighborhoods; and
 - creates a strong physical and visual connection between the living area and the street.
- B. Where these standards apply.** The standards of this section apply to multi-dwelling structures in the RM1 zone.
- C. Standards.**
 1. Building setback. Primary buildings must not be set back from the front lot line more than 20 feet.
 2. Main entrances.
 - a. Covered area at main entrance. There must be a covered area at all main entrances that face the street. If the main entrance is to a single dwelling, the covered area must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area must be at least 9 feet wide and 7 feet deep.
 - b. Covered balcony. As an alternative to C.2.a, attached houses have the option of providing a covered balcony on the same façade as the main entrance. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.
 3. Parking areas in the front setback. Parking areas are not allowed in the front setback.
 4. Exterior finish materials. The standards of this subsection must be met on all building facades:
 - a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material, except as secondary finishes if they cover no more than 10 percent of each facade.

- b. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
- c. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
- d. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

(Added by: Ord. No. 182072, effective 8/22/08; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191609, effective 3/1/24.)

required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

- E. Height and floor area bonuses for underground parking.** In bonus area C shown on Map 562-6, development that includes underground parking receives floor area and height bonuses. Where at least 50 percent of the accessory parking for a building is entirely underground, the building may be up to 120 feet in height and receives three additional square feet of floor area for each square foot of parking area where the finished ceiling height is underground.
- F. Northwest Transportation Fund bonus option.** Within the area north of NW Pettygrove Street, on sites zoned CM3, contributors to the Northwest Transportation Fund (NWTF) receive nonresidential floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be in nonresidential use is earned, up to a maximum of the total floor area that is allowed on the site. The total floor area allowed on the site is regulated by Section 33.562.220, Floor Area Ratios, and Subsections A through F of this section. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund.

This bonus allows additional floor area to be in nonresidential uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum specified in B.2, above.

The NWTF is to be collected and administered by the Portland Bureau of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by NW Pettygrove Street, NW Nicolai Street, I-405, and NW 27th Avenue.

33.562.240 Standards on Main Streets and the Streetcar Alignment

- A. Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along main streets and the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.
- B. Where these regulations apply.** These regulations apply to sites with frontage on any of the main streets or the streetcar alignment shown on Map 562-7.
- C. Required windows above the ground floor.** On the portion of a site within 200 feet of a main street or the streetcar alignment, windows must cover at least 15 percent of the area of the street-facing façade above the ground floor wall area. This requirement is in addition to any required ground floor windows. Ground floor wall areas include all exterior wall areas up to 9 feet above grade.
- D. Ground floor active use standard** In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a main street or streetcar alignment shown on Map 562-7. Accessory structures are exempt from this standard.

Development that includes a residential use is exempt from this standard until January 1, 2029.

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing façade;
3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
4. Parking is not allowed in the areas designed to meet the standards of this subsection.

E. Location of parking. To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along main streets and the streetcar alignment, parking is allowed only as follows. Sites of 10,000 square feet or less in area are exempt from this subsection.

1. Surface parking is allowed only when separated from main street and streetcar alignment frontages by buildings that meet the ground floor active use standard of Subsection D, above. See figure 562-1.
2. Structured parking is allowed only if:
 - a. The finished ceiling is entirely underground;
 - b. The lowest floor of the parking area is 9 feet or more above grade; or
 - c. The parking area is at least 25 feet from the street-facing façade on main street and streetcar alignment frontages. See Figure 562-1.

F. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from a main street or streetcar alignment except in the following situations:

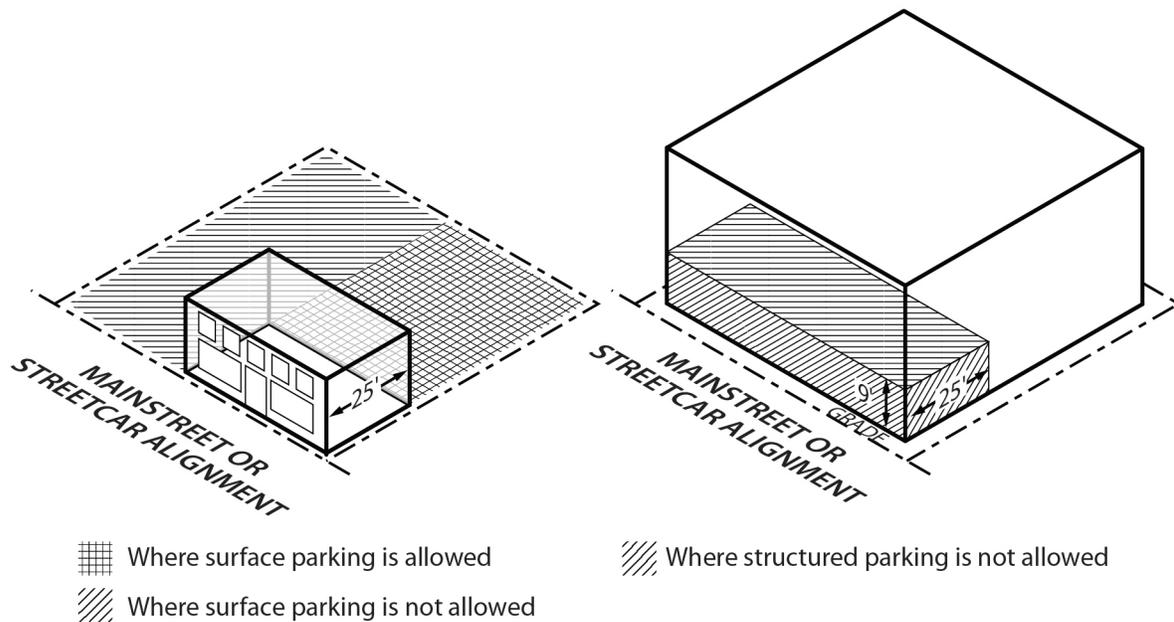
1. When the site has no other street frontage; or
2. For Commercial Parking, access may be approved from a main street or streetcar alignment as part of a Conditional Use approved under Section 33.815.308.

33.562.250 Drive-Through Facilities Prohibited

A. Purpose. Drive-through facilities are prohibited in order to foster transit-supportive, pedestrian-friendly uses, and to help reduce and prevent traffic congestion near the streetcar alignment.

B. Drive-through facilities. Drive-through facilities are prohibited on the portion of a site within 200 feet of a streetcar alignment, shown on Map 562-7. This prohibition includes curb cuts and driveways used to approach and leave the drive-through facility, stacking areas for waiting vehicles, and the facility itself, such as a drive-up window or gas pump island.

Figure 562-1
Location of Parking

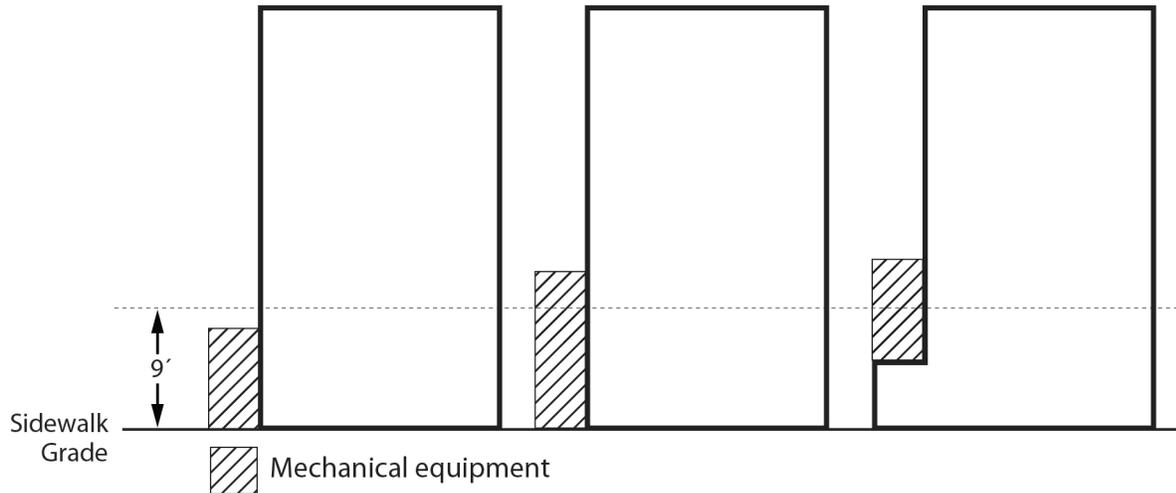


33.562.260 Mechanical Equipment in the CM3 Zone

- A. Purpose.** These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.
- B. Where these regulations apply.** The regulations of this section apply to all sites in the CM3 Zone.
- C. Screening and enclosure.**
1. If any portion of mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows. See Figure 562-2:
 - a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping;
 - b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping; or
 - c. All other mechanical equipment must be within a building that is completely enclosed on all sides;

2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or landscaping.

Figure 562-2
Mechanical Equipment Within 9 Feet of Sidewalk Grade



33.562.270 Minimum Active Floor Area

- A. Purpose.** Requiring a transit-supportive level of activity and intensity near the streetcar alignment helps to decrease reliance on automobile travel and increases opportunities for housing and employment.
- B. Where this regulation applies.** Sites subject to minimum active floor area standards are shown on Map 562-7.
- C. Standard.** On sites with frontage on a streetcar alignment, at least 50 percent of the ground level floor area located within 200 feet of the right-of-way with the streetcar alignment must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Development that includes a residential use is exempt from the standard until January 1, 2029. The active uses are:
 1. Household or Group Living;
 2. Retail Sales And Service;
 3. Office;
 4. Manufacturing And Production;
 5. Industrial Service;
 6. Community Service;

7. Schools;
8. Colleges;
9. Medical Centers;
10. Religious Institutions; and
11. Daycare.

33.562.280 Parking

- A. Purpose.** These regulations foster development that contributes to the desired pedestrian- and transit-oriented character of the plan district, promote alternatives to the automobile, and encourage efficient use of urban land.
- B. Maximum surface parking area.** No more than 20,000 square feet of surface parking is allowed on a site.

33.562.290 Use of Accessory Parking for Commercial Parking

- A. Purpose.** This section encourages efficient use of accessory parking by allowing greater flexibility for use during times when accessory parking is typically underutilized. This section includes limitations to minimize negative impacts on nearby residents.
- B. Where these regulations apply.** These regulations apply to accessory parking in the Northwest plan district as follows:
 1. On sites in an R or CM3 zone, the regulations of this section apply to the entire site;
 2. On sites that are in both an R or CM3 zone and a commercial/mixed use zone, if any of the accessory parking is in the R or CM3 zone, the regulations of this section apply to the entire site;
 3. On sites that are in both an R or CM3 zone and a CM2 zone, if all of the accessory parking is in the CM2 zone, and none is in the R or CM3 zone, the regulations of this section do not apply to the site. The parking is subject to the regulations of the base zone;
 4. On sites that are in the CM2 zone, the regulations of this section do not apply. The parking is subject to the regulations of the base zone.
- C. Regulations.**
 1. Accessory parking may be operated as Commercial Parking when permitted and monitored by the Portland Bureau of Transportation (PBOT) in consultation with the Northwest Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC), or an advisory body recognized by PBOT, as provided in administrative rules adopted by the Director of PBOT. If this advisory body is no longer active or able to fulfill this role, then PBOT will be the sole permitting and monitoring body. The commercial parking must comply with the requirements of Paragraphs C.2 and C.3, below.

2. Accessory parking operated as Commercial Parking. Commercial parking on sites with at least 5 eligible parking spaces is allowed, including short term and monthly rental arrangements.
3. Commercial parking approval. The applicant must submit a NW Plan District Commercial Parking Approval Letter to the Director of the Bureau of Development Services from PBOT that includes the following information:
 - a. Identification of the site;
 - b. The number of spaces that PBOT has approved for use under the program;
 - c. The hours of the day that the accessory parking will be used as Commercial Parking;
 - d. Any conditions PBOT imposed as part of the NW Plan District Commercial Parking Approval Letter; and
 - e. A statement that the owner or owners of the site have agreed to manage the parking approved under the program so that adequate parking for the primary use as served by the accessory parking is maintained.
4. Administrative Rules. The Director of PBOT shall adopt administrative rules to implement the process for permitting and monitoring accessory parking for commercial parking as allowed by this Section.

33.562.300 Northwest Master Plan

- A. Purpose.** The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services.

The provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- Pedestrian-oriented, transit-supportive development;
- Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;
- High quality design appropriate to an urban setting;
- Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;
- A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;
- Transportation and parking demand management strategies that decrease reliance on the automobile;

- Development that is integrated into the broader urban fabric;
 - Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
 - Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.
- B. Where these regulations apply.** The regulations of this section apply to sites shown on Map 562-9 at the end of this chapter. The regulations may also apply to areas that are not shown on the map, but are contiguous to or across a right-of-way from that area and under the same ownership, if the applicant voluntarily includes them in the Northwest Master Plan boundaries.
- C. When a Northwest Master Plan is required.**
1. Required. A Northwest Master Plan is required for sites shown on Map 562-9 where the applicant proposes:
 - a. Expansions of floor area or exterior improvements area greater than 1,500 square feet on the site; or
 - b. A change from one use category to another.
 2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site not shown on Map 562-9 if the site is contiguous to or across a right-of-way from the area shown on the map and under the same ownership.
 3. Exempt. The following are allowed without a Northwest Master Plan:
 - a. Normal maintenance and repair;
 - b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and
 - c. Development where all of the floor area and exterior improvement area is in residential use; and
 - d. Fences, handicap access ramps, and on-site pedestrian systems.
- D. Components of a Northwest Master Plan.** The applicant must submit a Northwest Master Plan with all of the following components:
1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the area shown on Map 562-9 that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.
 2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for

each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.

3. Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.
4. Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.
5. Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments. Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Portland Citywide Design Guidelines or the Design overlay zone design standards in 33.420.050 will apply; however, the Northwest Master Plan may augment those standards and guidelines for the area covered by the Northwest Master Plan.
6. Transportation. For each phase of Northwest Master Plan development the following must be addressed:
 - a. The location and amount of motor vehicle and bicycle parking;
 - b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:
 - (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);
 - (2) Car or van pool programs;
 - (3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;
 - (4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;
 - c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;

- d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;
 - e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Bureau of Transportation; and
 - f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.
7. Phasing of development. The Northwest Master Plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.
 8. Process. The Northwest Master Plan must include:
 - a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and
 - b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.
 9. Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.
- E. Review Procedure.** A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan.

Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

F. Amendments to a Northwest Master Plan.

1. Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:
 - a. A change in use category involving more than 1,500 square feet;
 - b. Increases in floor area or exterior improvements area of more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems are exempt from this limitation;
 - c. Increases or decreases in the amount of parking;

- d. Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and
 - e. Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.
2. Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.
 3. Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.
- G. Approval criteria for a Northwest Master Plan.** A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:
1. Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.
 2. Design.
 - a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest District Plan process. The urban design elements of the proposed overall scheme and site plan must meet the design guidelines that are in effect for the site at the time of application.
 - b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:
 - (1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;
 - (2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest District Plan process, specifically at the edges of the Northwest Master Plan area; and
 - (3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.

3. Transportation.
 - a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;
 - b. The transportation system is capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.3.c.;
 - c. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - d. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed; and
 - e. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.
4. Retail Sales And Service uses. Where the Northwest Master Plan proposes Retail Sales And Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:
 - a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;
 - b. The transportation system is capable of safely supporting the proposed uses and development;
 - c. The proposed uses and development will not have significant adverse effects on the area;
 - d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest District Plan process; and
 - e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

- H. Duration of the Northwest Master Plan.** The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated, with the exception of Northwest Master Plans approved prior to August 10, 2020, which remain in effect until January 1, 2024. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.
- I. After approval of a Northwest Master Plan.** After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supersedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.

(Added by: Ord. No. 175877, effective 9/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No 178020, effective 12/20/03; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183916, effective 7/17/10; Ord. No. 186639, effective 7/11/14; Ord. No. 187889, effective 8/12/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.564 Pleasant Valley Plan District

564

In order to maintain an alphabetical structure of the Plan Districts within the 500s series of chapters, the former Chapter 33.564 has been renumbered. See Chapter 33.566, Portland International Raceway Plan.

Sections:

General

33.564.010 Purpose

33.564.020 Where These Regulations Apply

Development Standards

33.564.060 When Primary Structures Are Allowed

33.564.070 Transfer of Development Rights

Land Divisions and Planned Developments

33.564.300 Minimum Site Size for a Land Division or Planned Development

33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments

33.564.330 Maximum Density

33.564.340 Lot Dimensions

33.564.350 When a Flag Lot is Allowed

33.564.360 Planned Development

33.564.370 Housing Variety

33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

General

33.564.010 Purpose

The Pleasant Valley plan district implements the Comprehensive Plan's goals, policies and action measures for Pleasant Valley; creates an urban community as defined by the Comprehensive Plan; and, furthers the Pleasant Valley vision to integrate land use, transportation, and natural resources. Pleasant Valley as a whole is intended to be a community made up of neighborhoods, a town center, neighborhood centers, employment districts, parks and schools, open spaces and trails, a range of transportation choices, and extensive protection, restoration and enhancement of the natural resources. Portions of the Pleasant Valley area will be in the City of Portland and portions will be in the City of Gresham. The purpose of the Pleasant Valley plan district includes integrating the significant natural resources into a new, urban community.

33.564.020 Where These Regulations Apply

The regulations of this chapter apply in the Pleasant Valley plan district. The boundaries of the plan district are shown on Map 564-1 and on the Official Zoning Maps.

Development Standards

33.564.060 When Primary Structures are Allowed

Primary structures are allowed as specified in 33.110.202 using Table 33.610-2. The lot dimension standards in this chapter do not supersede the lot dimension standards of Table 33.610-2 for the purposes of implementing Section 33.110.202.

33.564.070 Transfer of Development Rights

- A. Purpose.** The transfer of development rights preserves development opportunities for new housing and reduces development pressure in environmentally sensitive sites. The regulations allow development rights to be transferred from areas within the Pleasant Valley Natural Resources overlay zone to areas that can accommodate the additional density without environmental conflict.
- B. Regulations.** Transfer of development rights between sites is allowed as follows:
1. Development rights. Development rights are the number of potential dwelling units that would be allowed on the site.
 2. Sending sites. Sites where at least 50 percent of the site is within the Pleasant Valley Natural Resources overlay zone may transfer development rights.
 3. Receiving sites. Development rights may be transferred to any site in the Pleasant Valley plan district or the Johnson Creek Basin plan district except:
 - a. Portions of a receiving site that are within a Pleasant Valley Natural Resources overlay zone;
 - b. Sites where any portion of the site is within the combined flood hazard area; or
 - c. Portions of a receiving site that are Land Class I or II within the South Subdistrict of the Johnson Creek Basin plan district.
 4. Maximum density. The density of the receiving site may not exceed 150 percent of the allowable density.
 5. Transfer procedure. The procedure for a transfer of development rights must meet the following:
 - a. The transfer must take place as part of a Planned Development;
 - b. The sending and receiving sites must be included in the Planned Development;
 - c. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060 and must be recorded before final approval of the Planned Development.
 6. All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs.
 7. Adjustments to the provisions of this section are prohibited.

Land Division and Planned Development

33.564.300 Minimum Site Size for a Land Division or Planned Development

In the R7 zone, land divisions or Planned Developments are allowed only on sites that are at least 20 acres in size.

33.564.310 Relationship to other Land Division and Planned Development Regulations

Land divisions and Planned Developments in the Pleasant Valley plan district are subject to the regulations and procedures of the 600 series of chapters of this Title unless superseded by regulations of this plan district. The following do not apply:

- A. Chapter 33.631, Sites in the Combined Flood Hazard Area; and
- B. Chapter 33.634, Required Recreation Area.

33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments

In addition to the information required by Section 33.730.060, Application Requirements, a land division or planned development application must include information that addresses the requirements of Section 33.564.370 and .380.

33.564.330 Maximum Density

- A. **RF zone.** In the RF zone, maximum density is one lot per 20 acres.
- B. **R7 zone.** In the R7 zone, maximum density within the Pleasant Valley Natural Resources overlay zone is one lot per acre.

33.564.340 Lot Dimensions

- A. **RF zone.** In the RF zone, new lots must be at least 20 acres in area. There are no minimum width or depth requirements, and no maximum lot area.
- B. **R7 zone.** In the R7 zone, there is no minimum lot area, maximum lot area, minimum width or minimum depth requirement for new lots. New lots must meet the minimum front lot line standard.

33.564.350 When a Flag Lot is Allowed

- A. **When a flag lot is allowed.** Flag lots are prohibited in the Pleasant Valley plan district except as follows:
 - 1. A new lot is being created for an existing house;
 - 2. The existing house is entirely within the Pleasant Valley Natural Resources overlay zone; and
 - 3. The existing house will remain.
- B. **Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - 1. The pole must connect to a street;

2. The pole must be at least 12 feet wide for its entire length; and
 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- C. Minimum lot dimensions.** Flag lots must meet the minimum lot dimension requirements of Subparagraph 33.465.165.A.2.c.

33.564.360 Planned Development

The following uses and development are prohibited through a planned development in the RF zone:

- A. Attached houses;
- B. Attached duplexes;
- C. Triplexes;
- D. Fourplexes;
- E. Multi-dwelling structures; and
- F. Commercial uses.

33.564.370 Housing Variety

- A. Purpose.** The purpose of the housing variety criterion is:
- To encourage the mix of housing intended for the Pleasant Valley plan district as described in the Comprehensive Plan
 - To avoid over-repetition of the same building type or lot size
 - To promote housing choice
- B. When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.
- C. Approval criterion.** To the extent practicable, the design and layout of the land division ensures that a range of housing choices will be provided within the land division site. Some methods to provide this range of housing choices are:
1. Thirty percent of the proposed lots are larger than 7,500 square feet in area, and the remaining lots are less than 7,500 square feet in area;
 2. Twenty percent of the dwelling units are duplexes, triplexes, or fourplexes;
 3. Thirty percent of the lots have accessory dwelling units; or
 4. Other techniques which are consistent with the purpose of this criterion.

33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

- A. Purpose.** The purpose of this criterion is to provide a visual and physical transition or connection between the Pleasant Valley Natural Resources overlay zone and the adjoining developed land. The criterion is intended to encourage careful design of the land division layout so that uses and development at the edges of the environmental zone have reduced impact on, and benefit from, the adjacent natural resources area.

- B. When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.
- C. Approval criterion.** To the extent practicable, the land division should be designed so that development adjacent to or across the street from the environmental resource areas is oriented to enhance the connection between the developed area and the environmental resource area. This connection can be provided by one or more of the following:
1. Local streets are located along the outside edge of the Pleasant Valley Natural Resources overlay zone;
 2. Where lots are adjacent to the Pleasant Valley Natural Resources overlay zone, pedestrian access to the Pleasant Valley Natural Resources overlay zone is provided at sufficient intervals, such as every 400 to 500 feet; or
 3. Other techniques which are consistent with the purpose of this criterion.

(Added by: Ord. No. 178961, effective 6/13/05. Amended by Ord. No. 184235, effective 11/26/10; Ord. No. 189805, effective 3/1/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24.)

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

Special Notification Requirements in the Airport Subdistrict

33.565.310 Mailed Public Notice for Proposed Development

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.
- B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:
 - 1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
 - 2. When the value of the proposed development will exceed \$726,400.
- C. Requirements.** The requirements for mailed public notice are:
 - 1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
 - 2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

33.565.320 Posted Public Notice Requirements for Land Use Reviews

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

- A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:
 - 1. At each of the two main crosswalks in the arrivals roadway area; and
 - 2. At each of the two pedestrian bridges to the P1 parking garage.
- B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:
 - 1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and
 3. On the first floor of the terminal at each of the two main escalators.
- C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

Regulations in the Middle Columbia Slough Subdistrict

33.565.400 Zoning Map Amendments

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

33.565.410 Additional Development Standards

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
 2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
 3. Vegetated setback.
 - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
 - b. Required plants and planting densities. One of the following standards must be met:

33.595.110 Retail Sales and Service

- A. Purpose.** These regulations limit the size of Retail Sales And Service uses in order to promote smaller retail spaces that are less expensive than large spaces, accommodate the need for grocery stores in the plan district, help reduce traffic congestion associated with large-scale retailers, and prioritize employment uses in specified areas.
- B. Retail Sales And Service use limitations.**
1. Within Subdistrict B, Retail Sales And Service uses are limited to a maximum of 3,000 square feet of net building area per use. The following are exempt from this size limitation:
 - a. Grocery stores when at least 50 percent of the net building area is used for the sale of food items; and
 - b. Retail space designed for multiple individual vendors, such as indoor markets or food courts, for which individual vendor spaces are provided that are not fully walled from each other and that share circulation areas, seating areas, and restrooms. To be exempt, the retail space must be designed for at least three individual vendors.
 2. Within the Employment Focus Area shown on Map 595-2, the maximum amount of net building area plus any exterior display, storage, work or other exterior activity area allowed per site for Retail Sales And Service use is limited to 20,000 square feet or the square footage of the site area, whichever is less.

33.595.120 Commercial Parking

- A. Purpose.** These regulations promote transit-oriented development close to the Barbur Transit Center and prioritize transit-oriented employment in the Employment Focus Area.
- B. Commercial Parking use limitations.**
1. Commercial Parking is prohibited on surface parking areas within Subdistrict B. Commercial Parking is allowed in structured parking.
 2. Commercial Parking is a conditional use in the Employment Focus Area shown on Map 595-2.

33.595.130 Required Ground Floor Active Use

- A. Where this regulation applies.** This regulation applies in commercial/mixed use zones.
- B. Required ground floor active use.** On sites that abut a commercial corridor shown on Map 595-3, and on sites that abut any street in the Barbur Transit Center shown on Map 595-3, 25 percent of any ground level floor area located within 100 feet of the lot line that abuts the corridor or street shown on Map 595-3 must be in one of the following active uses. Development that includes a residential use is exempt from the standard until January 1, 2029. Only uses allowed in the base zone may be chosen:
1. Retail Sales and Service;
 2. Office;
 3. Industrial Service;
 4. Manufacturing and Production;

5. Community Service;
6. Daycare;
7. Religious Institutions;
8. Schools;
9. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
10. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

Development Standards

33.595.200 Minimum Density

- A. Purpose.** The minimum density standard is intended to encourage the efficient use of land and service capacity and to ensure that new development contributes to transit-supportive densities of housing in the West Portland Multicultural Plan District.
- B. Minimum density.**
 1. In the RM1 zone minimum density is 1 unit per 2,000 square feet of site area.
 2. In the CM1 zone if residential uses are proposed minimum density is 1 unit per 2,000 square feet of site area.
 3. Within Subdistricts A and B shown on Map 595-1, if residential uses are proposed on a site in a commercial/mixed use zone, minimum density is 1 unit per 500 square feet of site area.

33.595.210 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. The maximum FARs allowed in the West Portland Multicultural plan district:
 - Encourage a transit-supportive level of development along SW Barbur Boulevard;
 - Promote the creation of community meeting and event spaces;
 - Limit the scale of development in areas with existing apartment buildings to encourage the retention of existing multi-family housing;
 - Encourage the preservation of existing multi-family units as affordable housing; and
 - Encourage the preservation of large trees and natural areas.
- B. Maximum floor area ratio.** Maximum floor area ratios are shown on Map 595-4.
- C. Minimum floor area ratio in Subdistricts A and B.** Generally, there is no minimum required floor area ratio in the West Portland Multicultural plan district except in Subdistricts A and B, shown on map 595-1, where the minimum required floor area ratio is 1.5 to 1. The minimum required floor area ratio does not apply within single-dwelling residential or RM1 zones.

- D. Transfer of FAR.** FAR may be transferred as follows. Until January 31, 2032, FAR may be transferred from one site to another within the plan district and from sites located inside the plan district to sites located outside the plan district, but may not be transferred from sites located outside the plan district to sites located inside the plan district. After January 31, 2032, FAR may only be transferred from one site to another within the plan district. Transferring floor area is only allowed in the situations stated below. Use of the base zone transfer provisions is prohibited.
1. Sending site. FAR may be transferred from:
 - a. A site in the West Portland Multicultural plan district where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 595-1, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous; or
 - b. A site in Subdistrict D where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. The maximum amount of floor area that may be transferred is the unused FAR on the site up to the maximum FAR allowed on the site, plus an additional FAR of 1 to 1. In order to qualify for this transfer, the applicant must provide a letter from the Portland Housing Bureau certifying that this affordability standard and any administrative requirements have been met. 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.
 2. Receiving site. FAR may be transferred to sites zoned multi-dwelling or commercial/mixed use. Until January 31, 2032, receiving sites located outside the plan district must be eligible to receive FAR as described in the sites base zone FAR transfer receiving site standards. See 33.120.210.D.2 or 33.130.205.C.2. Receiving sites located inside the West Portland Multicultural plan district must meet the following regulations:
 - a. Receiving sites located in subdistricts A or B must have no residential uses or must comply with the inclusionary housing standards of 33.245.040 and 33.245.050;
 - b. Transferring to a site located in Subdistrict D is prohibited;
 - c. Transferring to a site located in Subdistrict C is prohibited unless the sending site is located in Subdistrict D and all existing dwelling units on the sending site are being preserved as affordable housing per the requirements of Subparagraph D.1.b.
 3. Maximum increase in FAR. Receiving sites located outside the plan district are subject to base zone FAR transfer limitations. See 33.120.210.D.3 or 33.130.205.C.3. Within the West Portland Multicultural Plan District, an increase in FAR on the receiving site of more than 1 to 1 is prohibited, except that there is no maximum increase in FAR on a receiving site in a commercial/mixed use zone when:
 - a. FAR is transferred from a site in Subdistrict D; and
 - b. All existing dwelling units on the sending site are being preserved as affordable housing per the requirements of Subparagraph D.1.b.

4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition, the covenant for the site where trees will be preserved must:
 - a. Require that all trees be preserved for at least 50 years; and
 - b. Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

Table 595-1				
Transferable Floor Area for Tree Preservation in Multi-Dwelling Zones				
Diameter of Tree Preserved	Transferable Floor Area for Each Tree (by zone)			
	RM1	RM2	RM3	RM4 & RX
12 to 19 inches	1,000 sq. ft.	1,500 sq. ft.	2,000 sq. ft.	4,000 sq. ft.
20 to 35 inches	2,000 sq. ft.	3,000 sq. ft.	4,000 sq. ft.	8,000 sq. ft.
36 inches or greater	4,000 sq. ft.	6,000 sq. ft.	8,000 sq. ft.	16,000 sq. ft.

33.595.220 Floor Area Bonus Options

- A. **Purpose.** The regulations in this section modify bonus options provided in other Zoning Code chapters in order to prioritize desired outcomes for the West Portland Multicultural plan district. The regulations promote Daycare and Community Service uses, and publicly-accessible open space in the area’s commercial core; promote and prioritize the preservation of existing multi-family units as affordable housing; and encourage small sites to be combined into larger sites in multi-dwelling zones.
- B. **Floor area bonus options in Subdistricts A and B.** Within Subdistricts A and B, shown on Map 595-1, the base zone floor area bonus regulations apply, except as follows. Adjustments are prohibited.
 1. Maximum floor area increase. The overall maximum floor area increase that may be earned on a site through any combination of bonus options or FAR transfers is 3 to 1. The overall maximum FAR with bonus and transfer is stated in Table 595-2. Within Subdistricts A and B, Table 595-2 replaces the maximum FAR with bonus stated in Table 130-3.

Table 595-2			
Overall Maximum FAR with Bonus			
CM1	CM2	CM3	CE
3.5 to 1	5.5 to 1	6 to 1	5.5 to 1

2. Daycare or Community Service use bonus option. This FAR bonus option is allowed in addition to the bonus options allowed in 33.130.212. Proposals that include a Daycare or Community Service use may increase maximum FAR. Floor area may be increased by 2 square feet for each square foot of net building floor area provided on site for Daycare or Community Service use up to the maximum increment of additional floor area allowed for

affordable commercial space stated in Table 130-3. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for this bonus. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060. The covenant must ensure that the floor area dedicated for Daycare or Community Service use remains dedicated to the use for the life of the building.

3. Limitation on use of the affordable commercial space bonus. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for the affordable commercial space bonus in 33.130.212.D.
 4. Subdistrict B bonus option limitation. In Subdistrict B, the only bonus option that may be used on sites that are 2 acres or larger in total site area is the Planned Development bonus option described in 33.130.212.E. All other bonuses are prohibited.
- C. Floor area bonus options in subdistricts C and D.** In subdistricts C and D, the base zone floor area bonus regulations apply, except as follows. Adjustments are prohibited.
1. Inclusionary housing bonus option for large sites. In Subdistrict C, on sites 15,000 square feet or more in total site area, the increment of additional floor area allowed for the inclusionary housing bonus and the overall maximum FAR allowed with other bonuses stated in Table 120-5 or Table 130-3 are increased by an amount equivalent to 25 percent of the maximum FAR stated in Table 120-3 or Table 130-2. Projects qualifying for this bonus are also allowed an additional 10 feet of building height beyond the base height stated in Table 120-3 or Table 130-2.
 2. Subdistrict D bonus option limitation. In Subdistrict D, the only bonus option that may be used is the deeper housing affordability bonus option described in 33.120.211.C.2. All other bonuses are prohibited.

33.595.230 Bonus Height

- A. Purpose.** The bonus height regulations prioritize affordable housing and encourage multiple height bonuses to be used to provide multiple community benefits. These regulations also provide flexibility in building height to accommodate FAR transfers to commercial/mixed use zone sites from sites where existing units are preserved as affordable housing, and encourage larger portions of site area in commercial/mixed use zones to be used for outdoor areas and natural features while still allowing for base and bonus floor area to be utilized.
- B. Where the bonus height standard applies.** The bonus height standard of this section applies in the commercial/mixed zones in Subdistricts A and B shown on Map 595-1. The height bonuses allowed by this standard supersede the incremental and overall maximum bonus height allowances shown in Table 130-3 except for the planned development bonus. The increment of additional height allowed and the overall maximum height with bonus allowed for planned development bonus shown in Table 130-3 continue to apply when the planned development bonus described in 33.130.212.E is utilized.
- C. Bonus height.** An increment of 10 feet of additional building height above the base height limits of the base zone is allowed in all commercial/mixed use zones in the plan district for each of the following. Base height is shown in Table 130-2 and Table 595-3. The 10-foot height increments allowed by this standard can be combined to provide multiple increments of 10 feet of additional height. The maximum overall height with bonus is shown in Table 595-3.

When a height bonus option listed below is used to increase the base height, the step-down height limits do not increase. Adjustments are prohibited.

1. Proposals utilizing the inclusionary housing bonus in 33.130.212.C.
2. Proposals utilizing the affordable commercial space bonus in 33.130.212.D. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for this height bonus.
3. Proposals utilizing the FAR bonus for Daycare or Community Services uses described in 33.595.220.B.2. If the proposal includes residential uses, the proposal must comply with the inclusionary housing standards of 33.245.040 and 33.245.050 in order to qualify for this height bonus.
4. Sites receiving a transfer of FAR from a site where all existing dwelling units are being preserved as affordable per the requirements of 33.595.210.D.1.b;
5. Sites meeting one of the following outdoor area or urban green standards. In order to qualify for this height bonus, sites must utilize at least two of the other height bonuses in this Subsection:
 - a. At least 25 percent of total site area is preserved as outdoor area and is landscaped to at least the L1 standard. The outdoor area may be preserved in more than one individual area, but at least one outdoor area must be at least 1,000 square feet in total size and no part of the 1,000 square feet measures less than 30 feet in dimension;
 - b. The native landscaping area standard described in 33.595.280.C.1 is met; or
 - c. The space for large trees standard described in 33.595.280.C.2 is met.

Table 595-3					
Summary of Subdistrict A and B Bonus Height					
		CM1	CM2	CM3	CE
Overall Maximums Per Zone					
Base height		35 ft.	45 ft.	65 ft.	45 ft.
Maximum height with bonus		85 ft.	95 ft. 75 ft. [1]	115 ft. 120 ft. [1]	95 ft. 75 ft. [1]

[1] This overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review. See 33.130.212.E.

33.595.240 Required Affordable Commercial Space

- A. Purpose.** This standard promotes an inclusive business district in West Portland’s commercial/mixed use zones that provides a diversity of business opportunities at a range of affordability levels. Diverse affordability levels in turn support pathways to opportunity, innovation, and long term social and economic resilience locally and regionally.
- B. Where this standard applies.** The required affordable commercial space standard applies in subdistricts A and B, excluding the Employment Focus Area shown on 595-2

- C. Required affordable commercial space.** When new development or alterations to existing development will add more than 10,000 square feet of net building area to the site, and at least 10,000 square feet of the new or additional net building area will be in at least one commercial use, a minimum of 1,000 square feet of affordable commercial space must be provided on the site. To comply with this standard, the following must be met:
1. The applicant must provide a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as affordable commercial space will meet the administrative requirements of the Portland Development Commission or qualified administrator.

33.595.250 Commercial Corridor Standards

- A. Purpose.** These standards encourage street frontages lined by buildings with storefront windows and frequent entrances to encourage pedestrian activity along the plan district's primary commercial corridors. Where setbacks are required or proposed they also promote a pleasant and comfortable pedestrian realm with the inclusion of additional trees.
- B. Where the standards apply.** The commercial corridor standards apply to CM2 and CM3 sites that abut a commercial corridor shown on Map 595-3, and the standards apply to sites that abut any street in the Barbur Transit Center shown on Map 595-3.
- C. Location of vehicle area.** No more than 30 percent of the commercial corridor frontage or street frontage in the Barbur Transit Center may be used for vehicle area.
- D. Trees between the building and the street.** For sites with frontage on the Barbur Boulevard commercial corridor, a row of trees must be planted between the building and the lot line abutting Barbur Boulevard when buildings are set back at least 10 feet. The row of trees must meet the following.
1. The row must extend along at least 60 percent of the street frontage.
 2. The number of trees must be sufficient to meet the L1 standard for tree spacing, using medium or large trees, but may not be grouped. Where there is less than 60 feet of frontage at least 2 trees must be planted.
 3. Trees planted to meet perimeter parking lot landscaping do not count toward meeting this standard.
- E. Ground floor windows.** The ground floor window standards of the base zones apply, however the percentage of ground floor window required by 33.130.230.B.2.a(1) is increased to 60 percent. Until January 1, 2029, the increase to 60 percent for 33.13.230.B.2.a(1) does not apply for development that includes a residential use.
- F. Entrances.**
1. Entrance frequency. At least one entrance is required for every 100 feet of building length for portions of buildings subject to the maximum street setback.
 2. Entrance design. Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

33.595.260 Residential Corridor Standards

- A. **Purpose.** These standards limit interruptions of the pedestrian environment along sidewalks and minimize conflicts between vehicles and pedestrians.
- B. **Where the standards apply.** The residential corridor standards apply to sites that abut a residential corridor shown on Map 595-3.
- C. **Driveway limitation.** On sites with residential uses, only one driveway is allowed providing access from the residential corridor, except on sites larger than 10,000 square feet that contain multi-dwelling development or at least one multi-dwelling structure, in which case two driveways are allowed providing access from the residential corridor if each driveway provides one-way ingress or egress.
- D. **Attached houses.** All parking and vehicle access provided for attached houses must be from an alley or shared court.

33.595.270 Setbacks

- A. **Purpose.** These standards promote the continuation of mid-block outdoor areas and other outdoor spaces in residential areas and ensure buffers with trees adjacent to the I-5 freeway to limit noise and visual impacts.
- B. **Minimum rear building setback.**
 - 1. Where the standard applies. The minimum rear building setback standards apply to sites zoned RM1, RM2 or RM3 in Subdistrict C.
 - 2. Minimum rear building setback. The required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. Outdoor and common areas are allowed within this setback. No more than 50 percent of this setback can be vehicle area.
 - 3. Exemptions. The following are exempt from the minimum rear building setback. When a site is exempt from the minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-3 applies:
 - a. Corner lots and lots that are up to 100 feet deep are exempt from the minimum rear building setback; and
 - b. Sites where at least 10 percent of the total site area is outdoor common area with no dimension less than 30 feet are exempt from this minimum rear building setback.
- C. **Minimum freeway setback.**
 - 1. Where the standard applies. The freeway setback and screening standard applies in subdistricts A and B. Properties that are less than 15,000 square feet or do not extend beyond 100 feet from the I-5 freeway right of way are exempt from this standard.
 - 2. Minimum freeway setback. The minimum setback from a property line that abuts the I-5 Freeway is 20 feet. The minimum freeway setback area must be landscaped with trees in the quantities required by the L3 standard. Trees provided to meet this standard must be large evergreen trees. Existing large trees that are not diseased or dying may be used to meet this standard. Large trees are defined in Section 33.248.030, Plant Materials.

33.595.275 Design Standards for RM1 and RM2

- A. Purpose.** These standards promote healthy, climate resilient and people-centered development through features that support opportunity for relationship with the outdoors, the street, and fresh air, as well as countermeasures to heat impacts throughout the more residentially focused areas of the town center.
- B. Where the design standards apply.** The design standards listed below apply to new development in the RM1 and RM2 zones.
- C. Residential entrances.** This standard applies to buildings with ground floor dwelling unit main entrances adjacent to a street that is not identified as a civic corridor on Map 120-1.
1. At least 50 percent, or four, whichever is more, of the dwelling units on the street-facing ground floor of the building must have a pedestrian connection between the street and the main entrance of the dwelling unit.
 2. The entrance must be set back at least 6 feet from the street lot line and have at least two of the following within the setback:
 - a. A wall or fence that is 18 to 36 inches high;
 - b. Landscaping that meets the L2 standard;
 - c. A tree within the small tree category identified in 33.248.030;
 - d. Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the right of way; or
 - e. A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the right of way.
 3. No windows into bedrooms located on the ground floor may face the street.
- D. Operable windows on upper-level units.** For each dwelling unit or commercial tenant space located above the ground floor, provide at least one operable window in an exterior wall of the dwelling unit or tenant space. Each window meeting this standard must provide an operable opening of at least 6 square feet.
- E. Building Walls Adjacent to Outdoor Common Area.** This standard applies to new development with required outdoor common area with facades facing and within 10 feet of an outdoor common area. To comply with this standard, the following must be met:
1. At least 15 percent of the façade that faces the outdoor common area must be windows; or doors leading to lobbies, tenant spaces or dwelling units; and
 2. Pedestrian access must be provided between the outdoor common area and at least one entrance for a lobby, tenant space or dwelling unit.
- F. Reflective Roof Structure.** At least 90 percent of the roof area not covered by the following must meet the Energy Star requirements for solar reflectance:
1. Solar energy system;
 2. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;

3. Stairwell and elevator enclosures;
4. Vents; or
5. Skylights.

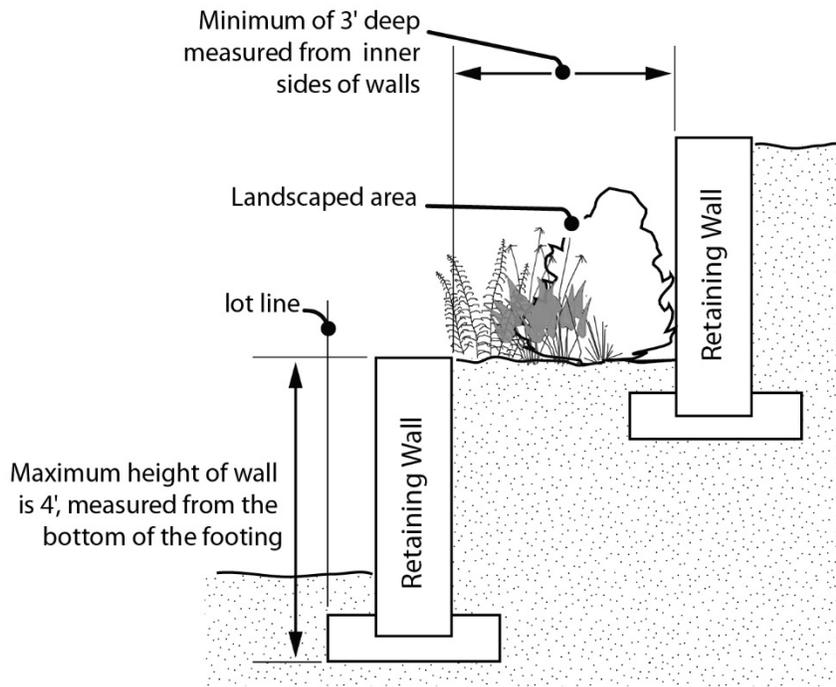
33.595.280 Urban Green Features

- A. Purpose.** This standard requires features in commercial and mixed-use areas that integrate green elements into the urban environment and responds to the natural features in and around the West Portland Multicultural plan district.
- B. Where these options apply.** The urban green features standard applies in Subdistricts A and B when more than 10,000 square feet of floor area will be added to a site.
- C. Urban green features standard.** Development must include at least one of the following features:
 1. Native landscaping area. At least 10 percent of total site area must be provided as outdoor area with no dimension less than 30 feet in all directions. Up to 30 percent of the outdoor area may be hard surfaced for use by pedestrians or may include a water feature, such as a fountain, waterfall, reflecting pool, or pond. The remainder of the outdoor area must be landscaped to at least the L1 level and all plantings must be native species listed on the Portland Plant List.
 2. Space for large trees. At least 10 percent of total site area must be provided as outdoor area with no dimension less than 30 feet in all directions. At least half of this outdoor area must be landscaped to at least the L1 level and the remainder may be hard surfaced for use by pedestrians. At least half of the trees provided to meet the L1 standard must be large tree species. Large trees are defined in Section 33.248.030, Plant Materials.
 3. Ecoroof. An ecoroof must be provided that is equivalent in total area to at least 60 percent of the total building footprint of new buildings on the site. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual's *Ecoroof Facility Design Criteria*. Area covered by solar panels is exempt from the calculation.
 4. Solar panels and reflective surfaces.
 - a. At least 40 percent, or 2,000 square feet whichever is greater, of the building roof area must be covered by a solar energy system; and
 - b. Areas that are not covered by the following must be covered by a reflective surface meeting the Energy Star requirements for solar reflectance:
 - (1) Solar energy system;
 - (2) Mechanical equipment, housing for mechanical equipment, and required access to, or entrance from, mechanical equipment;
 - (3) Stairwell and elevator enclosures;
 - (4) Vents; or
 - (5) Skylights.

33.595.290 Retaining Walls

- A. Purpose.** The standards of this section help mitigate the potential negative effects of large retaining walls along street frontages. Without mitigation, such walls can create a fortress-like appearance and unwelcoming street environment. By requiring large walls to step back from the street and provide landscaping, the wall is both articulated and visually softened.
- B. Where these regulations apply.**
1. Generally. These regulations apply to the portions of street-facing retaining walls that are in required setbacks along street lot lines. Where there is no required setback, or the setback is less than 10 feet, the regulations apply to the first 10 feet from the line.
 2. Exceptions. The following are not subject to the regulations of this section:
 - a. Retaining walls in the areas described in B.1 that are less than four feet high, as measured from the bottom of the footing.
 - b. Retaining walls on sites where the site slopes downward from a street in the area described in B.1.
 - c. Retaining walls on sites where the site slopes upward from a street and the existing slope within the area regulated by B.1 is 50 percent or more.
 - d. Replacing an existing retaining wall, where the replacement will not be taller or wider than the existing wall.
 - 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 595-1.
 2. Retaining walls must be set back at least 3 feet from other street-facing retaining walls, as shown in Figure 595-1. 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.

Figure 595-1
Retaining Walls



(Added by Ord. No. 191079, effective 3/31/23; Amended by Ord. No. 191609, effective 3/1/24.)

Land Divisions and Planned Developments

Lots

- 33.605 Lots in the Open Space Zone
- 33.610 Lots in RF through R5 Zones
- 33.611 Lots in the R2.5 Zone
- 33.612 Lots in Multi-Dwelling and IR Zones
- 33.613 Lots in Commercial/Mixed Use and CI Zones
- 33.614 Lots in Employment Zones
- 33.615 Lots in Industrial Zones

Additional Regulations

- 33.630 Tree Preservation
- 33.631 Sites in the Combined Flood Hazard Area
- 33.632 Sites in Potential Landslide Hazard Areas
- 33.633 Phased Plans and Staged Final Plats
- 33.634 Required Recreation Area
- 33.635 Clearing and Grading and Land Suitability
- 33.636 Tracts and Easements
- 33.639 Solar Access
- 33.640 Streams, Springs, Seeps, and Wetlands
- 33.641 Transportation Impact
- 33.642 Land Divisions of Manufactured Dwelling Parks
- 33.644 Middle Housing Land Divisions

Services and Utilities

- 33.651 Water Service
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- 33.654 Rights-of-Way
- 33.655 School District Enrollment Capacity

Reviews

33.660 Review in OS, R, and IR Zones

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones

33.663 Final Plats

33.664 Review on Large Sites in I Zones

33.668 Review of Changes to an Approved Planned Unit Development

33.669 Review of Changes to an Approved Industrial Park

33.670 Review of Land Divisions of Manufactured Dwelling Parks

33.671 Review of Middle Housing Land Divisions

33.675 Replat

33.676 Lot Confirmation

33.677 Property Line Adjustment

33.610 Lots in RF Through R5 Zones

610

Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R5 zones.

33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.**
 1. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
 2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
 3. When lots will be created more than one maximum density, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, potential landslide hazard area, or combined flood hazard area;} \\ & \quad \times 0.80; \\ & \quad \div \text{Maximum density C from Table 610-1;} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, potential landslide hazard area, or combined flood hazard area;} \\ & \quad \times 0.68 \\ & \quad \div \text{Maximum density C from Table 610-1} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;
2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

Table 610-1 Maximum Density Standards					
	RF	R20	R10	R7	R5
Maximum Density A: Maximum density for lots that <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located entirely outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	NA	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 1,750 sq. ft.	1 lot per 1,500 sq. ft.
Maximum Density B: Maximum density for lots that will be developed with attached houses.	NA	1 lot per 10,000 sq ft	1 lot per 5,000 sq ft	1 lot per 3,500 sq ft	1 lot per 2,500 sq ft
Maximum Density C: Maximum density for all other lots	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.

33.610.200 Lot Dimension Regulations

Lots in the RF through R5 zones must meet the lot dimension regulations of this section.

- A. Purpose.** The lot dimension regulations ensure that:
- Each lot has enough room for a reasonably-sized house and garage;
 - Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
 - Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
 - Each lot has room for at least a small, private outdoor area;
 - Lots are compatible with existing lots;
 - Lots are wide enough to allow development to orient toward the street;
 - Lots don't narrow to an unbuildable width close to the street
 - Each lot has adequate access from the street;

- Each lot has access for utilities and services;
- Lots are not landlocked; and
- Lots are regularly shaped.

Table 610-2 Lot Dimension Standards					
	RF	R20	R10	R7	R5
Minimum Lot Area					
Attached house lots [1]	NA	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
All other lots	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width [2]					
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	60 ft.	60 ft.	50 ft.	40 ft.	36 ft.
Minimum Front Lot Line					
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:

[1] This dimensional standard is only allowed for lots that will be developed with attached houses.

[2] See 33.930.100.A for how lot width is measured.

- B. Minimum lot area.** Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments are prohibited.
- C. Maximum lot area.** Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from this standard.
- D. Minimum lot width.** Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments are prohibited.
1. Each lot must meet the minimum lot width standard stated in Table 610-2; or
 2. Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:
 - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;
 - b. The minimum lot width for lots that will be developed with attached houses may not be reduced below 15 feet, and the minimum width for all other lots may not be reduced below 26 feet;
 - c. If the lot abuts a public alley, then vehicle access must be from the alley;

- d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.250.C at the time of development;
 - e. Lots that are less than 32 feet wide must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
 - f. Lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of Subparagraph D.2.d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
 - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
 - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
 - (3) Be attached to, and recorded with the deed for the new lot.
- E. Minimum front lot line.** Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that are created under the provisions of Paragraph D.2 above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments to this standard are prohibited.
- F. Minimum lot depth.** Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments to this standard are prohibited.
- G. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

33.610.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not “turn its back” on a collector or major city traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.610.400 Flag Lots

The following regulations apply to flag lots in the RF through R5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
 - 1. One of the following are met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or
 - b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;
 - 2. Up to three lots are proposed, only one of which is a flag lot; and
 - 3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - 1. The pole must connect to a street;
 - 2. The pole must be at least 12 feet wide for its entire length; and
 - 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Minimum lot dimensions.**
 - 1. Flag lots are exempt from the minimum front lot line standard.
 - 2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 - 3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

33.610.500 Split Zoned Lots

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24.)

33.611 Lots in the R2.5 Zone

611

Sections:

- 33.611.010 Purpose
- 33.611.020 Where These Regulations Apply
- 33.611.100 Density Standards
- 33.611.200 Lot Dimension Regulations
- 33.611.300 Through Lots
- 33.611.400 Flag Lots
- 33.611.500 Split Zoned Lots

33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

33.611.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the R2.5 zone.

33.611.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of public services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the return on public investments in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given applicable base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.**
 1. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
 2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
 3. When lots will be created using both maximum density A and maximum density B, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A or B from Table 611-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and the size of the site and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or the combined flood hazard area;} \\ & \quad \quad \times 0.80; \\ & \quad \quad \div 5,000; \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A or B from Table 611-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or the combined flood hazard area;} \\ & \quad \quad \times 0.68 \\ & \quad \quad \div 5,000; \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

Table 611-1 Maximum Density Standards	
R2.5	
<p>Maximum Density A: Maximum density for lots that:</p> <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	1 lot per 1,500 sq. ft.
<p>Maximum Density B: Maximum density for all other lots</p>	1 lot per 2,500 sq. ft.

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations:

1. If minimum density is equal to maximum density, then the minimum is automatically reduced by one;
2. If minimum density is larger than maximum density then the minimum is reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

33.611.200 Lot Dimension Regulations

Lots in the R2.5 zone must meet the lot dimension regulations of this section. Lots that do not meet these regulations may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments to the regulations are prohibited.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized attached or detached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street;
- Lots are compatible with existing lots while also considering the purpose of this chapter; and
- Lots are regularly shaped.

B. Minimum lot area. Each lot must be at least 1,500 square feet in area.

- C. Minimum lot width.** Each lot must meet one of the following regulations.
1. Each lot must be at least 36 feet wide; or
 2. Minimum lot width may be reduced to 26 feet if the following are met:
 - a. An existing dwelling unit or attached garage is located on the site so that it precludes a land division that meets the minimum lot width standard of Paragraph C.1. The dwelling unit and attached garage must have been on the site for at least 5 years; or
 - b. The side lot line of a lot that is less than 36 feet wide will not abut the side lot line of any other lot within the land division site.
 3. Minimum lot width may be reduced to 15 feet for a lot if the lot will be developed with an attached house.
- D. Minimum front lot line.** Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph C.2. or C.3., may reduce the front lot line to equal the width of the lot.
- E. Minimum lot depth.** Each lot must be at least 40 feet deep.
- F. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

33.611.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets, including local, collector and traffic streets, to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.611.400 Flag Lots

The following regulations apply to flag lots in the R2.5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
1. One of the following is met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.611.200.C.1. The dwelling unit and attached garage must have been on the site for at least five years; or

- b. The site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.
 2. Up to three lots are proposed, only one of which is a flag lot; and
 3. Minimum density requirements for the site will be met.
 - C. **Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 1. The pole must connect to a street;
 2. The pole must be at least 12 feet wide for its entire length; and
 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
 - D. **Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
 - E. **Lot dimensions.**
 1. Flag lots are exempt from the minimum front lot line standard.
 2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 3. For the purposes of this subsection, width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
 - F. **Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

33.611.500 Split Zoned Lots

- A. **Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. **Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24.)

33.631 Sites in the Combined Flood Hazard Area

631

Sections:

- 33.631.010 Purpose
- 33.631.020 Where the Approval Criteria Apply
- 33.631.100 Special Flood Hazard Area Approval Criteria

33.631.010 Purpose

The regulations for lands subject to regular or periodic flooding will help minimize public and private losses from flooding. The approval criteria limit the creation of lots on lands subject to flood in order to direct development away from hazardous areas. The approval criteria promote the safety and well-being of citizens and protect property while preserving the natural function of floodplains.

33.631.020 Where the Approval Criteria Apply

The approval criteria of this chapter apply to proposals for land divisions where any portion of the land division site is in the combined flood hazard area.

33.631.100 Flood Hazard Area Approval Criteria

- A. RF through R2.5 zones.** The following criteria must be met in the RF through R2.5 zones:
 - 1. Where possible, all lots must be outside of the combined flood hazard area; and
 - 2. Where it is not possible to have all lots outside of the combined flood hazard area, all existing and proposed building areas must be outside of the combined flood hazard area.

- B. RM1 through RMP, C, E, I, IR, and CI zones.** The following criteria must be met in the RM1 through RMP, C, E, I, IR, and CI zones:
 - 1. Each lot must have adequate area outside of the combined flood hazard area to accommodate allowed or proposed uses. This criterion does not apply to river-dependent uses; and
 - 2. Where the proposed uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of floodwaters.

- C. In all zones.** The following criteria must be met in all zones:
 - 1. Services proposed in the combined flood hazard area must be located and built to minimize or eliminate flood damage to the services; and
 - 2. The floodway must be entirely within a flood hazard area tract unless river-dependent land-uses and development are proposed on the site.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 184235, effective 11/26/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 191477, effective 3/1/24.)

33.634 Required Recreation Area

634

Sections:

- 33.634.010 Purpose
- 33.634.100 Where These Regulations Apply
- 33.634.200 Required Recreation Area Standards
- 33.634.300 Required Recreation Area Approval Criteria

33.634.010 Purpose

Providing area for recreation ensures that the recreational needs of those who will live on the site will be accommodated. Large land divisions — those that will create a minimum of 40 new dwelling units — create a neighborhood that is big enough to warrant a recreation area that is accessible to all in the new community. Creating the space for recreation at the time of the land division is the most efficient way to ensure that the space is created. The land division process provides the opportunity to design the recreation area so that it relates to the lot and street pattern of the land division.

33.634.100 Where These Regulations Apply

The regulations of this chapter apply to land divisions in residential zones when the proposed density is 40 or more dwelling units. In multi-dwelling zones, where no development is specifically proposed with the land division, the regulations of this chapter apply when the minimum required density for the site is 40 or more units.

33.634.200 Required Recreation Area Standards

The following standards must be met:

- A. Size.** At least 10 percent of the total site area of the land division site must be devoted to recreation area.
- B. RF-RM1 and RMP zones.** In the RF-RM1 and RMP zones, the recreation area must be in one or more recreation area tracts. Recreation area tracts must meet the requirements of Subsection D., below.
- C. RM2-RX and IR zones.** In the RM2-RX and IR zones, the recreation area may be in one or more recreation area tracts, in a roof-top garden, or in floor area improved for the purpose of passive or active recreation. Recreation area tracts must meet the requirements of Subsection D., below.
- D. Recreation area tracts.** Recreation area tracts required by this chapter must meet the following standards:
 - 1. **Size.** Each tract must be at least 100 feet wide by 100 feet deep;
 - 2. **Location.** No more than 50 percent of each recreation area tract may be in an Environmental Overlay Zone or in the combined flood hazard area;
 - 3. **Accessibility.** Each recreation area tract must have at least 30 feet of street frontage;

4. **Ownership.** The tracts must be owned in common by all of the owners of the land division site, owned by a Homeowners' Association, or owned by a public agency; and
5. **Improvements.** The applicant must submit a surety and construction timing agreement prior to final plat approval. The construction timing agreement will specify the installation schedule of all improvements.

33.634.300 Required Recreation Area Approval Criteria.

All of the following approval criteria must be met:

- A. Location.** Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;
- B. Accessibility.** Each recreation area must be reasonably accessible to all those who will live on the land division site; and
- C. Improvements.** Each recreation area must be improved in order to meet the recreational needs of those who will live on the land division site. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas may include improvements such as children's play equipment, picnic areas, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. Surety may be required which specifies the timing of recreation area improvements. The recreation area improvements should be installed before any of the dwelling units on the site have received final inspection.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 184235, effective 11/26/10; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 191477, effective 3/1/24.)

33.654 Rights-of-Way

654

Sections:

- 33.654.010 Purpose
- 33.654.020 Where These Regulations Apply
- 33.654.110 Connectivity and Location of Rights-of-Way
- 33.654.120 Design of Rights-of-Way
- 33.654.130 Additional Approval Criteria for Rights-of-Way
- 33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way
- 33.654.160 Street Classification

33.654.010 Purpose

Rights-of-way provide for movement and access to, within, and through a land division site by pedestrians, bicycles, and motor vehicles. These regulations ensure that the right-of-way system will serve each lot in the land division. Where possible, the system will extend through the land division to reach adjacent sites. Constraints, such as steep slopes or environmental zones on or near the site may influence the location or preclude connected rights-of-way. These regulations protect the public health and safety by ensuring safe movement and access for emergency and service vehicles.

33.654.020 Where These Regulations Apply

The regulations of this chapter apply to all land divisions.

33.654.110 Connectivity and Location of Rights-of-Way

- A. Purpose.** The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.
- B. Approval criteria.**
 - 1. Through streets and pedestrian connections in OS, R, C, E, CI, and IR Zones. In OS, R, C, E, CI, and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:
 - a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;
 - b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;

- c. Characteristics of the site, adjacent sites, and vicinity, such as:
 - (1) Terrain;
 - (2) Whether adjacent sites may be further divided;
 - (3) The location of existing streets and pedestrian connections;
 - (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;
 - (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:
 - Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
 - Tree groves;
 - Streams;
 - Combined flood hazard area; or
 - Wetlands; and
 - (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
 - d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;
 - e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.
2. Dead-end streets in OS, R, C, E, CI, and IR zones. In OS, R, C, E, CI, and IR zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.
 3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.
 4. Alleys in all zones. Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of

- (2) Shared courts must be dead-end streets. Through shared courts are not allowed.
 - (3) Shared courts must include at least 250 square feet of grassy area, play area, or dedicated gardening space, exclusive of vehicle parking areas. This area must be at least 15 feet wide at its narrowest dimension.
 - d. Standards for turnarounds. Turnarounds are not required for a shared court, unless required by the City Engineer, Bureau of Development Services, or Fire Bureau.
2. Standards for land divisions with shared courts. Land divisions that include a shared court must meet the following standards:
 - a. A shared court is allowed only in multi-dwelling, commercial/mixed use, employment, or campus institution zones;
 - b. Up to 16 lots may have a front lot line on a shared court;
 - c. Lots with a front lot line on a shared court must be developed with attached houses, detached houses, duplexes or attached duplexes; and
 - d. The Fire Bureau has approved the land division for emergency access.
- H. Standard for street trees.** For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the proposal and found it acceptable for the retention of existing street trees and providing adequate areas for future street tree planting. For private streets, the Bureau of Development Services has preliminarily approved the street tree planting plan.

33.654.130 Additional Approval Criteria for Rights-of-Way

- A. Utilities.** Telephone, cable, natural gas, electric, and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. To the extent practicable, utility easements needed to serve the lots must be identified during the preliminary land division plan review.
- B. Extension of existing public dead-end streets and pedestrian connections.** Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.
- C. Future extension of proposed dead-end streets and pedestrian connections.** Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, combined flood hazard area, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:

1. The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or
 2. The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.
- D. Partial rights-of-way.** Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provide future access to adjacent sites. The Bureau of Transportation must approve the configuration of a partial right-of-way or public street improvement.
- E. Ownership of alleys.** Where the proposed alley abuts sites that may be divided or further developed under current zoning, the alley may be required to be dedicated to the public. Factors to be considered include the spacing of existing rights-of-way, whether adjacent sites are already fully developed under the current zoning, and whether the alley can provide vehicle access to adjacent developable sites. The Bureau of Transportation must approve the dedication and configuration of any public alley improvements.

33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

- A. Purpose.** To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.
- B. Ownership.** Ownership of rights-of-way is determined through the following standards:
1. Through streets. Through streets must be dedicated to the public.
 2. Partial streets. Partial streets must be dedicated to the public.
 3. Dead-end streets. In general, dead-end streets and turnarounds must be dedicated to the public. A dead-end street may be privately owned if the street will abut no more than eight lots within the land division site, and the street is not proposed as, or required to be a partial street. If the street is not dedicated to the public, it must be in a tract, and owned in common by the owners of property served by the street or by the Homeowners' Association.
 4. Exception for temporary turnarounds. Temporary turnarounds may be in an easement.
 5. Exceptions for common greens and shared courts. Common greens and shared courts must be privately owned. They must be in a tract, and owned by the Homeowners' Association or owned in common by the owners of property served by the common green or shared court.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04 Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

33.660 Review of Land Divisions in Open Space, Residential, and IR Zones

660

Sections:

General

33.660.010 Purpose

33.660.020 Where These Regulations Apply

Review of Preliminary Plan

33.660.110 Review Procedures

33.660.120 Approval Criteria

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

33.660.310 Review Procedures

33.660.320 Approval Criteria

General

33.660.010 Purpose

These regulations ensure that land divisions in residential, open space, and IR zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

33.660.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions on sites in Open Space, Residential, and IR Zones.

Review of Preliminary Plan

33.660.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure:
1. Eleven or more lots;
 2. Four or more lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
 3. Environmental review;
 4. A phased land division, as described in Chapter 33.633, Phased and Staged Plans;
 5. Any portion of the site is in an Open Space zone.

- B. Type IIx.** Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure:
1. Four to ten lots;
 2. Two or three lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
 3. Lots, utilities, or services are proposed within the combined flood hazard area; or
 4. The proposal includes a concurrent land use review assigned to a Type I, Type 1x, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.
- C. Type Ix.** All land divisions not assigned to a Type IIx or Type III, are processed through a Type Ix procedure.

33.660.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. Lots.** The standards and approval criteria of Chapters 33.605 through 33.612 must be met;
- B. Trees.** The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;
- C. Combined flood hazard area.** If any portion of the site contains combined flood hazard area, the approval criteria of Chapter 33.631, Sites in the Combined Flood Hazard Area, must be met;
- D. Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;
- E. Phased Plans and Staged Final Plat.** If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;
- F. Required recreation area.** If 40 or more lots or dwelling units are proposed, the standards and approval criteria of Chapter 33.634, Required Recreation Areas, must be met;
- G. Clearing, grading, and land suitability.** The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;
- H. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements must be met;
- I. Solar access.** If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met;
- J. Streams, springs, seeps, and wetlands.** The approval criteria of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met;

- K. Transportation impacts.** The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,
- L. Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.655, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320. Some changes, listed in Section 33.663.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.663.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.660.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
 1. An increase in the site area of more than 5 percent;
 2. An increase in the number of lots;
 3. A decrease in the number of lots by more than one lot;
 4. A decrease in the area of any lot by more than 10 percent;
 5. A decrease in the width or depth of any lot by more than 10 percent. Width is measured at the front setback line;
 6. Changing a through street to a dead-end street;
 7. Changing a dead-end street to a through street;
 8. Deleting a street or pedestrian connection;
 9. Deleting or changing a condition of the Preliminary Plan approval;
 10. Changing the purpose of, or deleting, the following tracts or easements:
 - a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;

- d. Combined flood hazard area easements or tracts;
 - e. Tree preservation tracts;
 - f. Landslide hazard easements or tracts; or
 - g. Recreation area tracts;
11. Reducing the area or changing the location of the following tracts:
- a. Environmental resource tract;
 - b. Combined flood hazard area tract; or
 - c. Landslide hazard tract;
12. Decreasing the area of a recreation area tract by more than 10 percent;
13. Any change that the Director of BDS determines:
- a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.

C. Changes to tree preservation requirements. Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.660.320 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

- A. Approval criteria for changes listed in Subsection 33.660.310.B.** Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval criteria of Section 33.660.120, Approval Criteria.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
 - 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
 - 2. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 191477, effective 3/1/24.)

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones

662

Sections:

General

- 33.662.010 Purpose
- 33.662.020 Where These Regulations Apply

Review of Preliminary Plan

- 33.662.110 Review Procedures
- 33.662.120 Approval Criteria

Review of Changes to an Approved Preliminary Plan

- 33.662.300 When Review is Required
- 33.662.310 Review Procedures
- 33.662.320 Approval Criteria

General

33.662.010 Purpose

These regulations ensure that land divisions in non-residential zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

33.662.020 Where These Regulations Apply

- A. Generally.** The regulations of this chapter apply to proposals for land divisions on sites in CI, commercial, employment, and industrial zones.
- B. Alternative process for large sites in I zones.** Sites in industrial zones that meet the minimum size requirements of this subsection are eligible to use the regulations and procedures of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for this alternative process are:
 - 1. IG1 zone. Sites in the IG1 zone that are at least 200,000 square feet in area; and
 - 2. IG2 and IH zones. Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.662.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure:
 - 1. Eleven or more lots, regardless of zone;
 - 2. Four or more lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area; or
 - 3. Environmental review.
- B. Type IIx.** Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure:
 - 1. Four to ten lots;
 - 2. Two or three lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
 - 3. Lots, utilities or services are proposed within the combined flood hazard area; or
 - 4. The proposal includes a concurrent land use review assigned to a Type I, Type 1x, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.
- C. Type Ix.** All land divisions not assigned to a Type IIx or Type III in Sections A and B above, are processed through a Type Ix procedure.

33.662.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

- A. Lots.** The standards and approval criteria of Chapters 33.613 through 33.615 must be met;
- B. Trees.** The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;
- C. Combined flood hazard area.** If any portion of the site contains combined flood hazard area, the approval criteria of Chapter 33.631, Sites in the Combined Flood Hazard Area, must be met;
- D. Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;
- E. Phased Plans and Staged Final Plat.** If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;
- F. Clearing, grading, and land suitability.** The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

- G. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements must be met;
- H. Solar access.** If single dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met; and
- I. Streams, springs, seeps, and wetlands.** The approval criteria of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met.
- J. Transportation Impacts.** The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and
- K. Services and utilities.** The regulations and criteria of Chapters 33.651 through 33.655, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. Some changes, listed in Section 33.663.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.663.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.662.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
 1. An increase in the site area of more than 5 percent;
 2. A decrease in the area of any lot by more than 10 percent;
 3. Changing a through street to a dead-end street;
 4. Changing a dead-end street to a through street;
 5. Deleting a street or pedestrian connection;
 6. Deleting or changing a condition of the Preliminary Plan approval;
 7. Deleting any of the following:

- a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;
 - d. Combined flood hazard area easements or tracts;
 - e. Tree preservation tracts; or
 - f. Landslide hazard easements or tracts;
8. Reducing the area or changing the location of any of the following:
- a. Environmental resource tract;
 - b. Combined flood hazard area tract; or
 - c. Landslide hazard area tract.
9. Any change that the Director of BDS determines:
- a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.
- C. Changes to tree preservation requirements.** Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.662.320 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

- A. Approval criteria for changes listed in Subsection 33.662.310.B.** Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval criteria of Section 33.662.120.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
 2. The proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and
 3. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; 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. 191477, effective 3/1/24.)

33.675 Replat

675

Sections:

- 33.675.010 Purpose
- 33.675.050 When These Regulations Apply
- 33.675.100 Review Procedure
- 33.675.200 Application Requirements
- 33.675.300 Approval Criteria
- 33.675.400 Recording an Approval

33.675.010 Purpose

This chapter states the procedures and regulations for removing or reconfiguring lot lines within a site to combine into one to three lots. The regulations ensure that the replat does not circumvent other requirements of this Title, and that lots and sites continue to meet development standards and conditions of land use approvals.

33.675.050 When These Regulations Apply

A replat may be used to remove or reconfigure lot lines within a site to combine into no more than three lots. The perimeter of a replatted site must follow existing lot lines. Lot lines cannot be created through this process however lot lines can be moved. A replat cannot result in the creation of a flag lot or the creation of a buildable lot from an unbuildable lot remnant or lot of record. The applicant may also remove or reconfigure lot lines through a land division. A replat may be required by other provisions of this Title.

33.675.100 Review Procedure

- A. Generally.** Replats are reviewed through Type Ix procedure.
- B. Sites in PUDs or PDs.** If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the replat.

33.675.200 Application Requirements.

An application for a replat must contain the following:

- A. Application form.** One copy of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. Surveys.**
 1. Three copies of a survey of the site prepared, stamped and signed by a registered land surveyor showing all existing property lines and the location, dimensions and setbacks from property lines for all structures and other improvements and utilities on the site. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
 2. If the site is part of an existing plat, a copy of the recorded plat; and

3. Three copies of a Final Partition Plat showing the reconfigured lot or lots. Copies of the Final Plat must be drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following statement must be on the Final Plat: "This plat is subject to the conditions of the City of Portland Case File No. LUR..."

C. Other.

1. Title reports. A current title report issued by a title insurance company verifying ownership and detailing any deed restrictions; and
2. Narrative. A written narrative explaining how the regulations and approval criteria of this chapter have been met;
3. Fees. The applicable filing fees.

33.675.300 Approval Criteria

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

A. Lots. The replatted lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.
 - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot or adjusted lot is in the combined flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
 - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
 - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
 - (2) No portion of the lot or adjusted lot is in the combined flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;

2. Maximum density. If the replat does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
 3. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
 4. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
 5. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.
- B. Development standards.** If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.
- C. Conditions of land division approvals.** The replat must meet one of the following:
1. All conditions of previous land division approvals continue to be met or remain in effect; or
 2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.
- D. Conditions of other land use approvals.** Conditions of other land use approvals continue to apply, and must be met.
- E. Services.** The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

33.675.400 Recording an Approval

The Final Plat and the deed for the replat must be recorded with the County Recorder and Surveyor within 90 days of approval by the Director of BDS.

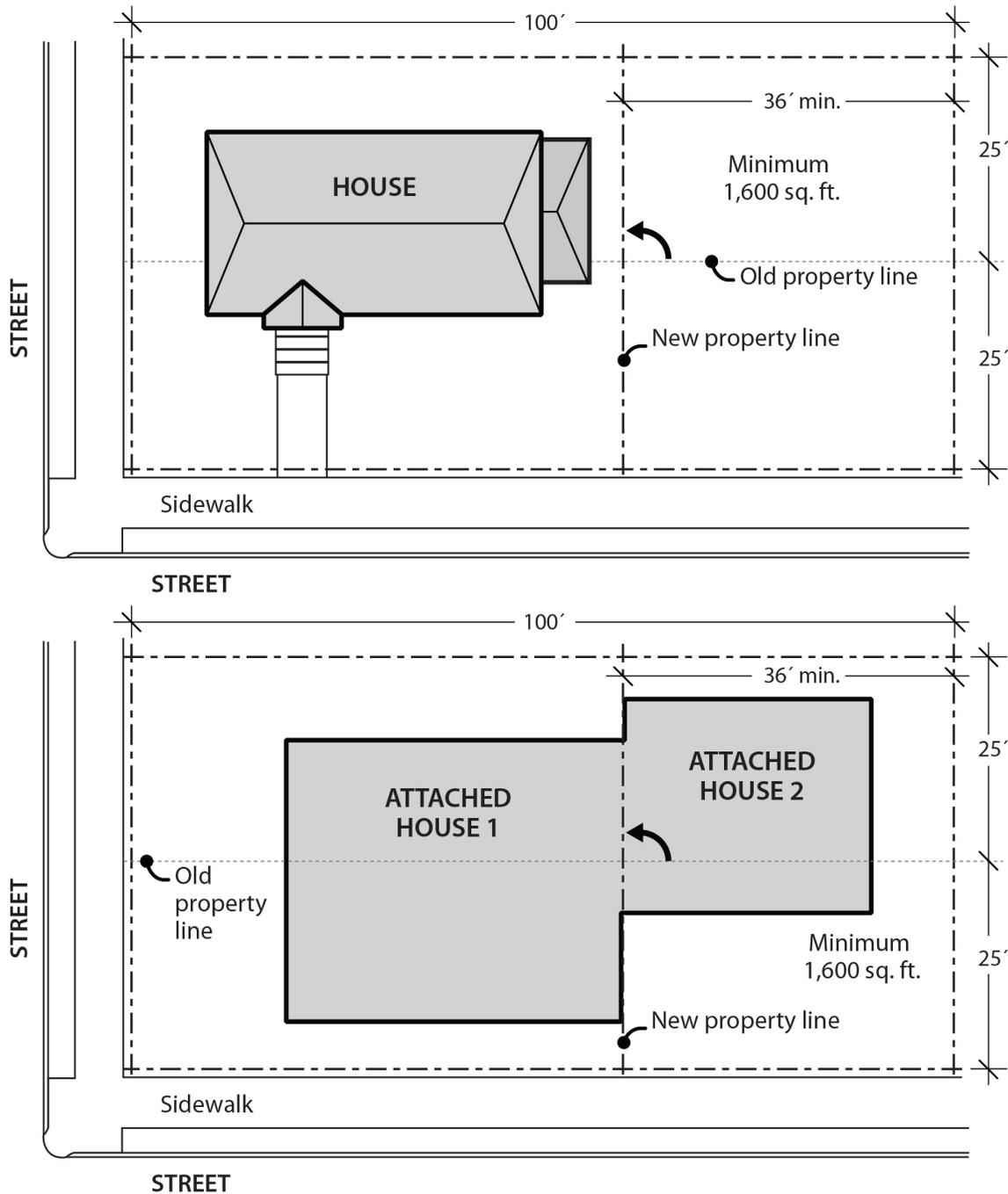
(Added by: Ord. No. 177701, effective 8/30/03; amended by Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 190093, effective 9/11/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24.)

1. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation
2. If the Property Line Adjustment will configure one of the properties as a flag lot, nonconformance with the maximum floor area ratio standard is allowed for the existing development at the time of the property line adjustment. Future alterations may not move the development further out of conformance and new development must comply with the maximum floor area ratio;
3. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;
4. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard;
5. Lots with an institutional use are exempt from maximum lot size standards; and
6. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:
 - a. At least one lot is a corner lot; and
 - b. The adjusted property line must be perpendicular to the street lot line for its entire length.

See Figure 677-1.

- B. Regular lot lines.** In the R10 through RM4, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the combined flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

Figure 677-1
Property Line Adjustment on Corner Site in R5 Zone



- C. Flag Lots in the R5 and R2.5 Zone.** In the R5 and R2.5 zone, a Property Line Adjustment may be used to configure a property as a flag lot when all the following are met:
1. Flag pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - a. The pole must connect to a street;

- b. Pole width:
 - (1) If the pole portion of the flag lot will provide vehicle access to the flag portion of the flag lot, the pole must be at least 12 feet wide for its entire length; or
 - (2) If the pole portion of the flag lot will not provide vehicle access to the flag portion of the flag lot, the pole must be at least 10 feet wide for its entire length. A covenant must be recorded with the deed specifying that no vehicle access is allowed along the pole.
2. Lot dimensions. The lots must meet the following lot dimension standards:
 - a. Lot area.
 - (1) Minimum lot area. Each reconfigured lot must be at least 1,600 square feet. Only the area of the flag portion is included when calculating the minimum lot area for the flag lot. The area of the pole portion of the lot is not included.
 - (2) Maximum flag lot area. The area of the flag lot must be less than 3,000 square feet. The total area of the flag lot, including the pole portion, is included when calculating the maximum lot area for the flag lot.
 - b. Front lot line. There is no minimum front lot line standard for the flag lot.
 - c. Lot width and depth. The minimum lot width and minimum lot depth required for the flag lot is 36 feet measured at the midpoints of the opposite lot lines of the flag portion of the lot. The minimum lot width for the lot in front of the flag lot is 36 feet.
- D. Split zoning.** The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone.
- E. Environmental overlay zones.** If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met. Adjustments are prohibited.
- F. Services.** The adjustment of the property line will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. Adjustments are prohibited.
- G. Conditions of previous land use reviews.** All conditions of previous land use reviews must be met. Adjustments are prohibited.

33.677.400 Record an Approval

The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24.)

or legislative, the decision will be made by the City Attorney. The decision will be based on current law and legal precedent. Requests for decisions on this issue must be in writing and must be filed with the Director of BDS, who will forward the request to the City Attorney.

33.700.075 Automatic Changes to Specified Dollar Thresholds

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on March 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record.

- A. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50:
1. 33.258.070.D.2.a;
 2. 33.258.070.D.2.d(2);
 3. 33.440.230.D.1;
 4. 33.475.200.E.1;
 5. 33.510.253.D.1.a;
 6. 33.515.278.B.17.a(1);
 7. 33.560.020
 8. 33.565.310.B.2
 9. Table 846-1; and
 10. Table 846-3.
- B. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$0.10 will be rounded to the nearest multiple of \$0.10:
1. 33.510.205.C.2.f.; and
 2. 33.510.210.D.2.b(6)

Timeliness of Regulations

33.700.080 Regulations That Apply at the Time of an Application

The regulations of this section apply to applications for land use reviews and building or development permits.

A. Applications.

1. Application for land use review. Applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City, as follows:

- a. Complete at filing. If, on the date the application is filed with the City, the application contains all the information stated in 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, the application will be processed based on the regulations in effect on the date the application is filed;
 - b. Complete within 180 days. If, on the date the application is filed with the City, the application does not contain all the information stated in Section 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, but the applicant provides the information within 180 days of the date the application was filed, the application will be processed based on the regulations in effect on the date the application was filed.
2. Application for building or development permit. Applications for building or development permits will be processed based on regulations in effect on the date a complete application is filed with the City. For the purposes of this section, a complete building or development permit application contains the information necessary for BDS to determine whether the proposal conforms with all applicable use regulations and development standards.
- B. Revisions to building or development permit applications.** Revisions will be processed based on the regulations in effect when the original complete application was received if:
1. The use remains within the same use category as in the original application;
 2. The revision does not increase the total square footage of the proposed use;
 3. The original application has not expired; and
 4. The revised development meets all applicable development standards.
- C. Use of new regulations or mapping.** Applications will not be accepted for building permits or land use reviews based on regulations or changes to zoning maps that have been approved but not yet implemented, or have been adopted but have not yet become effective. However, pre-application conferences may be requested and held.

33.700.090 Regulations That Apply After Approval

The regulations of this section apply to land use approvals that are subject to expiration as provided in 33.730.130, Expiration of an Approval.

- A. Building permits.** Applications for building permits for development approved by a land use decision that has not expired are subject only to the regulations in effect on the date a land use application was filed with the City, as specified in 33.700.080.A.1.
- B. Land divisions.** Applications for Final Plat approval where the Preliminary Plan approval has not expired are subject only to the regulations in effect on the date an application for Preliminary Plan was filed with the City, as specified in 33.700.080.A.1.

33.700.100 Transfer of Approval Rights

Approvals of quasi-judicial land use reviews run with the land and are transferred with ownership. Any conditions, time limits, or restrictions apply to all subsequent operators.

33.700.110 Prior Conditions of Land Use Approvals

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
 1. **Zone changes.** If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
 2. **Conditional uses.**
 - a. **An allowed conditional use.** If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
 - b. **Use allowed by right.** If the use is now allowed by right, the conditions of approval no longer apply, except for the following:
 - (1) **Colleges and Medical Centers in the CI1 and CI2 zones.**
 - Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by an approved Transportation Impact review;
 - If a College or Medical Center in a CI1 or CI2 zone was approved through a conditional use, conditional use master plan, or impact mitigation plan under the prior regulations, and the conditional use, conditional use master plan, or impact mitigation plan has not expired, the applicant can continue to develop under the approved conditional use review, the

conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.

- (2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.
 - c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.
3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.
4. Greenway review. If a use or development is subject to conditions under a greenway review, the conditions continue to apply.
5. Other land use actions. If the use or development was approved with conditions under a review that is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.

33.700.115 Expiration of Tree Preservation Requirements

The regulations of this section apply to tree preservation required as a condition of a land use review or required in a tree preservation plan approved in conjunction with a land use review for sites within the City Limits. These regulations do not apply outside the City Limits. Although tree preservation requirements may expire for a site, the site is still subject to the tree requirements of this Title and Title 11, Trees.

- A. Generally.** Tree preservation requirements expire 10 years from the effective date of the land use approval, unless otherwise stated in the land use approval or as specified in B and C;
- B. Land divisions.** Tree preservation requirements for land divisions expire 10 years from the date the final plat is approved, unless otherwise stated in the conditions of approval; and
- C. Master plans and IMPs.** Multi-year Conditional Use Master Plans and Impact Mitigation Plans may establish an expiration date through conditions of approval.

33.700.120 Status of Prior Revocable Permits

Land use revocable permits approved prior to January 1, 1991 are subject to the regulations stated below.

- A. Uses that are now allowed.** Revocable permits for uses that are now an allowed use are revoked and the uses are subject to the zoning regulations. Specific activities of the use which were allowed by the revocable permit but that do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit. Any other conditions of approval no longer apply.
- B. Uses that are now conditional uses.** Revocable permits for uses that are now regulated as a conditional use are revoked and the uses are subject to the conditional use regulations. Any conditions of approval continue to apply. Specific activities of the use that were allowed by the revocable permit but do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.
- C. Uses that are prohibited.** Revocable permits for uses that are prohibited by this Title may continue under the conditions of the permit as provided below.
1. Revocable permits with a specified expiration date.
 - a. A revocable permit that has a specified expiration date continues to be in effect until the expiration date, the use that was approved changes, or the owner changes. Transfers of permit rights or modifications to the permit are prohibited. The holder of the revocable permit may ask to have a one-time extension of the expiration date of up to 3 years. Approval of more than one extension is prohibited. Extensions are processed through a Type III procedure. An extension will be granted if the review body finds that all of the following approval criteria are met:
 - (1) The use has no adverse impacts on surrounding uses; and
 - (2) The extension is necessary to allow the use time to cease operation or to move to a location where the use is allowed.
 - b. Exception. If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density, and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
 2. Revocable permits without an expiration date.
 - a. A revocable permit that does not have a specified expiration date continues to be in effect until the use that was approved changes or the owner changes. Extensions, transfers of permit rights, or modifications to the permit are prohibited.
 - b. Exceptions.
 - (1). If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
 - (2) If the use established by the revocable permit has been maintained over time, and the applicant can document that the use has been maintained

over time using standard evidence per 33.258.038.B or through a review per 33.258.075, then the use becomes a nonconforming use and must meet nonconforming use regulations. If the use approved through the revocable permit has been discontinued for 3 consecutive years, it has not been maintained over time. The use is considered to be discontinued when the use approved ceases to operate, even if the structure or materials related to the use remain. Conditions of approval of the revocable permit continue to apply, except for any conditions that limit the transfer of ownership.

33.700.130 Legal Status of Lots

- A.** A lot shown on a recorded plat remains a legal lot except as follows:
 - 1. The plat, or the individual lot or parcel lines have been vacated as provided by City Code; or
 - 2. The lot has been further divided, or consolidated, as specified in the 600 series of chapters in this Title, or as allowed by the former Title 34.
- B.** Where a portion of the lot has been dedicated for public right-of-way, the remaining portion retains its legal status as a lot, unless it has been further altered as specified in Subsection A, above.
- C.** The determination that a lot has legal status does not mean that the lot may be developed, unless all requirements of this Title are met.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; 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. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; 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. 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. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

Chapter 33.705 Neighborhood Contact

705

Sections:

- 33.705.010 Purpose
- 33.705.020 Neighborhood Contact Steps

33.705.010 Purpose

The neighborhood contact process provides an opportunity for people who live, work or otherwise pass by a development site to learn about a project before construction begins. It makes the same information accessible online to interested community members. The neighborhood contact steps provide an opportunity for members of the community to provide feedback to the property owner or developer on the design and other aspects of the development. In most cases, the neighborhood contact steps involve a sign posted on the site, but in some larger development scenarios, the property owner or developer will be required to host a public meeting. While the neighborhood contact outreach steps are required prior to submitting for a land use review or building permit, any feedback provided to the property owner or developer is informal and non-binding. By engaging with members of the community early, prior to applying for a review or permit, the property owner or developer has an opportunity to tailor the proposal in response to community comments, ideas or concerns.

33.705.020 Neighborhood Contact Steps

- A. Neighborhood contact I.** Neighborhood contact I requires the following notification and posting steps:
1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:
 - a. The name, telephone number and email address of the applicant;
 - b. The address of the site of the proposed development;
 - c. A summary of the proposed development; and
 - d. A site plan that includes the proposed development.
 2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.
 - a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and

motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.

- b. The required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.
 - c. The Director of the Bureau of Development Services has the authority to adopt administrative rules to determine the size and layout of the sign.
 - d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.
 - e. The signs must contain the following information:
 - (1) The name, telephone number and email address of the applicant;
 - (2) The name and email address of the neighborhood association that includes the site;
 - (3) The name, telephone number and email address of the district neighborhood coalition that includes the site;
 - (4) A written summary of the proposed development;
 - (5) A site plan that includes the proposed development; and
 - (6) Procedural information provided by the Bureau of Development Services.
3. Required information.
- a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
 - (1) The name, telephone number, and email address of the applicant;
 - (2) The address of the site of the proposed development;
 - (3) A summary of the proposed development; and
 - (4) A site plan that includes the proposed development.
 - b. The following information must be submitted as part of the application for a land use review or building permit:
 - (1) A copy of the email or letter that was sent as required by Paragraph A.1.;
 - (2) A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;
 - (3) A photograph of the sign required by Paragraph A.2. posted on the site;
 - (4) A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit.

B. Neighborhood contact II. Neighborhood contact II requires the following meeting, notification and posting steps:

1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:
 - a. The name, telephone number and email address of the applicant;
 - b. The address of the site of the proposed development;
 - c. The date, time and location of the required public meeting; and
 - d. A summary of the proposed development; and
 - e. A site plan that includes the proposed development.
2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.
 - a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.
 - b. The required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.
 - c. The Director of the Bureau of Development Services has the authority to adopt administrative rules to determine the size and layout of the sign.
 - d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.
 - e. The signs must contain the following information:
 - (1) The name, telephone number and email address of the applicant;
 - (2) The name and email address of the neighborhood association that includes the site;
 - (3) The name, telephone number and email address of the district coalition that includes the site;
 - (4) The date, time and location of the required public meeting;
 - (5) A written summary of the proposed development;

- (6) A site plan that includes the proposed development; and
 - (7) Procedural information provided by the Bureau of Development Services.
3. Meeting. The applicant must schedule and attend one public meeting. Until January 1, 2029, the applicant is not required to schedule or attend a meeting if the development includes a residential use. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:
 - a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs B.2. and B.3.
 - b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited. Meetings may be held in person, remotely using online video conferencing technology, or a combination of both;
 - c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 1 p.m. and 6 p.m. on Saturday or Sunday, or during a scheduled neighborhood association meeting and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting;
 - d. Be open to the public; and
 - e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.
4. Required information.
 - a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
 - (1) The name, telephone number, and email address of the applicant;
 - (2) The address of the site of the proposed development;
 - (3) A summary of the proposed development; and
 - (4) A site plan that includes the proposed development.
 - b. The following information must be submitted as part of the application for a land use review or building permit:
 - (1) A copy of the email or letter that was sent as required by Paragraph A.1.;

- (2) A list of the email or postal addresses to which the email or letter required by Paragraph A.1. was sent;
- (3) A photograph of the sign required by Paragraph A.2. posted on the site;
- (4) A signed statement certifying:
 - That the required email or letter was sent at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - That the required signs were posted, at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - That the required meeting was held at least 14 days before applying for the land use review or building permit, and at least 14 days after sending the email or letter and posting the required signs; and
 - That the notes from the required public meeting were emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, prior to applying for the land use review or building permit.

(Adopted by Ord. No. 189488, effective 12/2/19; Amended by: Ord. No. 190076, effective 8/10/20; Ord. No. 191609, effective 3/1/24.)

2. The Director of BDS will make the final decision on the case and mail a notice of decision within 45 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
3. The decision of the Director of BDS is final.

G. Notice of decision. The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type IX, and Type IV notice of decision.

H. Date that decision is final and effective. The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

A. Pre-application conference. A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050.A., Pre-Application Conference.

B. Neighborhood contact.

1. When 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, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. 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. When 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, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. 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.

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. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within 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 400 feet of the lot. See 33.730.070.C, Type II and Type IIX notice of request.
- E. Processing time.** Upon determining that the application is complete, the Director of BDS will make a decision on the case as follows:
1. The Director of BDS will not make the decision until 21 days after the notice required by Subsection D, above, is mailed.
 2. The Director of BDS will make a final decision on the case and mail a notice of decision within 28 days after the notice required by Subsection D. above is mailed. The applicant may extend this time limit.
- F. Administrative decision.**
1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of BDS will mail the notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIX or Type III decision (pending appeal).
- H. Ability to appeal.** The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.
- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:

- The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III appeal hearing.
 3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
 4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
 6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
 - a. 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.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
 7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
 8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.025 Type IIX Procedure

The Type IIX procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional. 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; 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. 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. When 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, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. 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.
- 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. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIX notice of request.
- E. Processing Time.** Upon determining that the application is complete the Director of BDS will make a final decision on the case as follows:

1. The Director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and
2. The Director of BDS will make the final decision on the case and mail a notice of decision within 42 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

G. Notice of decision (pending appeal). The Director of BDS will mail a notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

H. Ability to appeal. The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

I. When no appeal is filed. If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

J. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, and phone number;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if

- different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.
3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
 4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
 6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
 - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
 7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 14 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
 8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 14 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
 9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
 10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

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; 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. 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; 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. 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.
- 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 review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Mailed notice of decision (pending appeal). When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's decision (pending appeal) to the owner, the applicant if different, and all recognized organizations or persons who responded in writing to the notice of the request, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.G, Notice of Type II, Type IIX or Type III decision (pending appeal).

- G. Ability to appeal.** The review body's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those who have testified orally or in writing at the hearing, provided that the testimony was directed to a specific approval criterion. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be the City Council.
- H. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- I. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number, and relationship to the land use action;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
 2. Mailed notice of the appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, the review body, and all persons and recognized organizations that received the notice of the decision. See 33.730.070.H, Notice of a Type II, Type IIx, or Type III appeal hearing. No notice of the appeal hearing is required to be posted on the site.
 3. Scheduling of hearing. The City Auditor will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
 4. Submit report to City Council. The Director of BDS will forward the appeal as filed, the review body's decision report, and a transcript if requested and paid for, to City Council at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact. Appeals heard by City Council may be heard "on the record" and must also conform to any rules of procedure adopted by Council for their use. The Director of BDS will represent the review body in appeals heard by City Council.
 6. Appeal decision and findings.
 - a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record. If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b. below. The report must comply with 33.730.090, Reports and Record Keeping.

- b. The Council may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the Council's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the Council's decision. Prior to final Council adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by Council vote. An additional public hearing is not required if the vote is at a subsequent public meeting. City Council decisions are in the form of an Order of the Council except when an ordinance is required due to the type of land use request (Comprehensive Plan Map amendments or Statewide Planning Goal exceptions). In these instances, the ordinance serves in lieu of the Order of Council.
7. Notice of the final decision. Within 5 days of final Council action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
8. Date that decision is final and effective. The decision of City Council is final and effective on the day notice of decision is mailed by the City Auditor.
9. Appeal decision final. The appeal decision of City Council is final and may not be appealed to another review body in the City.

J. Decision by review body if site is not 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 owner, the applicant if different 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 review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who commented in writing, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
6. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.
7. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.031 Type IV Procedure

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type IV procedure. See 33.730.050.A., Pre-Application Conference.
- B. 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.
- C. Processing time.** Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 71 days. The applicant may extend the time limit.
- D. 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 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.

E. Advice from Historic Landmarks Commission. BDS staff will ask the Historic Landmarks Commission to review the proposal at a public meeting where members of the public may comment. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to the review body. Such comments or suggestions are advisory to the review body and are not a land use decision. In addition to any comments or suggestions, the Historic Landmarks Commission will forward to the review body tapes or transcripts of any public meetings at which the Historic Landmarks Commission reviewed the proposal, and any correspondence or other documents received at such meetings.

F. Decision by review body.

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 owner, the applicant if different, 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.
 - a. The review body may adopt the Director of BDS' report and recommendation, modify it, or reject it based on information presented at the hearing and in the record. If the review body modifies or rejects the report and recommendation, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b., below. The report must comply with 33.730.090, Reports and Record Keeping.
 - b. The review body may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the review body's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the review body's decision. Prior to final adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by review body vote. An additional public hearing is not required if the vote is at a subsequent public meeting.
4. Notice of the final decision. Within 5 days of final review body action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a

letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.

5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.
6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.040 Final Council Action Required

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews

The following regulations apply to applications for more than one land use review on a site:

- A. Applications for more than one land use review on a site may be consolidated into a single application package;
- B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;
- C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.
- D. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.
- E. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

- A. **Pre-Application Conference.**

1. Purpose. The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.
2. Requirements. Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.
3. Participants. The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.
4. Pre-application conference recommendations. The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Bureau of Transportation may require a Transportation Impact Study to be submitted with the land use application.
5. Pre-application conference prior to application submittal. Application for a land use review may not be submitted before the required pre-application conference is held. This allows information obtained at the conference to be incorporated in the application submittal.
6. Time limit. A pre-application conference is valid for two years. If more than two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

B. Design advice requests

1. Purpose. Design advice requests provide a public forum for the preliminary discussion and exchange of information between the applicant, BDS staff, the public, and the representative commission. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request. In some cases, a design advice request may be required by a provision of this title. These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives.
2. Requirements. Forms for design advice requests are available from the Director of BDS. A fee is required and must be paid at the time of the submittal for the design advice request. The applicant must submit a written proposal, information on the physical and social characteristics of the area, a conceptual site plan and elevations of the project. The applicant may also include details of the project that are associated

with specific questions they may have as part of the design advice request. The design advice request must be held within 56 days of receipt of a completed request form.

3. Notification. The following notification will be provided prior to the design advice request meeting:
 - a. Mailed notice. At least 20 days before the scheduled meeting, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 400 feet of the site, and to recognized organizations in which the site is located. The notice should include the file number, the name of the person requesting the advice, the name of the property owner, the name and phone number of the BDS staff member assigned to the file, the date of the meeting, the address or geographic location of the request, the current zoning of the site, a brief description of the proposal, and a conceptual site plan.
 - b. Posting notice on the site. At least 20 days before the scheduled meeting, the person requesting the advice must place a public notice of the design advice request adjacent to each street frontage on the site. The notice should include the file number, the date of the meeting, the name and phone number of the BDS staff member assigned to the file, the current zoning of the site, and a brief description of the proposal.
 4. Meeting. Meeting. The design advice request meetings are limited to one meeting per application. Additional meetings may be granted for proposals that include more than one building proposed on a site.
 5. Design advice request recommendations. BDS staff will mail the applicant a written summary of the design advice request within 21 days of the meeting. The written summary will include suggestions and information that were raised at the meeting for inclusion in the land use application.
- C. Other pre-application advice.** An applicant may choose to meet with BDS staff to discuss preliminary proposals prior to the submission of a land use review or building permit. The process for setting up these meetings is developed by the Director of BDS and the meetings are advisory only.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.
2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
 - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;

- b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
 - c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:
 - (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
 - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

B. Changes to applications. Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

C. Required information for land use reviews except land divisions. Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.
2. One copy of a written statement that includes the following items:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
 - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
 - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.
3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:

- All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
 - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
 - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions;
 - Building elevations;
 - Location of adjacent buildings;
 - Distances of all existing and proposed development to property lines;
 - Types and location of vegetation, street trees, screening, fencing, and building materials;
 - Percentage of the site proposed for building coverage, and landscaping coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
 - Additional requirements of the specified land use review.
4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
 5. A transportation impact study, if required by the Bureau of Transportation at a pre-application conference.
 6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.
- D. Required information for land divisions.** Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one

copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:
 - a. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
 - b. Written statement. Two copies of a written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all approval criteria are met for the land division and any concurrent land use reviews;
 - Additional information needed to understand the proposal, or requested at the pre-application conference;
 - Names and address of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
 - If more than 3 lots are proposed, the proposed name of land division;
 - Proposed names of all streets;
 - A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
 - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, and Quick Vehicle Servicing;
 - c. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
 - Zoning and Comprehensive Plan designations;
 - Streets;
 - Transit, pedestrian, and bicycle facilities and connections; and
 - Water bodies, wetlands, combined flood hazard areas, floodways, and potential landslide hazard areas; and
 - Location of utilities and services;

- d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:

- (1) Base map. The following information must be on all maps:

Surveyed information:

- Boundary lines of the site with dimensions and total site area;
- North arrow and scale of map;
- Identification as the Preliminary Plan Map
- Stamp of surveyor; and
- If more than 3 lots are proposed, the proposed name of land division;

Additional information:

- Proposed lot layout with sizes, dimensions, and lot numbers;
- Proposed tract layout with sizes, dimensions, purpose, and name;
- Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
- Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
- Proposed location, dimensions, and purpose of all easements;

- (2) Existing conditions map. The following existing site conditions must be shown:

Surveyed information:

- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- All trees completely or partially on the site that are 6 inches or more in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. On sites where the proposal is to preserve tree canopy under Option 5 or 6 of the Tree Preservation Standards in 33.630.100.A.5 or 6, the trees do not have to be surveyed;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;
- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and

- Location of flood hazard areas, including elevations of the combined flood hazard area and floodway boundaries. Sites that contain a water body not shown on the combined flood hazard area maps must identify the location of the combined flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
- Location, dimensions, and purpose of existing easements on and abutting the site;

- (3) Proposed improvements map. The following proposed improvements must be shown:
- Enough information to determine that minimum lot width requirements are met for each proposed lot including footprint of structures and locations of driveways if necessary;
 - Distances of all known proposed development to proposed lot lines;
 - Proposed pedestrian connections;
 - If proposed lots are within a combined flood hazard area or landslide hazard area, proposed building locations, and
 - If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
 - Existing and proposed services and utilities; and
 - Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;
- (4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:
- Existing contours and drainage patterns;
 - Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
 - Existing trees and vegetation;
 - Areas of the site where fill has been placed;
 - Boundaries of Environmental Overlay Zones;
 - Proposed areas of clearing and grading, including grading and clearing for:
 - Rights-of-way;
 - Services and utilities; and
 - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
 - Proposed contours within areas to be cleared and graded;
 - Proposed stormwater and sedimentation control devices to be used during construction;

- Proposed stockpile areas;
 - Proposed trees and vegetation to be preserved;
 - Proposed location and material of construction fencing for proposed tree preservation tract;
 - Proposed location and material of construction fence;
 - Proposed amount (cubic yards) of soil to be disturbed; and
 - Proposed structures necessary to construct streets or pedestrian connections;
- e. Tree information, as follows:
- (1) Existing tree map and preservation plan showing the following:
 - Existing and proposed lots, tracts, rights-of-way, and utilities;
 - Surveyed location of all trees completely or partially on the site required to be surveyed by D.1.d(2);
 - The location, species and size of trees located in adjacent rights-of-way;
 - The approximate location, species, and size of trees on adjacent sites, within 15 feet of proposed or future disturbance areas;
 - Heritage trees on or adjacent to the site;
 - Tree numbers corresponding to the arborist report;
 - Location, type, and size of trees to be removed;
 - Location, type, and size of trees to be preserved and tree protection meeting the requirements of Chapter 11.60, Technical Specification; and
 - Existing and proposed tree preservation tracts.
 - (2) Tree planting information, including:
 - Conceptual planting plan showing general area where trees will be planted on the lots as mitigation and/or to satisfy the tree density standards of Chapter 11.50, Trees in Development Situations;
 - A preliminary street tree planting plan; and
 - (3) A written statement describing how the requirements of Chapter 33.630, Tree Preservation, are met; and
 - (4) A written report prepared by an arborist that includes the following:
 - Trees located on the development site. The information listed below must be provided for all trees required to be shown on the existing tree map, as described in e(1) above. Trees must be numbered consistent with the tree survey:
 - Evaluation of tree health and condition;
 - Identification of tree groves and Heritage Trees;
 - Identification of nuisance, dead, dying, and dangerous trees;
 - Evaluation of the suitability of each tree for preservation based on proposed or future development on the site, including consideration of grading and utility plans;
 - Identification of trees to be preserved and trees to be removed;

- Root protection zone and tree protection methods specified for each tree to be preserved, as required by Chapter 11.60, Technical Specifications;
 - A discussion of activities that will be prohibited within root protection zones during construction, and any other relevant construction management needs; and
 - Recommendations for short or long-term tree care.
 - Trees in adjacent rights-of-way or on adjacent sites. Trees on adjacent rights-of-way or on adjacent sites that may be affected by the proposed or future development on the land division or planned development site must be identified. Recommendations for tree protection and methods to limit impacts on adjacent trees must be included in the arborist report.
- f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on the City’s Potential Landslide Hazard Areas Map the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the part or parts of the site suitable for development in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete. The study must also include a statement of the estimated effect of the developments on stormwater and groundwater runoff as it relates to slope stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
 - Review of geologic literature or previous reports;
 - Site reconnaissance including mapping of observable geologic features or hazards;
 - Field explorations as necessary; and
 - Laboratory testing;
- g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
- h. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025, Neighborhood Contact;
- i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;

- j. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and
 - k. When the land division site is within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, and the land division will create eleven or more lots, the application must include verification from the school district that there is adequate enrollment capacity to serve the development site.
2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.
 3. Final Plat. An application for a Final Plat must include all of the following:
 - a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
 - The statement: "This plat is subject to the conditions of City of Portland Case File No. LUR...";
 - Easements and tracts, including their purpose;
 - In the case of a middle housing land division, this statement: "This plat was approved as a Middle Housing Land Division under ORS 92.031".
 - b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
 - c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
 - d. As-built survey. For a middle housing land division, copies of an as-built survey showing building footprints and any building projections with distances to proposed lot lines, and the location of underground services in relation to any tracts or easements;
 - e. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
 - f. Performance Guarantees. One copy of each Performance Guarantee;

- g. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;
 - h. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
 - i. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

- A. General information on notices.** The following applies to all notices.
1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Bureau of Neighborhood Involvement.
 2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.
 3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.
- B. Expedited Land Division, Type I and Type Ix notice of request.** The notice of request, when processed through an Expedited Land Division, a Type I, or Type Ix procedure, will contain at least the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal which could be authorized;
 - An explanation of the local decision-making process for the decision being made;

- A list, by commonly used citation, of the applicable criteria for the decision;
 - An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
 - A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;
 - A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- C. Type II and Type IIx notice of request.** The notice of request, when processed through a Type II procedure and Type IIx procedure, will contain at least the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site.
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal which could be authorized;
 - An explanation of the local decision-making process for the decision being made;
 - A list, by commonly used citation, of the applicable criteria for the decision;
 - An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
 - A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
 - A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
 - A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- D. Type III and Type IV notice of request and hearing.** The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:

- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site.
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal and the proposed use or uses which could be authorized;
 - The land use reviews requested and other land use reviews which may be considered as an option;
 - An explanation of the local decision-making process for the decision being made;
 - The applicable comprehensive plan and code approval criteria;
 - The date, time and location of the hearing;
 - A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
 - A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues;
 - A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
 - A statement that a copy of the Director of BDS's report will be made available at least 10 days before the hearing; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- E. Notice of deferral.** If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.
- F. Expedited Land Division Type I, Type Ix and Type IV notice of decision.** The notice of decision must include the following:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;

- A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - A description of the review body decision, the decision date, and filing date; and
 - A statement that the decision is final, but may be appealed to the Hearings Officer or Land Use Board of Appeals (LUBA) as specified in ORS 197.375 or ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.
- G. Notice of Type II, Type IIx, or Type III decision (pending appeal).** The notice of Type II, Type IIx, or Type III decision (pending appeal) will describe the land use request and decision. The notice will include the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - An explanation of the local decision-making process for the decision being made;
 - A summary of the applicable approval criteria;
 - The review body's decision, the decision date, and the filing date;
 - A statement that the decision is final unless appealed;
 - A description of the appeal process, time frame, the review body, and the fee for an appeal; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- H. Notice of an Expedited Land Division, a Type II, Type IIx, or Type III appeal hearing.** If a local appeal of an Expedited Land Division, a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.
- I. Notice of final Expedited Land Division, Type II, Type IIx, or Type III decision following appeal.** Where an Expedited Land Division, a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:
- The file number;

- The name and address of the applicant, owner, and appellant (if different);
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III or Type IV procedure. The requirements for the posting of notice are stated below.

- A. Number and location on the site.** A posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.
- B. Placing notice.** When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:
 - The message that must be placed on the notice;
 - The number of notices required;
 - The latest date that the notice may be posted; and
 - A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.
- C. Standards and timing.** The applicant must prepare the notice to BDS standards and post it on the site at least 30 days before the first scheduled evidentiary hearing before the Hearings Officer or other assigned review body. At least 14 days before the hearing, the applicant must file with BDS a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.
- D. Removal.** The applicant may not remove the notice before the first evidentiary hearing before the Hearings Officer or other assigned review body. Except when final City Council

action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the Hearings Officer's or other assigned review body's decision on the request. When final council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the City Council's decision on the request.

E. Content of the notice. The posted notice must contain the following information:

- The file number;
- The date of the hearing;
- A summary of the key items of the request;
- A statement that further information is available from BDS; and,
- The phone number and address of BDS.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

A. Decisions. Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.

B. Reports. Reports must include:

- The file number;
- The owner's and applicant's name and address;
- The legal description and site location;
- A brief description of the request;
- The review body;
- The relevant approval criteria;
- The findings applying the facts to the criteria;
- The decision; and
- Any additional information relevant to the case.

C. The public record. The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

A. Rules of Procedure. All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.

B. Initial hearing statements. At the beginning of each hearing, the review body must state:

1. That testimony can only address the applicable approval criteria;
2. The applicable approval criteria;
3. That any party can request the record be kept open for 7 days;

4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
 5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.
- C. Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex parte Contact

- A. Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:
1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
 2. If the communication was in written or tangible form, place a copy of the communication into the record.
- B. BDS contact.** The Director of BDS and BDS staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

- A. Expiration of unused land use approvals issued prior to 1979.** All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.
- B. When approved decisions expire.**
1. Land use approvals expire if:

- a. Generally. Within 5 years of the date of the final decision a City permit has not been issued for approved development; or for situations that do not require a permit, within 5 years of the date of the final decision the approved activity has not commenced.
 - b. Exception. Final decisions that became effective between January 1, 2019 and March 1, 2024 expire if within 5 years of the date of the final decision a City permit has not been issued for approved development or the approved activity has not commenced.
2. Zoning map and Comprehensive Plan map amendments do not expire.
3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.
4. Multiple developments.
 - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals. Multiple developments does not include the phased permitting of a single building or multi-building projects with a single primary structure.
 - b. Exception. On sites where the final decisions became effective between January 1, 2017 and March 1, 2024 and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exceptions. Approved preliminary plans for middle housing land divisions expire if within 3 years of the date of final decision the final plat has not been approved.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.

8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
 - a. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
 - a. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
 - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
 - b. The final plat of the land division has not expired; and
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
- b. The PUD or PD has not expired;
- c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD.

12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.

- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

33.730.140 Requests for Changes to Conditions of Approval

- A. Generally.** Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- B. Zone changes before 1981.** In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.
- C. Reviews no longer required.** In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance 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; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24.)

33.810 Comprehensive Plan Map Amendments

810

Sections:

- 33.810.010 Purpose
- 33.810.020 Initiating a Comprehensive Plan Map Amendment
- 33.810.030 Concurrent Zone Changes Allowed
- 33.810.040 Procedure
- 33.810.050 Approval Criteria
- 33.810.070 Recently Annexed Areas
- 33.810.080 Corrections to the Comprehensive Plan Map

33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.H.

33.810.020 Initiating a Comprehensive Plan Map Amendment

- A. Quasi-Judicial.** Requests for Comprehensive Plan Map amendments which are quasi-judicial may be initiated by an applicant, the Planning Commission, or the City Council. The Director of BDS may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for Comprehensive Plan Map amendments which are legislative may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation. Initiations by a review body are made without prejudice towards the outcome.

33.810.030 Concurrent Zone Changes Allowed

Requests for zoning map amendments may be considered concurrently with a Comprehensive Plan Map amendment. Zoning map amendments must be to a zone corresponding to the requested Comprehensive Plan Map designation. Concurrent zoning map amendments must meet all the approval criteria of Chapter 33.855, Zoning Map Amendments.

33.810.040 Procedure

- A. Quasi-Judicial.** Requests for a Comprehensive Plan Map amendment which are quasi-judicial are reviewed through a Type III procedure. City Council adoption is also required for these requests. In addition, any post-acknowledgement procedures required by the State must be followed.
- B. Legislative.** Requests for a Comprehensive Plan Map amendment which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

33.810.050 Approval Criteria

- A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:
1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
 2. The requested change is consistent with Statewide Land Use Planning Goals;
 3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:
 - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;
 - b. The transportation system is capable of supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion A.3.c;
 - c. Measures proportional to the impacts of the uses allowed by the proposed designation are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and
 - d. Transportation improvements adjacent to the development and in the vicinity needed to support the proposed development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
 - e. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
 - f. The site does not have direct access to special industrial services such as multimodal freight movement facilities;

- g. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;
- h. The uses allowed by the proposed designation will not reduce the ability of Portland's Central City, Regional or Town Centers to attract or retain the principal retail, cultural, and civic facilities; and
- i. The size of the area that may be given a new Comprehensive Plan Map designation is as follows:
 - (1) If the site is designated Industrial Sanctuary, and Metro also has designated the site as part of a Regionally Significant Industrial Area, no more than 10 acres may be given a new Comprehensive Plan Map designation;
 - (2) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Industrial Area, but not as part of a Regionally Significant Industrial Area, no more than 20 acres may be given a new Comprehensive Plan Map designation;
 - (3) If the site is designated Industrial Sanctuary, and Metro has designated the site as an Employment Area, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (4) If the site is designated Mixed Employment, no more than 40 acres may be given a new Comprehensive Plan Map designation;
 - (5) Exception. If the site is not designated as industrial or employment by Metro, these size limits do not apply.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, Metro's Urban Growth Management Functional Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

33.810.070 Recently Annexed Areas

Areas annexed into the City will automatically receive City Comprehensive Plan designations as part of the process of applying comparable zoning. See 33.855.080, Recently Annexed Areas.

33.810.080 Corrections to the Comprehensive Plan Map

The Director of BDS may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below. Nondiscretionary corrections to the Comprehensive Plan Map may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

A. Mapping errors. The correction may be made for mapping errors such as:

- 1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;

2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.

- B. Movement of the reference item for the map line.** The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 176092, effective 12/21/01; Ord. No. 176469, effective 7/1/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191609, effective 3/1/24.)

33.815.070 Sites With Split Zoning

When a proposed use is located on a site which has more than one zone, and the use is a conditional use in one zone and an allowed or limited use in the other, any proposals on the allowed site are subject to conditional use review.

33.815.080 Approval Criteria in General

The approval criteria for all conditional use reviews are stated below. Requests for conditional uses will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

Approval Criteria

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;
2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and
3. Impacts on mature trees and tree groves are minimized and City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking

- demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones

These approval criteria apply to all conditional uses in R and campus institutional zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in residential and campus institutional zones that maintain or do not significantly conflict with the appearance and function of residential or campus areas. Criteria A through E apply to institutions and other non-Household Living uses in residential zones. Criteria B through E apply to all other conditional uses in campus institutional zones. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
1. The proposal will preserve any City-designated scenic resources; and
 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Public services.**
1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.107 Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones

These approval criteria apply to Community Service uses that provide short term, mass, and outdoor shelters in R, CI1, and IR zones. Approval criterion A and C must be met for all for all mass shelters and short term shelters. Criterion A through E must be met for all outdoor shelters, and for mass short term shelters where the net building area on the site is increasing by more than 1500 square feet or 10 percent, whichever is greater. The approval criteria are as follows:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the

Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and
2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy issues.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when

the development is complete or, if the development is phased, will be available as each phase of the development is completed;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.110 Office and Retail Sales And Service Uses in the RX Zone

These approval criteria provide for commercial uses in greater amounts than are allowed by right to promote new housing and support the residential area. The approval criteria are:

- A.** The overall development will result in a net increase in housing units on the site;
- B.** The appearance, location, and amount of commercial uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- C.** Transportation system
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.115 Specified Uses in Commercial/Mixed Use Zones

These approval criteria apply to Industrial Service uses and Agricultural uses in the commercial/mixed use zones. The approval criteria allow these uses in commercial/mixed use zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

- A. The proposed use will not have nuisance impacts from noise, odor, and vibrations greater than usually generated by uses allowed by right in the zone;
- B. Based on the characteristics of the proposed use and its development, the proposal is consistent with the purpose of the commercial/mixed use zone and with the character of the specific area;
- C. The proposed use will not significantly alter the overall character of the area, based on the existing proportion of commercial and noncommercial uses and the effects of incremental changes; and
- D. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.120 Commercial Parking Facilities in the RX, CX, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.

These approval criteria provide for commercial parking facilities that support development outside the Central City, Columbia South Shore, and the Cascade Station/Portland International Center plan districts. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. Commercial parking facilities must meet criteria A. through E. and one of F. or G. The approval criteria are:

- A. The proposal will not by itself, in combination with other commercial parking facilities in the area, or in combination with other on-site parking areas, significantly lessen the overall desired character of the area;
- B. The parking facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;

- C. Transportation system:
1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The facility will provide adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces;
- E. If the facility is in the RX zone, its location will not by itself or in combination with other nearby Commercial Parking Facilities, decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- F. The proposed parking will provide parking to support development in a commercial/mixed use or employment district or area that is deficient in parking spaces, taking into consideration an analysis of parking demand, the amount of on-street parking available and the degree to which the amount of parking for development in the area is significantly below the maximum allowed parking; or
- G. The proposed parking will provide parking for passengers, employees, and visitors to Portland International Airport in the EG1 or EG2 zones.

33.815.121 Commercial Parking Facilities in the CM2 and CM3 Zones in the Hollywood Plan District

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

- A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall desired character of the area. Desired character is

determined by the Hollywood and Sandy Plan; the Comprehensive Plan and zoning designations, and by allowed densities.

B. Transportation system:

1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

C. The parking demand analysis must show a need for parking at this location. The analysis must show that the following criteria are met:

1. At least 65 percent of the parking demand is from uses within 750 feet of the site;
2. If the parking is designated for specific businesses, the number of parking spaces designated for that business in the commercial parking facility, plus the number of spaces that business may already have, may not exceed the maximum allowed parking allowed for the business, as stated in 33.536.290.C; and
3. At least one of the following is met:
 - a. There is a cumulative increase in parking demand due to an overall increase in activity associated with existing or new retail, office, or other visitor-related uses; or
 - b. There has been a significant loss of short-term parking spaces in the area within 750 feet of the site.

33.815.122 Commercial Parking Facilities in the Employment Focus Area of West Portland Multicultural Plan District

These approval criteria serve to control Commercial Parking Facilities in the Employment Focus Area of Subdistrict A in the West Portland Multicultural Plan District to prioritize and support transit-oriented employment uses. The approval criteria are:

- A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall intent or desired character of the area. Intent and desired character are determined by the plan district, the West Portland Town Center Plan, and the West Portland and Barbur Boulevard Character Statement.
- B. The design of the site, and in particular the locations of vehicular ingress and egress, minimizes the impact of traffic circulation on local service streets; and
- C. The design of the site provides for safe operation of motor vehicle access and does not significantly degrade the safety of pedestrians, or other modes, using the streets near the site.
- D. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated.
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements, adjacent to the development and in the vicinity, needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Lower Albina Subdistrict of the Central City Plan District may use the approval criteria listed in 33.815.126: Office Uses in the IG1 Zone in the Lower Albina Subdistrict, if they contain characteristics of manufacturing businesses. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;
- D. The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and
- E. City-designated scenic resources are preserved.

33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of

service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. City-designated scenic resources are preserved;
- D. At least 33 percent of the net building area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and
- E. The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

- A. The proposed offices will not have significant adverse effects on nearby industrial firms or result in conflicts with industrial activities. Evaluation factors include:
1. The impact of traffic generated by the proposed offices on industrial use of the transportation system, considering the access, maneuvering, loading, truck and freight movement needs of industrial uses; and
 2. The extent to which the proposed offices are designed to minimize and mitigate negative impacts from industrial activities on those working in the offices. Impacts include noise, fumes, and dust.

- B. Transportation system:**
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. Industrial uses will be maintained as the primary use of the site and the proposed office use will not compromise the ability of the site to continue to be used for industrial operations.**

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A. The proposed use will not have significant adverse effects on neighboring employment uses;**
- B. Transportation system:**
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic

management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The proposed use will not significantly alter the overall desired character of the area, based on the existing mixture of uses and the effects of incremental change; and
 - D. City-designated scenic resources are preserved.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote the preservation of historic resources that are Historic Landmarks, Conservation Landmarks, or contributing resources in a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. The approval criteria are as follows:

- A. The proposed use will not have a significant adverse effect on truck and freight movement.
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. City-designated scenic resources are preserved; and
- D. The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses.

33.815.140 Mass and Outdoor Shelters in the C, CI2, E, and I Zones

These criteria apply to mass and outdoor shelters in the C, CI2, E, and I zones.

- A. **Physical compatibility.**
 - 1. The proposal will preserve any City-designated scenic resources; and
 - 2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

- B. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- C. Public services.**
1. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.
- E. Additional criteria for outdoor shelters in I zones.** The following criteria apply to outdoor shelters in I zones:
1. The outdoor shelter must be on publicly owned property that was not identified as being in an industrial use or identified as vacant or underutilized land needed for future industrial use in the City's inventory of buildable employment land.
 2. The shelter will not have a significant adverse effect on truck and freight movement.

33.815.200 Aviation And Surface Passenger Terminals

These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

- A. Commercial seaplane facilities.** The approval criteria for commercial seaplane facilities are:
 - 1. The proposal mitigates any significant off-site impacts and nuisances of the proposal on surrounding properties, including the use of buffers and/or restricting the hours of operation; and
 - 2. The regulations in 33.209.040, Commercial Seaplane Facilities are met.
- B. Helicopter landing facilities.** The approval criteria for helicopter landing facilities are stated in 33.815.210.
- C. Bus, rail and ship passenger terminals.**
 - 1. Public services.
 - a. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
 - b. Transportation system:
 - (1) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - (2) Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - (3) Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
 - c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal

systems are acceptable to the Bureau of Environmental Services;

2. Benefit. The public benefit of the use outweighs any impacts which cannot be mitigated; and
3. IG and IH zones. If the proposal is in an IG or IH zone, the proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

- A. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and
- B. Safety.** The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;
- C. Public services.**
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
 3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when

the development is complete or, if the development is phased, will be available as each phase of the development is completed.

4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

33.815.210 Helicopter Landing Facilities

- A. The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.
 1. The facility meets the safety standards required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA;
 2. The facility is located so that the flights may take advantage of existing natural flight corridors. Locations close to natural flight corridors such as freeways are preferred;
 3. Consolidating the HLF with other existing nearby HLFs is not possible or feasible;
 4. In C, E, I, or CI zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;
 5. In OS, R, CR, CM1, CM2, CM3, and IR zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;
 6. The facility meets all development standards contained in 33.243.040; and
 7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18 of the City Code.
- B. The following criterion applies to helicopter landing facilities reviewed through a Type II procedure: The proposal will not result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, or changes in required distances from other uses.

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

- A. **Public services.**
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;

3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
 4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- B. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;
- C. Benefit.** Public benefits of the proposed use outweigh any impacts that cannot be mitigated;
- D. In the campus institutional zones.** These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:
1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;
 2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;
 3. In the IR zone the facility is listed in the mission statement as part of the institution's impact mitigation plan;
 4. In the IR zone the mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location

chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and

5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus net building area including portions of parking structures associated with these uses. If the institutional campus includes structured parking, 250 square feet of the structured parking will be associated with the major event entertainment facility for each parking space associated with the facility. Size exceptions are prohibited.

33.815.220 Mining and Waste Related

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A. There are adequate nearby lands available for the development of more intense industrial uses;
- B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;
- C. There will be no significant health or safety risk to nearby uses;
- D. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;
- E. The proposed use adequately addresses potential nuisance-related impacts such as litter;
- F. Public services.
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;
- H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and
- I. Public benefits of the use outweigh any impacts that cannot be mitigated.

33.815.222 Park-and-Ride Facilities for Mass Transit

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

- A. The proposal will not by itself, or in combination with other on-site parking areas, significantly detract from the overall desired character of the area, including existing or planned transit-supportive, high-density residential or mixed-use development;
- B. The park-and-ride facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- D. Transportation system:
 - 1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- E. Transit ridership is increased and vehicle miles traveled per capita is reduced;
- F. The facility will have adequate separation, landscaping, and screening between the sidewalk and parking areas to reduce the impact on adjacent public and private spaces; and
- G. The facility is necessary because bus service is not adequate to serve those in the surrounding area who live or work beyond walking or bicycling distance of transit.

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

- A. **Health and safety.** The health and safety of the public is dependent on the facility being at this location.
- B. **Location.** There is no feasible alternative location where the facility is an allowed use, or would have less impact on residential character or identified scenic and environmental resources.
 1. Proof of a location-specific need must include:
 - a. A broad review of other, similar or nearby, areas;
 - b. A review of specific alternative sites is not required; and
 - c. The review of other areas must show that those areas cannot reasonably accommodate the proposed use.
 2. A challenge to the proposed site includes identification of a specific alternative site and sufficient facts to support the assertion that the alternative site can reasonably accommodate the proposed use.
- C. **Public services.**
 1. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a

result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D. Livability.

1. Detrimental impacts are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter
 - e. The amount, location, and nature of any outside displays, storage, or activities;
 - f. Height of structures; and
2. If the facility is in an OS or R zone, detrimental impacts to the residential or open space character of the area caused by the appearance of the new use or development are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Structure scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the facility is in an OS zone, adequate open space is being maintained so that detrimental impacts to the open or natural character of the area are minimized.

E. Radio Frequency Transmission Facilities. Unless exempted or allowed by Sections 33.274.030 or 33.274.035, Radio Frequency Transmission Facilities must also comply with the regulations of Sections 33.274.040 through .070.

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for personal wireless service facilities proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
 - 1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;
 - 2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and
 - 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- B.** Approval criteria for personal wireless service facilities proposing to locate on a tower in an OS or R zone, or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
 - 1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 - 2. The tower, including mounting technique, must be sleek, clean, and uncluttered;
 - 3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
 - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;
 - b. Planting or preserving trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;
 - c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
 - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
 - e. Other methods that adequately minimize visual impact;
 - 4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;

5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- C.** Approval criteria for personal wireless service facilities, proposing to locate on a tower in a C, CI2, or EX zone more than 50 feet from an R zone:
1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean and uncluttered;
 3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 4. The visual impact of the tower on the surrounding area must be minimized;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- D.** Approval criteria for all other Radio Frequency Transmission Facilities:
1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
 2. The facility will be located so that impacts on mature trees and tree groves are minimized;
 3. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 4. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

33.815.230 Rail Lines And Utility Corridors

These approval criteria allow Rail Line And Utility Corridor uses where their location will not unduly interfere with other land uses and with the street system. The approval criteria are as follows:

- A.** The proposed rail line or utility corridor is sufficiently separated from nearby land uses so as to allow for buffering of the uses, especially in residential areas. In the case of railroad lines, separation distances should consider the expected number, speed, size, types, and times of trains; and
- B.** The rail line or utility corridor will not substantially impact the existing or planned street system, or traffic, transit, pedestrian, and bicycle movement and safety.

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

- A. The proposed facility is consistent with the City's adopted renewal plan for the area;
- B. The proposed facility meets or exceeds the landscaping and screening standards applicable to the site and for parking areas;
- C. There are adequate nearby lands available for the development of more intense uses;
- D. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- E. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- F. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District

These approval criteria apply to industrially oriented office uses specified in 33.515.110 of the Columbia South Shore Plan District. The approval criterion allows these uses in the Industrial Business Opportunity subdistrict when there is excess capacity available in the transportation system. The application must include a traffic impact analysis acceptable to the Bureau of Transportation. The approval criteria are:

- A. There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the district is determined by Comprehensive Plan designations. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

- A. The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;
- E. The proposed transportation demand management (TDM) program is acceptable to the Bureau of Transportation. Examples of TDM program measures may include vanpooling, carpooling, transit subsidies, shuttle service and off-peak class scheduling or other incentives to encourage the use of alternatives to the single-occupant automobile; and
- F. City-designated scenic resources are preserved.

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, only approval criteria A through D apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

- A. The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The use will not have any significant adverse traffic impacts on neighboring employment or industrial area users; and
- E. The minor alteration will not result in a greater adverse traffic impact on neighboring employment and industrial area users than the existing retail sales and service use and development.

33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District

Approval criteria A, B and D apply to Retail Sales And Service uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are outside the South Waterfront Subdistrict. Approval criteria A, B, C and D apply to Retail Sales And Service Uses with more than

50,000 square feet of net building area on sites shown on Map 510-12 that are within the South Waterfront Subdistrict.

- A. The use needs to be located in the subdistrict because it primarily serves those who live or work in the subdistrict;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
- C. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the South Waterfront Plan; and
- D. City-designated scenic resources are preserved.

33.815.305 Replacement Parking Facilities in the Central City Plan District

These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

- A. The facility will provide parking primarily to those whose destination or residence is within the neighborhood association boundaries where the facility is located. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A management plan will be submitted to document how this criterion will be met. Long-term includes daily, weekly, and monthly parking. Short-term parking is four hours or less. Neighborhood association boundaries are

shown on the most recent Neighborhood Boundaries Map published by the Bureau of Neighborhood Involvement, and do not include boundaries of business associations, industrial associations, or other recognized organizations.

- B.** The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;
- C.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D.** The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;
- E.** The proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas; and
- F.** Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces.

33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District

This review provides for Commercial Parking that supports the diverse mix of uses and urban scale of development in the Northwest plan district. The review allows for a limited amount of Commercial Parking for community use in a high-density residential area in close proximity to commercial main streets and for motor vehicle access to a parking structure from a Main Street, while ensuring that the transportation system is capable of supporting the proposed parking. The

criterion is: The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation findings must demonstrate that:

- A. Signalized intersections within 600 feet of the site will operate at an acceptable level of service or will not be significantly degraded by the proposed use;
- B. The proposed use does not create a significant adverse impact on the availability of existing on-street parking along streets within one block of the site. Adverse impacts to on-street parking could include removal of a significant portion of the existing on-street parking in the area;
- C. The design of the site, and in particular the locations of vehicular ingress and egress, minimizes the impact of traffic circulation on local service streets; and
- D. The design of the site provides for safe operation of motor vehicle access and does not significantly degrade the safety of pedestrians, or other modes, using the streets near the site.

33.815.310 Industrial Uses in the IR Zone

These approval criteria providing for Manufacturing and Production and Industrial Service Uses in IR zones are intended to allow industrial activities that support the mission of the City's major educational and medical institutions. The approval criteria are:

- A. The proposed industrial service or manufacturing and production use is consistent with the institution's approved impact mitigation plan;
- B. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the industrial facilities. Proposed industrial service or manufacturing and production uses must not, in combination with other existing institutional campus development, exceed the levels of mitigation provided;
- C. Industrial service and manufacturing and production uses are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;
- D. All Industrial Service and Manufacturing And Production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking will be associated with the Industrial Service and Manufacturing And Production uses for each parking space associated with those uses. Size exceptions are prohibited;
- E. Exterior display, storage and work activities are prohibited;
- F. Heavy trucks are not to travel to the industrial service or manufacturing and production use site by local streets unless no other choice is available. Access for medium and heavy trucks to these activities must be addressed in the Impact Mitigation Plan. Traffic levels cannot increase above what is approved through the Impact Mitigation Plan or Conditional Use Master Plan;
- G. Long term parking of medium and heavy trucks on site is prohibited; and

- H. All hazardous wastes generated by an industrial service or manufacturing and production uses are identified and plans have been approved for the handling, storage, and disposal of the wastes as part of the institution's impact mitigation plan. The impact mitigation plan must be current and have been approved in conformance with the provisions of Chapter 33.848 Impact Mitigation Plan Requirements.

33.815.315 Utility Scale Energy Production in Specified C zones.

These approval criteria provide for Utility Scale Energy Production in the commercial/mixed use zones. They allow energy-generating activities that have limited impact on the surrounding area, while supporting sustainability goals for energy. The approval criteria are:

- A. The proposed Utility Scale Energy Production facility will serve the immediate area;
- B. The off-site impact standards of Chapter 33.262 must be met;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 165681, effective 7/15/92; Ord. No. 166834, effective 9/3/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 169916, effective 9/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01;

Ord. No. 176092, effective 12/21/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176351, effective 3/27/02; Ord. No. 176469, effective 7/1/02; 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. 178480, effective 6/18/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; 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. Nos. 191079, 191164, and 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24.)

33.825 Design Review

825

Sections:

- 33.825.010 Purpose
- 33.825.025 Review Procedures
- 33.825.035 Factors Reviewed During Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.825.055 Approval Criteria
- 33.825.065 Design Guidelines
- 33.825.075 Relationship to Other Regulations

33.825.010 Purpose

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. Design Review offers opportunities for increased flexibility over the design standards within Chapter 33.420.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in Design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic area in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D.

- A.** Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1.
 - 1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal may include both an alteration and an addition to a building. If the alteration is subject to a Type II procedure, but the addition is subject to a Type III procedure, the proposal would be subject to a Type III procedure.
 - 2. Until January 1, 2029, when a proposal includes a residential use, the proposal may be subject to the next lower procedure type as follows:
 - a. If the proposal is subject to a Type III procedure, the applicant may choose a Type II procedure. A design advice request is required before the application for design review is submitted. See 730.050.B;
 - b. If the proposal is subject to a Type III procedure, the applicant may choose a Type Ix or Type II procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type Ix or Type II review procedure is chosen, the applicant must provide a letter from

the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau; and

- c. If the proposal is subject to a Type II procedure, the applicant may choose a Type Ix procedure.

B. Phased design plans.

1. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.

C. Models of proposals in the Central City plan district. For proposals located in the Central City plan district shown on Map 510-1, a three dimensional digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings.

Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

Table 825-1 Procedure Type for Design Review Proposals			
Geographic Area	Proposal	Threshold	Procedure
Central City Plan District	New development or new building(s) on a site with existing development	1) New floor area is > 25,000 s.f. or 2) New building height is > 45 ft. [1]	Type III [2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 45 ft height [1], and adds > 25,000 s.f. of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of facade or roof area	Type I
		All other exterior alterations	Type II
	Changes to an approved design review [3]	Rooftop mechanical equipment	Type I
		Alteration to ground floor facade	Type I
		All other changes [4]	Type II

All Other Areas Subject to Design Review	New development or new building(s) on a site with existing development	1) New floor area is > 80,000 s.f. or 2) New building height is > 65 ft. [1]	Type III [2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 65 ft height [1] and adds > 50,000 s.f of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of facade or roof area	Type I
		All other exterior alteration	Type II
	Changes to an approved design review [3]	Rooftop mechanical equipment	Type I
		Alteration to ground floor facade	Type I
		All other changes [4]	Type II
	Exterior development not listed above		Type II

[1] The height threshold does not include additional height allowed through a height exception in the base zone.

[2] An affordable housing project may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

[3] Changes to an approved design review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original design review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[4] If the original design review was processed through a Type I procedure, then review of a change is processed through the same procedure as the original review.

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height, except when the height being proposed includes bonus height, and the bonus requires approval through design review or a modification through design review.

The review body is not obligated to approve modifications or adjustments that are requested in order to achieve the proposed development intensity.

33.825.040 Modifications That Will Better Meet Design Review Requirements

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines;
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested; and
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

33.825.055 Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

33.825.065 Design Guidelines

- A. Purpose.** Design guidelines are the approval criteria used to review new development and alterations to existing development. They ensure that the development builds on the context of the area, contributes to the public realm and promotes quality and long-term resilience within the Design overlay zone.
- B. Design guidelines.** Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4. Where two of the design districts shown on those maps overlap, both sets of guidelines apply. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict.

All other areas within the Design overlay zone or proposals subject to design review use the Portland Citywide Design Guidelines.

The design guidelines are mandatory approval criteria used in design review procedures. Within design districts, the design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts. Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

- C. Waiver of design guidelines.** If a design district's design guidelines document includes goals for the design district, the review body may waive one or more of the guidelines as part of the design review of a development in order to meet the goals.

33.825.075 Relationship to Other Regulations

Design review approval by BDS does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174325, effective 5/5/00; 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. 176742, effective 7/31/02; Ord. No. 177701, effective 8/30/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 184016, effective date 08/20/10; Ord. No. 185915, effective 5/1/13; 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. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191609, effective 3/1/24.)

33.833 Gateway Master Plan Review

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Sections:

- 33.833.010 Purpose
- 33.833.100 Procedure
- 33.833.110 Approval Criteria
- 33.833.200 Amendments to a Gateway Master Plan

33.833.010 Purpose

The purpose of this chapter is to provide procedures and establish the approval criteria for Gateway master plan reviews. The approval criteria ensures that the flexibility, additional development capacity, and phasing of change within the Gateway plan district is carried out within the context of desired connectivity, open area, design, mixed-use and other goals for the regional center. The review recognizes that Gateway is in transition from a suburban low-density area to a dense, mixed-use area.

33.833.100 Procedure

Gateway master plan reviews are processed through a Type III procedure.

33.833.110 Approval Criteria

Requests for Gateway master plan review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met. The proposed Gateway master plan must:

- A.** Be consistent with the Gateway plan district purposes and Urban Design Concept;
- B.** Meet the Gateway Design Guidelines;
- C.** Be consistent with the policy and objectives of the Gateway Regional Center Policy of the Outer Southeast Community Plan;
- D.** Comply with the Portland Master Street Plan: Gateway District;
- E.** The following criterion applies to proposals that will result in more floor area on the site than allowed by the base zone; this includes additional floor area transferred from other sites and that earned from bonuses: Provide adequate and timely infrastructure to support the proposed uses in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- F.** Result in more than one use, such as Residential, Retail Sales And Service, or Office uses, on the site;
- G.** Provide adequate open area to serve the users of the site. The open area must be configured, designed, and located so that it connects to the surrounding area; and
- H.** Guarantee that required housing that is deferred will be built.

- I. Ensure that the appearance, location, and amount of nonresidential uses on residentially zoned portions of the site will not, by themselves or in combination with other nearby development and uses, decrease the desirability of adjacent residentially zoned areas for the retention of existing housing or development of new housing. Considerations include the proposed amounts of each use, building scale and style, setbacks, location of parking and vehicle access, landscaping, and other design features.

33.833.200 Amendments to a Gateway Master Plan

- A. Minor amendments to a master plan are processed through a Type II procedure. The following are considered minor amendments:
 1. Increases in overall floor area of development of up to 10 percent.
 2. Increases in parking of up to 10 percent.
 3. Revisions to the connectivity element pertaining to right-of-way width and phasing of dedication and construction.
- B. All other amendments to a master plan are processed through a Type III procedure.
- C. Approval criteria for amendments are those in Section 33.833.110.

(Added by: Ord. No. 178423, effective 6/18/04. Amended by: Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 191609, effective 3/1/24.)

Alterations of a landmark-designated interior public space	All	Project value > \$561,650	Type III
		Project value ≤ \$561,650	Type II
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$561,650	Type III [1]
		Project value ≤ \$561,650	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

2. For Conservation Landmarks, including those in Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.110.D.2, the review procedure is determined by Table 846-2, below:

Table 846-2 Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Conservation Landmark	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All		Type II [1]

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

3. For Historic Districts, excluding Historic Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.200.D.2, the review procedure is determined by Table 846-3, below:

Table 846-3			
Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$561,650	Type III [1]
		Project value ≤ \$561,650	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

4. For Conservation Districts, excluding Historic Landmarks or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.210.D.2, the review procedure is determined by Table 846-4, below:

Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I

33.848 Impact Mitigation Plans

848

Sections

- 33.848.010 Purpose
- 33.848.020 What is Covered by an Impact Mitigation Plan
- 33.848.030 When an Impact Mitigation Plan is Required
- 33.848.040 Procedure
- 33.848.050 Approval Criteria
- 33.848.060 Phases and Duration
- 33.848.070 Impact Mitigation Plan Requirements
- 33.848.080 Institution Closure or Relocation.
- 33.848.090 Implementation
- 33.848.100 Amendment of an Impact Mitigation Plan

33.848.010 Purpose

The Institutional Residential (IR) zone is intended to foster the growth of major institutions providing educational and medical services and employment to Portland's residents. The IR zone was created in recognition of the valuable role these institutions play in the community. The new zone is intended to streamline the review process for the growth and expansion of these institutions. However, these institutions generally are in residential areas. In residential areas the level of public services is scaled to a less intense level of development than is needed by these growing campuses. These campuses are often of a radically different scale and character than the areas in which they are located. Development of a strategy for each campus for resolution of public service and compatibility issues is important to the health of the institution and the City's neighborhoods. Once an institution has an approved impact mitigation plan, a conditional use master plan is not needed and will not be required.

33.848.020 What is Covered by an Impact Mitigation Plan

- A. Present uses.** An impact mitigation plan is for the entire area within the institutional campus boundary. The impact mitigation plan is applicable to all uses and activities within the boundary, regardless of the base zone, as long as the property is under the control of the institution or institutions located on the campus. Control means the power to decide and direct the use of land, structures and other resources.
- B. Future developments.** The impact mitigation plan's provisions control the future growth of the campus. The impact mitigation plan's provisions allow the expansion of existing facilities and the development of new facilities after the expected impacts of the development have been mitigated. The impact mitigation plan focuses on impacts of future development or developments. The impact mitigation plan is specifically intended to not focus on the characteristics of individual building projects.

33.848.030 When an Impact Mitigation Plan is Required

- A. In an IR Zone.** Development occurring in the IR zone in advance of the approval of an impact mitigation plan is subject to the conditional use requirements of the IR zone unless the institution has an approved master plan and the development is consistent with the master plan. When the institution has an approved master plan the institution may

continue to develop in accordance with the master plan until such time as the master plan is due to be updated or until the institution desires a development that is not consistent with the master plan. In the IR zone a master plan which is due to be updated, or which the institution wishes to amend, must be replaced by an impact mitigation plan, or by an amended or new conditional use master plan. An institution can also choose to replace an existing impact mitigation plan with a new conditional use master plan. An impact mitigation plan must be approved in accordance with the regulations of this Chapter. A conditional use master plan must be approved in accordance with the regulations of Chapter 33.820.

- B. When required as part of another land use review. The review body as part of a land use review, may require an impact mitigation plan when the facility has the potential for creating significant impacts on nearby residential areas or on City infrastructure or services.
- C. Voluntarily. An applicant may also voluntarily submit an impact mitigation plan as part of a land use review.

33.848.040 Procedure

A new impact mitigation plan is processed through a Type III procedure.

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

- A. The mission statement and impact mitigation plan contain the components required by the Institutional Residential Zone (33.848.070).
- B. Mitigation.
 - 1. Each planned phase of development includes mitigation activities that offset impacts of that phase of development, except as provided in Paragraph B.2, below;
 - 2. Impacts that cannot be mitigated may be allowed if the public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh the impacts.
- C. The proposed uses and possible future uses will be able to comply with all applicable requirements of Title 33 and Title 32, Signs and Related Regulations, except where adjustments are being approved as part of the impact mitigation plan.
- D. The proposed institutional zone boundary, mission statement, and impact mitigation plan have been evaluated against the purpose of the IR Zone and on balance have been found to be supportive of the zone's characteristics as stated in Subsection 33.120.030.F.
- E. The proposal and impact mitigation plan are supportive of the Transportation Element of the Comprehensive Plan.

- F.** Transportation system:
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- G.** Public services for water supply, police, fire, sanitary waste disposal and storm water disposal are capable of serving the proposed development, or will be made capable by the time the development is completed.
- H.** City-designated significant resources such as views, landmarks, or habitat areas are protected or enhanced.
- I.** The appearance, location, and amount of commercial, non-institutional office, industrial service, and manufacturing and production will not, by itself or in combination with other uses, decrease the desirability of adjacent residential areas for the retention of existing housing or development of new housing.
- J.** The impact mitigation plan includes design, landscape, and multi-modal transportation plans which limits conflicts between the institutional campus and residential, commercial, and industrial uses located within the same neighborhood or neighborhoods as the campus.
- K.** All relevant declarations of Covenants, Conditions and Restrictions and any other relevant legal instruments will be submitted in advance of any development.
- L.** Campus institutional, commercial, office, industrial service, and industrial development will, with mitigation, not have significant adverse impacts on the livability of nearby residential and business areas.
- M.** The impact mitigation plan adequately addresses potential nuisance-related impacts, such as litter, noise, shading, glare and traffic.

- N.** The proposal is consistent with the policies and objectives of any plans applicable to the campus's location which have been adopted by the City Council as part of the Portland's Comprehensive Plan.
- O.** The Portland Design Commission has reviewed and approved design guidelines or standards that will ensure:
 - 1. An environment will be created which is attractive, safe, and pleasant for pedestrians; and
 - 2. The edges of the campus will provide smooth and attractive transitions between the institutional campus and adjacent residential and business areas.

33.848.060 Phases and Duration

An impact mitigation plan remains in effect until all phases of development included in the plan have been completed. An impact mitigation plan may include a specific expiration date. After all phases of development provided for in the impact mitigation plan have been completed, the plan remains in effect until it is amended, or updated, or superseded.

33.848.070 Impact Mitigation Plan Requirements

The applicant must submit an impact mitigation plan which includes all the components listed in this Section. The review body may modify the proposal. While it is important to include adequate detail in the plan, the intent of this Chapter and the IR zone is to allow development of a document that guides the nature and timing of mitigation activity rather than one that specifies the nature, size, and location of all future development projects.

- A. Mission statement and uses.** An impact mitigation plan must include a mission statement. The mission statement is intended to identify the scope of services and defines the range of uses and activities that the institution sees as ultimately occurring within the campus. The mission statement must include the following elements:
 - 1. A statement of the mission of the institution and the campus;
 - 2. A list of all the primary uses expected to occur on the campus with an explanation of the interrelationship between each and the institutional campus mission;
 - 3. A list of all accessory uses expected to occur on the campus with an explanation of the role each accessory activity plays in implementing the campus mission statement. Except for Small Scale Energy Production, activities which provide goods or services to people or facilities that are not on the campus may not be listed as accessory activities;
 - 4. A list of temporary activities and events which are expected to occur on the campus in general and at major event entertainment facilities located on the campus;
 - 5. A list of other retail sales and service, office and industrial activities expected on the campus providing goods or services to people or facilities in the larger community, with a statement for each explaining the interrelationship between the activity and the campus mission statement; and
 - 6. The proposed locations for retail sales and service, office, industrial uses, and major event entertainment facilities must be identified.

- B. Institutional campus boundary.** The Impact Mitigation Plan must delineate the ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.
- C. Location sensitive uses.** The Impact Mitigation Plan must identify the location on the campus where location sensitive uses are to be placed. Location sensitive uses are:
1. Retail Sales And Service and Office uses which are not listed as primary or accessory uses in the mission statement;
 2. Any use or activity which provides goods or services to establishments not on the campus;
 3. Major Event Entertainment facilities permitted on the campus as conditional uses; and
 4. Industrial Service and Manufacturing And Production uses permitted on the campus as conditional uses.
- D. Phasing of mitigation activities.** Impact mitigation measures and expected demands for public services should be divided into phases of campus growth. Each phase of campus growth included in the impact mitigation plan must identify the specific mitigation activities which will be implemented in advance of the development activities included in that growth phase. A specific phase of campus growth may include several different development projects. Phases of growth may be described exclusively in terms of the mitigation measures to be implemented. Once the implementation measures for a phase of growth are in place any development project which is otherwise consistent with the campus mission statement and the impact mitigation plan may be undertaken when the project's expected impacts are at or below the levels mitigated for in the current phase of growth. Each phase of growth must identify mitigation measures to be taken to address the elements in Subsections E through I of this Section.
- E. Waste disposal.** For each phase of campus development, the following service loading must be addressed:
1. Effect on the City's sanitary sewer system;
 2. Capacity of the storm water disposal system that serves the campus;
 3. Disposal of hazardous solid waste, including preventing hazardous substances from entering the storm water disposal and sanitary sewer systems; and
 4. Preventing mud and other debris from campus construction sites from entering the storm water disposal system.
 5. Reducing solid waste produced on the campus through recycling;
- F. Water supply.** For each phase of campus development the following service loading must be addressed:
1. Water needs of the campus; and
 2. Water conservation activities and measures.

- G. Transportation.** For each phase of campus development the following must be addressed in the multi-modal transportation plan.
1. The location and amount of motor vehicle and bicycle parking;
 2. Strategies to reduce the number of motor vehicle miles traveled by those traveling to and from the campus, i.e. students, patients, faculty, staff, and visitors, including:
 - a. Measures to encourage those traveling to and from the campus to use alternatives to single-occupant auto trips (walking, bicycling, carpooling, and public transit);
 - b. The car or van pool programs;
 - c. Incentives to be offered to employees and, where applicable, students, and others to use public transit for travel to and from the campus;
 - d. Incentives to be offered to employees and, where applicable, students, and others to travel on foot or by bicycle to and from the campus. This may include incentives for employees to live within walking distance of the campus;
 3. Planned improvements to the routes used by transit patrons between transit stops serving the campus and the campus's circulation system for pedestrians and transit facilities;
 4. An on-site circulation system for all modes that meets the City's connectivity standards of no more than 530 feet apart for streets and no more than 330 feet apart for pedestrian/bicycle connections where streets are not feasible, and links to adjacent streets and walkways;
 5. Traffic impacts on the streets in the vicinity of the campus and measures which will be taken to ensure that the surrounding streets will function consistent with the Transportation Element of the Comprehensive Plan;
 6. Parking mitigation, including an analysis of projected peak parking demand for daily activities and events, and strategies to reduce the supply of parking without impacting nearby land uses; and
 7. To address adequacy of transportation services, a multi-modal impact study is required of the applicant by the Bureau of Transportation. In preparing such a study the applicant should follow the guidelines set forth in the "Transportation Impact Study Guidelines" document available from the Portland Bureau of Transportation.
- H. Environmental, historic, scenic and open space.** For each phase of campus development the following must be addressed:
1. A strategy for the protection and enhancement of environmental, scenic and historic resources which have been inventoried by the City, determined to be significant and are located within the land occupied by the campus; and
 2. A strategy for the enhancement of the campus's system of open spaces and their linkage to public right-of-ways.

- I. **Neighborhood livability.** For each phase of campus development the following must be addressed:
 1. Steps that will be taken to mitigate adverse impacts on the livability of nearby residential neighborhoods and residential developments as well as non-institutionally owned properties within the institution campus boundary. Impacts include noise, odor, traffic, litter, parking, shading of adjacent areas, public safety, vibration and glare;
 2. How the institution's development will accommodate continued provision of public services including transportation, police, and fire protection to locations which are within the campus boundary but are not under the institution's control;
 3. A schedule for bringing the campus into compliance with all provisions of the zoning code which may be practicably met as well as any conditions attached to the establishment or expansion of the institutional campus or the approval of the campus impact mitigation plan;
 4. A plan showing how the campus will comply with the regulations for superblock if the campus is subject to the superblock regulations. If the institution's site includes more than 50,000 square feet of vacated rights-of-way the institutional campus must meet the development regulations for superblocks contained in Chapter 33.293; and
 5. Identification of distinct service or amenities the institution will provide for nearby residents.

- J. **Neighborhood communication and coordination.** The institutional campus must provide an ongoing process for communicating with neighbors. The process is to be implemented during all phases of growth provided for by the impact mitigation plan. This process must provide for the following:
 1. The institution must host a meeting, at least annually, with representatives from recognized neighborhood and business associations within whose boundaries the institution is located. The purpose of the meeting is to discuss short term and long-range plans for campus building and development.
 2. A process for meeting with representatives of recognized neighborhood and business associations within whose boundaries the institution is located, which provides for the following:
 - a. The periodic review of the institution's services and activities and potential external impacts;
 - b. An opportunity to review and comment upon the design of specific development proposals planned in the current or next growth phase; and
 - c. An opportunity to be informed of all land use reviews the institution is applying for at least 30 days before they apply to the City. The institution must provide information on the types of activities, proposed size, and proposed location along with any proposed mitigation plan measures.

K. Design compatibility. The impact mitigation plan must include guidelines or standards that will guide the design review process on the campus. The guidelines or standards must include the following elements:

1. A set of design review guidelines and procedural thresholds to mitigate the potential aesthetic impacts of large scale institutional development upon surrounding non-institutional development and public right-of-ways. For each specific development project located near the campus boundaries or abutting a right-of-way, the applicant must demonstrate compliance with these design guidelines prior to the granting of a building permit. This will be processed through a Type II or a Type IX design review procedure at the completion of schematic design. A Type II procedure must be followed if the impact mitigation plan's design guidelines take the form of subjective or qualitative statements. The institution may choose a Type IX procedure if the design guidelines are objective standards;
2. Each building facade within 50 feet of a public right-of-way or pedestrian path or recreational trail (as shown in the Portland Comprehensive Plan Transportation Element) within or bordering the institutional campus must comply with design guidelines which address the following:
 - a. All developments must create an environment friendly to pedestrians through the:
 - (1) Orientation of main entrances to facilitate visibility and accessibility to pedestrians and transit patrons;
 - (2) Treatment of ground floor development;
 - (3) Provision of pedestrian amenities including seating, informational and directional signs and lighting; and
 - (4) Treatment of open spaces and other landscaped areas.
 - b. All development located, in all or part, within 150 feet of a campus boundary abutting a residential or commercial/mixed use zone must also be designed to smooth the transition between more intense, larger-scale institutional development and nearby residential and commercial areas through the:
 - (1) Treatment of campus gateways including their location, design and landscaping;
 - (2) Building design including proportions; building massing; type and color of exterior building materials; window treatment including number, size, location and degree of transparency; building setbacks and landscaping; and masking of roof-mounted mechanical equipment, loading docks and trash collection areas; and
 - (3) Design, landscaping and location of surface and structured parking.
3. A listing of any specific building design characteristics for which a blanket adjustment to zoning regulations is requested for current and future building projects must be included in the institution's design guidelines.

33.848.080 Institution Closure or Relocation.

- A. Phase-down plan.** Six months before commencement of an institution's closure or relocation, the institution must develop a phase-down plan. This plan will be reviewed through a Type III review process. To be approved the phase-down plan must meet the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones.
- B. Plan components.** The plan must have the following components:
1. The status and potential future of uses associated with the institution must be identified;
 2. Approval will be based on continued constraint of impacts and use of mitigation measures contained within the institution's approved impact mitigation plan.
- C. Regulations.**
1. Uses in compliance with the residential standards and regulations of the IR zone may continue.
 2. Other uses may be permitted to remain through the Type III review called for in Subsection A.
 3. Uses permitted to remain are required to continue to meet institutional impact mitigation plan standards and requirements.

33.848.090 Implementation

After an impact mitigation plan has been approved, all development must comply with the plan's provisions and phased mitigation schedules as well as all other applicable provisions of this code, unless exempted by the plan. Projects will be reviewed for compliance with the approved impact mitigation plan through a Type II procedure unless another approval process is identified in the IMP. The project will be approved when it is found that the impacts of the proposed development in combination with all existing development on the campus will not exceed the levels mitigated for in the current growth phase. Design review of the project may also be required. When required the design review procedure may occur concurrently with the Type II procedure unless another approval process is identified in the IMP.

33.848.100 Amendment of an Impact Mitigation Plan

A change of occupancy for an industrial service or manufacturing and production use listed in an already approved impact plan's mission statement is processed through a Type II procedure. A use amendment to an approved impact mitigation plan's mission statement is reviewed through a Type III procedure. Other amendments to an approved impact mitigation plan are reviewed through a Type II procedure.

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191609, effective 3/1/24.)

33.849 Marquam Hill Parking Review

849

Sections:

- 33.849.010 Purpose
- 33.849.100 Procedure
- 33.849.110 Approval Criteria

33.849.010 Purpose

The regulations of Sections 33.849.100 and .110 allow for parking within the institutionally developed portions of Marquam Hill in a manner consistent with the goals and objectives of the Marquam Hill Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking and associated traffic will be minimized.

33.849.100 Procedure

- A. **Type A.** Type A Marquam Hill Parking Reviews are processed through a Type Ix procedure.
- B. **Type B.** Type B Marquam Hill Parking Reviews are processed through a Type III procedure.

33.849.110 Approval Criteria

- A. **Approval criteria for Type A Marquam Hill Parking Review.** The request for a Type A Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
 1. Single-occupancy vehicle trips. Single-occupancy vehicle trips to and from the plan district by the applicant's employees and students will not exceed the percentages in Table 849-1. The percentages in Table 849-1 vary based on when the application for Marquam Hill Parking Review is submitted.

Date Application for Review is Submitted	Maximum
July 31, 2002 – December 31, 2007	51%
January 1, 2008 – December 31, 2012	48%
January 1, 2013 – December 31, 2017	45%
January 1, 2018 – December 31, 2022	43%
January 1, 2023 – December 31, 2027	41%
After January 1, 2028	39%

2. PM peak traffic flow rate. The PM peak hour is measured between 4:30 PM and 5:30 PM.
 - a. SW Campus Drive. The PM peak eastbound traffic flow rate on SW Campus Drive will not exceed the maximums stated in Table 849-2. The measurement will be taken on SW Campus Drive approximately 100 feet west of SW Terwilliger Boulevard. The maximums stated in Table 849-2 vary based on when the application for Marquam Hill Parking Review is submitted.

Table 849-2	
Maximum Allowable PM Peak Traffic Flow Rates on SW Campus Drive	
Date Application for Review is Submitted	Maximum PM Peak
July 31, 2002 – December 31, 2015	550
January 1, 2016 – December 31, 2029	500
After December 31, 2029	450

- b. SW Homestead Drive, SW Hamilton Terrace, and SW Condor Lane. The PM peak eastbound traffic flow rate on SW Homestead Drive, SW Hamilton Terrace, and SW Condor Lane attributed to trips made by the applicants employees and students will not exceed the maximums stated in Table 849-3.

Table 849-3	
Maximum Allowable PM Peak Traffic Flow Rates	
Street	Maximum PM Peak
SW Homestead Drive	330
SW Hamilton Terrace	100
SW Condor Lane	50

- B. Approval criteria for Type B Marquam Hill Parking Reviews.** The request for a Type B Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
1. If the proposal is to develop parking in excess of the maximums stated in Table 555-1, or the proposal is to develop parking after August 1, 2012 the following criteria must be met:
 - a. The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by the Marquam Hill vision, policies, and objectives, the Marquam Hill Plan Functional Areas Site Development Concept, the Marquam Hill Vehicular Circulation Site Development Concept, and the Marquam Hill Pedestrian Circulation Site Development Concept;
 - b. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on a transportation impact analysis and includes factors such as street capacity and level of service, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety
 - c. The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.
 2. If the proposal would otherwise be subject to Type A Marquam Hill Parking Review but does not meet the approval criteria for that review, the applicant must demonstrate how those approval criteria will be met within three years. The standards that must be met within three years are the standards that will be in effect at the end of the three year period, rather than the standards in effect when the

application is submitted.

If the applicant cannot demonstrate that this criterion is met, the criteria of Paragraph B.1, above, must be met.

(Added by: Ord. No. 176742, effective 7/31/02; amended by: Ord. No. 185915, effective 5/1/13; Ord. No. 191609, effective 3/1/24.)

33.851 South Waterfront Greenway Review

851

Sections:

- 33.851.010 Purpose
- 33.851.100 Review Procedures
- 33.851.300 Approval Criteria

33.851.010 Purpose

South Waterfront greenway review provides flexibility within the South Waterfront Greenway Setback Area and combined flood hazard area and ensures that:

- Development will not have a detrimental impact on the use and function of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities;
- Development will contribute to enhanced ecological functions to improve conditions for fish and wildlife;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Development that does not meet the standards of 33.510.253, South Waterfront Greenway Regulations, will be consistent with the Willamette Greenway Plan and the Central City Plan; and
- The timing of greenway improvements may be flexible to ensure successful implementation of the greenway in a more comprehensive manner.

33.851.100 Review Procedures

- A. Procedures.** South Waterfront greenway reviews are processed through a Type II procedure. Greenway goal exceptions are processed through a Type III procedure, and must be approved by City Council. See Section 33.840, Greenway Goal Exception, and Chapter 33.850, Statewide Planning Goal Exceptions.
- B. Concurrent Design Review required.**
 1. Procedure. Proposals subject to South Waterfront greenway review are also subject to Design Review and reviewed concurrently with the South Waterfront greenway review.
 2. Approval criteria. While all proposals must meet Sections II and III of the South Waterfront Design Guidelines, applicants may choose to meet Section IV, Greenway Development Plan Option, in addition to Sections II and III. If an applicant chooses to meet Section IV of the Design Guidelines, they gain additional flexibility through a development agreement with City Council. The development agreement can set out timing of improvements that differs from that required by Chapter 33.510, and can establish financial arrangements for improvements and maintenance that include City Agencies as partners.

33.851.300 Approval Criteria

Requests for a South Waterfront greenway review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Consistent with the purpose of the South Waterfront greenway.** The following approval criteria must be met for all proposals:
 - 1. When compared to the development required by the standards of 33.510.253, the proposal will better enhance the natural, scenic, historical, economic, and recreational qualities of the greenway;
 - 2. When compared to the development required by the standards of 33.510.253, the proposal will better ensure a clean and healthy river for fish, wildlife, and people;
 - 3. When compared to the development required by the standards of 33.510.253, the proposal will better embrace the river as Portland's front yard; and
 - 4. When compared to the development required by the standards of 33.510.253, the proposal will better provide for stormwater management.

- B. Development riverward of top of bank.** If development is proposed riverward of top of bank, the following approval criteria must be met:
 - 1. The riverbank will be protected from wave and wake damage; and
 - 2. The proposal will not:
 - a. Result in the significant loss of biological productivity in the river;
 - b. Restrict boat access to adjacent properties;
 - c. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - d. Interfere with fishing use of the river;
 - e. Significantly add to recreational boating congestion; and
 - f. Significantly interfere with beaches that are open to the public.

- C. Proposals that do not meet the requirements of 33.510.253.E.** If the proposal does not meet all of the applicable standards of Subsection 33.510.253.E., the following approval criteria must be met:
 - 1. The proposal will restore and enhance the natural character of the area adjacent to the river and will allow more significant creation of habitat for fish and wildlife that could aid in supporting the recovery of native species of fish; and
 - 2. The proposal will support or enhance the function of the greenway area as an active and vibrant waterfront and will provide sufficient opportunities for human interaction with the greenway.

- D. Buildings within the South Waterfront greenway setback area.** If the proposal includes buildings that do not meet all of the applicable standards of 33.510.253.E.5.c, at least one of the following approval criteria must be met:
1. The proposal will increase the area available for riparian plant communities on the site by regrading within the greenway setback area to decrease the slope of the river bank (i.e., laying back the bank). Proposals meeting this approval criteria must show that the modified slope of the bank will be no steeper than 5:1, and that buildings will be set back at least 100 feet from ordinary high water and at least 30 feet from the modified top of bank;
 2. The proposal will compensate for the reduction in setback through near shore and bank treatments that mimic the conditions found in more natural areas of the Lower Willamette River. Proposals meeting this approval criterion must demonstrate the following:
 - a. Buildings will be set back at least 75 feet from the top of bank;
 - b. The near shore and bank treatments will be installed riverward of top of bank;
 - c. The near shore and bank treatments will provide resource enhancement, reestablish multiple riparian functional values, increase near shore or bank complexity, and be appropriate to the specific conditions of the site and the river. The complexity should be able to be maintained over time by natural river processes; and
 - d. The proposal includes near shore and bank treatments that are valued at 700 dollars or more per linear foot of river facing site frontage.
 3. The proposal will set all buildings back an average of 100 feet from top of bank; proposals meeting this approval criteria must show that buildings will be set back at least 75 feet from top of bank, that at least 50 percent of the length of all building walls facing the South Waterfront greenway setback area will be set back at least 125 feet from top of bank, and that averaging will better enhance the recreational and ecological functions of the greenway setback area; or
 4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and a modified setback distance has been identified on the site by the City as part of the plan.
- E. Trails, viewpoints, and pedestrian connections.** If the proposal will include trails, viewpoints, or pedestrian connections that do not meet the standards of Subsection 33.510.253.E.5.e.or f. the proposal must meet approval criteria E.1. and E.2., and either E.3. or E.4.:
1. The proposed trail, viewpoints, and pedestrian connections will safely accommodate expected users;
 2. The trail will include one or two paths and the width of the proposed trail, or the combined width of the paths that make up the trail, will be at least 18 feet; and

3. The proposed trail, viewpoints, and pedestrian connections will respond to topographic constraints of the site; or
 4. The proposal meets all of the requirements of the South Waterfront Greenway Development Plan and the proposed trail, viewpoints, and pedestrian connections comply with those identified on the site as part of the plan.
- F. Landscaping and non-landscaped area.** If the proposal will include landscaping or non-landscaped area that does not meet the standards of Subsection 33.510.253.E.5.b. or 5.g., the proposal must meet either approval criteria F.1. or F.2.:
1. The proposal will mitigate for any reductions in vegetative cover through the use of methods including near shore and bank restoration work, bioengineering, or green building technologies, including innovative stormwater management, on the site; or
 2. The proposal meets one of the following:
 - a. The proposal will better support the water quality goals of the City's Stormwater Management Manual;
 - b. The landscaping standards cannot be met on the site because of existing bank and soil conditions such as the presence of riprap or other obstructions;
 - c. The proposal is necessary to ensure bank stability; or
 - d. The proposal will allow greater visual access between the trail and other segments of the greenway, and will enhance safety for trail users.

(Added by: Ord. No. 177082, effective 1/20/03; Amended by: Ord. No. 178425, effective 5/20/04; Ord. No. 183518, effective 03/05/10; Ord. No. 191477, effective 3/1/24.)

33.852 Transportation Impact Review

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Sections:

- 33.852.010 Purpose
- 33.852.100 Procedure
- 33.852.105 Supplemental Application Requirements
- 33.852.110 Approval Criteria
- 33.852.115 Duration of a Transportation Impact Review

33.852.010 Purpose

Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.

33.852.100 Procedure

Transportation Impact Reviews are processed through a Type II procedure.

33.852.105 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only supplemental application requirement H is required.

- A. Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;
- B. Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;
- C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:
 - 1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;

2. Table 508-1 assumptions and conclusions must be provided to BDS for tracking purposes;
- D. Traffic forecasts and distribution;
- E. Primary traffic access routes to and from the study area;
- F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;
- G. Recommended mitigation measures including transportation system management and needed transportation improvements;
- H. Transportation and parking demand management plan that has all the elements required by Chapter 17.107; and
- I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:
 1. Street function, capacity and level of service;
 2. On-street parking;
 3. Access;
 4. Transit operations and movements; and
 5. Pedestrian and bicycle routes and safety.

33.852.110 Approval Criteria for Transportation Impact Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In commercial/mixed use zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

- A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;
- B. Proposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site;
- C. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street

crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and

- D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.852.115 Duration of a Transportation Impact Review

An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.

(Added by: Ord. No. 179076, effective 6/30/05. Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191609, effective 3/1/24.)

1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm. Public realm includes adjacent streets as well as plazas and common open areas that are accessible from the street;
2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
5. Minimizing potential negative effects on surrounding residential uses; and
6. Preservation of any City-designated scenic resources.

F. Open Area. On sites zoned RF through R2.5

1. Where proposed development includes attached houses, duplexes, triplexes, fourplexes, multi-dwelling structures, or multi-dwelling development, adequate open area to accommodate the proposed development must be provided. Open area does not include vehicle areas.
2. Where multi-dwelling development with detached single dwelling units is proposed, 50 percent of the total number of dwelling units on the site must be oriented around a common outdoor area.

G. Accessible connections. Provide one or more accessible routes that connect all buildings on the site to adjacent streets, common open areas, and parking areas. Use landscaping and site furnishings to ensure the accessible route provides a pleasant user experience.

H. Garbage and recycling areas. Garbage and recycling collection areas must be adequate in size to accommodate the proposed development, designed to encourage recycling, and located to facilitate pick-up service. Screening and buffering of garbage and recycling areas must be provided to maintain a clean and attractive development.

33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria.** The resulting development will better meet the applicable approval criteria of Section 33.854.310; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

33.854.330 Commercial Uses in Residential Zones.

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

- A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CM1 zone.

33.854.340 Proposals Without a Land Division

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

A. Services.

- 1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
- 2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
- 3. The standards of Section 33.651.020, Water Service Standards, must be met;
- 4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met;
- 5. The standard of Section 33.655.100, School District Enrollment Capacity Standard, must be met; and
- 6. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

B. Tree preservation. The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

C. Combined flood hazard area.

- 1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the combined flood hazard area.
- 2. RM2 through RX, C, E, I, and IR zones. In the RM2 through RX, C, E, I, and IR zones, all proposed building locations must be outside of the combined flood hazard area where possible. Where it is not possible to have all building locations outside of the combined flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

- D. Landslide hazard areas.** Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

E. Clearing, grading, and land suitability.

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

F. Streams, springs, seeps, and wetlands.

1. If there is a stream, spring, seep, or wetland outside of an Environmental Overlay Zone on the site, then the stream, spring, seep, or wetland must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.

2. The following development, improvements, and activities are allowed in the easement:
 - a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
 - b. Removal of non-native invasive species with hand held equipment;
 - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
 - d. Erosion control measures allowed by Title 10 of Portland City Code;
 - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
 - f. Maintenance and repair of existing utilities, services, and driveways;
3. Public or private rights of way may cross the seep, spring, stream, or wetland easement if the following approval criteria are met:
 - a. There is no reasonable alternative location for the right-of-way;
 - b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - (1) The street improvements will not impede the flow of the stream, spring, or seep;
 - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, seep, or wetland to the minimum extent practicable; and
 - (3) The street improvements will not impede fish passage in a stream, spring, or seep that has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2;

2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit stop improvements;
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

Changes to an Approved Planned Development

33.854.500 Types of Changes

There are three types of changes; major, minor, and administrative.

- A. Major change.** A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:
1. An increase in the site area of more than 5 percent;
 2. Changes to the building heights or floor area allocations of more than 10 percent;
 3. In residential zones:
 - a. An increase in density, including the number of housing units;
 - b. A change in the mix of single-dwelling and multi-dwelling structures; and
 - c. An increase in the amount of land in nonresidential uses;
 4. A reduction in the amount of open space;
 5. In commercial/mixed use zones:
 - a. Changes to building locations or required plaza or park locations;
 - b. A decrease in the amount or location of required affordable housing; and
 - c. Changes to the location of additional height;
 6. Deleting or changing the purpose of combined flood hazard or landslide hazard easements; or
 7. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
 8. Changes in the amount of parking by more than 20 percent.
- B. Minor change.** A minor change is a change that is neither major nor administrative.

- C. Administrative change.** An administrative change is a change to an element of a Planned Development that:
1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
 2. Meets all development standards not modified by the Planned Development; and
 3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.

33.854.510 Review Procedures

Requests for changes to an approved PD are processed as follows:

- A. Major changes.** Major changes are processed as follows:
1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
 2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.
- B. Minor changes.** Minor changes are processed through a Type IIx procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

33.854.520 Approval Criteria

The approval criteria for changes to a Planned Development are those used for approval of the original planned development application.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/3/31; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24.)

33.865 River Review

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Sections:

General

33.865.010 Purpose

River Review

33.865.020 When River Review is Required

33.865.030 Procedure

33.865.040 Supplemental Application Requirements

33.865.100 Approval Criteria

33.865.110 Modification of Site-Related Development Standards

33.865.120 Corrections to Violations of the River Environmental Overlay Zone Regulations

33.865.200 Use of Performance Guarantees

33.865.210 Special Evaluations by a Trained Professional

Changes to an Approved River Review

33.865.300 When a River Review Can be Changed

33.865.310 Types of Changes

33.865.320 Review Procedures

33.865.330 Regulations that Apply at the Time of an Application for Changes to a River Review

33.865.340 Regulations that Apply After Approval

General

33.865.010 Purpose

River Review is intended to:

- Protect, conserve and enhance identified resources and functional values in the River Environmental overlay zone, compensate for unavoidable significant detrimental impact to those resources and functional values, and ensure the success of mitigation and enhancement activities;
- Help the City meet existing and future requirements pursuant to federal and state laws including the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, the Migratory Bird Treaty Act, and the National Flood Insurance Act;
- Provide flexibility for unusual situations. River Review allows for evaluation of alternative development scenarios that may have less detrimental impact on protected resources, and allows for the evaluation of off-site mitigation proposals;
- Provide a mechanism for the evaluation of detailed, site-specific information on the location or quality of resources and functional values;
- Provide a mechanism for modifying the location of the River Environmental overlay zone to reflect permitted changes in the location or quality of resources and functional values.
- Provide for the replacement of resources and functional values that are lost through violations of the River Environmental overlay zone standards;
- Provide a mechanism to modify the River Environmental overlay zone standards of Chapter 33.475, River Overlay Zones; and
- Allow for modifications to site-related development standards when modification will result in greater resource protection.

River Review

33.865.020 When River Review is Required

River Review is required in the following situations:

- A. When a development or regulated activity in the River Environmental overlay zone is not exempt from the River Environmental overlay zone regulations and either does not meet the standards of subsection 33.475.440 or there are no development standards applicable to the proposal;
- B. When River Review is required to correct a violation of the River Environmental overlay zone regulations, as described in subsection 33.475.450;
- C. When an applicant wishes to fine tune the boundary of the River Environmental overlay zone based on a detailed environmental study that more accurately identifies the location and quality of resources and functional values. Minor boundary changes are allowed through River Review. Map error corrections are reviewed under 33.855.070, Corrections to the Official Zoning Maps, and removal of the River Environmental overlay zone is processed as a change of overlay zone as stated in 33.855.060, Approval Criteria for Other Changes; or
- D. To modify the boundary of River Environmental overlay zone to reflect permitted changes in the location or quality of resources or functional values. The modification of River Environmental overlay zone procedure does not apply to changes caused by violations of subsection 33.475.440.

33.865.030 Procedure

River reviews are processed through the following procedures:

- A. Land divisions and planned developments are processed through a Type III procedure;
- B. All other river reviews are processed through a Type II procedure, except as described in 33.475.450.B when River Review is required to correct a violation of the River Environmental overlay zone regulations.

33.865.040 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, the following information is required when the River Review application is for development in the River Environmental overlay zone, or for modification of the River Environmental overlay zone boundary:

- A. **Supplemental site plan requirements.** Two physical copies and one PDF of each required site plan must be submitted. The site plans must show the entire site, must be drawn accurately to a scale that is between 1 inch to 50 feet and 1 inch to 10 feet, and must show all property lines with dimensions, a north arrow and a date. Additional site plans that show only a portion of the site may be submitted. All copies of site plans must be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The Director of BDS may waive items listed in this subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.
 - 1. Existing conditions site plan. The existing conditions site plan must show the following:

- a. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, including structures and topographic contours referenced to determine top of bank, centerline of stream, ordinary high water, or wetland boundary as appropriate. See Section 33.910.030, Environmental-Related Definitions, Top of Bank. In the case of a violation, also identify the location of the wetland or water body prior to alteration;
 - b. Combined flood hazard area and floodway boundaries. In the case of a violation, also identify the location of the 100-year floodplain and floodway prior to alteration;
 - c. The boundaries of the riparian buffer area. See Map 475-6.
 - d. Drainage patterns, using arrows to indicate the direction of major drainage flow;
 - e. Boundaries of the River Environmental overlay zone. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
 - f. Within the River Environmental overlay zone:
 - (1) Distribution outline of shrubs and ground covers, with a list of most abundant species; and
 - (2) Trees over 1.5 inches in diameter identified by species and size, including the location and size of the trunk, canopy crown diameter and the root protection zone. In the case of a violation, also identify the trees that were cut or damaged by showing a stump diameter and species;
 - g. Outside of the River Environmental overlay zone, trees over 3 inches in diameter, including the location of the trunk and canopy crown cover, identified by species and size;
 - h. Location and boundaries of designated scenic resources. The location of viewpoints, view corridors and scenic corridors must be show in relation to the property lines, existing and proposed public trails and boundaries of the River Environmental overlay zone;
 - i. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater. In the case of a violation, also identify the topography prior to alteration; and
 - j. Existing improvements such as structures, buildings, utility lines, stormwater systems, septic or sewer facilities, fences, etc.
2. Proposed development site plan. The proposed development site plan must show the following:
 - a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the landscaping area subareas;

- b. Location of all proposed development including buildings, structures, decks, retaining walls, bridges, trails/pathways;
 - c. Location of proposed utility lines and connections, stormwater systems and septic or sewer facilities;
 - d. Location of all proposed in-water pilings, sheet walls, or other structures that will impact the river bottom using a bold X;
 - e. Location of protected scenic resources;
 - f. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;
 - g. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
 - h. Proposed final contour lines at 2 foot vertical intervals in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater;
 - i. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the combined flood hazard area;
 - j. Delineated areas to be left undisturbed; and
 - k. Location and species of existing trees, shrubs, and ground covers to remain including the required root protection zone per Title 11.
3. Construction management site plan. The construction management site plan must show the following:
- a. Location of the River Environmental overlay zone, the top of bank and river setback areas, the boundary of the riparian buffer area, and the required landscaping area subareas;
 - b. Delineation and total square footage of temporary and permanent disturbance areas including equipment maneuvering areas;
 - c. Proposed grading plan with existing and proposed contours. The grading plan must show proposed alteration of the ground at 2-foot vertical contours in areas of slopes less than ten percent and at 5-foot vertical contours in areas of slopes ten percent or greater;
 - d. Location of excavation and fill and total quantities of each, including balanced cut and fill calculation for any grading in the combined flood hazard area;
 - e. Location of all proposed development;
 - f. Delineated areas of vegetation removal and identification of trees to be removed using a bold X;
 - g. Areas where existing topography and vegetation will not be affected by the development proposal;

- h. Location of trees to remain including the required root protection zone per Title 11;
 - i. Location of site access and egress;
 - j. Material staging and stockpile areas; and
 - k. Erosion control measures.
4. Mitigation or remediation site plan. A mitigation site plan is required when the proposed development will result in unavoidable significant detrimental impact on the resources and functional values identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)*, *River Plan / South Reach Natural Resources Protection Plan (2020)* or when mitigation is proposed in order to meet River Review approval criteria. A remediation site plan is required when significant detrimental impacts occur in violation of the Zoning Code and no permit was applied for. The on-site or off-site mitigation or remediation site plan must show the following:
- a. Location of the River Environmental overlay zone and riparian buffer zone in relation to the mitigation site;
 - b. Distribution outline, species composition, and percent cover of ground covers to be seeded or planted using standard landscape graphics;
 - c. Location, species, and size of each individual tree to be planted;
 - d. A planting table listing the size, number, and species (common and scientific) of all trees, shrubs, groundcover or seeds to be installed;
 - e. The area of the mitigation site in square feet in relation to the project impact area;
 - f. The location of the mitigation site in relation to existing, proposed or anticipated future development on the site;
 - g. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - h. Location of any single piles or multiple-pile dolphins that will be removed;
 - i. Location of protected viewpoints and scenic overlay zones;
 - j. Water bodies to be created, including centerline, top of bank, wetland boundary and depth;
 - k. Water sources to be used, including volumes;
 - l. Location of excavation and fill and total quantities of each including balanced cut and fill calculation for any grading in the combined flood hazard area; and
 - m. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria, and to evaluate practicable development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on identified resources and functional values. Significant resources and functional values are identified in the *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)*. A supplemental environmental assessment can be provided to more accurately identify resources and functional values on the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts.

a. An impact evaluation includes:

(1) Identification, by characteristic and quantity, of the natural resources and their functional values found on the site. The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the natural resource features including:

- open water;
- shallow water (river depth 0-20 feet);
- beach;
- riparian vegetation;
- upland and bottomland forest;
- grassland;
- flood area and floodplain;
- wetlands, streams and ponds; and
- special habitat area.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* provide site-specific information on the functional values provided by the various natural resource features including:

- Microclimate and shade;
- Stream flow moderation and water storage;
- Bank function, and sediment, pollution and nutrient control;
- Large wood and channel dynamics;
- Organic inputs, food web and nutrient cycling;
- Fish and wildlife habitat; and
- Habitat connectivity/movement corridor.

The *Willamette River Central Reach Natural Resources Protection Plan (2018)* and *River Plan / South Reach Natural Resources Protection Plan (2020)* also provide information on wildlife and plant special status species that are known or reasonably expected to occur within or use a site. The application must contain current information regarding any special status species known or expected to occur on the site;

(2) Identification and description of the scenic resources on the site. Scenic resources are mapped on the official zoning maps with the Scenic overlay

zone and are described in the *Central City Scenic Resources Protection Plan* (2018) and *River Plan / South Reach Scenic Resources Protection Plan* (2020);

- (3) Identification of significant unavoidable detrimental impacts on identified natural and scenic resources and functional values. Actions that could cause detrimental impacts and should be identified include:
 - excavation and fill both in the water and above the ordinary high water mark. The quality and source of fill material is an important factor to be considered;
 - clearing and grading;
 - construction;
 - vegetation removal;
 - tree planting;
 - altering bathymetry;
 - altering a vegetated riparian corridor or upland vegetated area;
 - altering the floodplain; and
 - altering the temperature of the river especially the altering of existing cold water sources.
 - (4) Evaluation of practicable alternative locations, design modifications, or alternative methods of development that both achieve the project purpose, taking into account cost and technology, and minimize significant detrimental impacts on identified natural and scenic resources and functional values; and
 - (5) Determination of the practicable alternative that best meets the applicable approval criteria.
- b. An impact evaluation for a violation includes:
- (1) Description, by characteristics and quantity, of the natural and scenic resources and functional values on the site prior to the violation; and
 - (2) Determination of the impact of the violation on the natural and scenic resources and functional values.
2. Biological assessment. A biological assessment developed for the purposes of a federal or state permit may be submitted in place of some or all of the impact evaluation if the biological assessment includes the information described in subparagraph B.1, above. In the event that the applicant submits a biological assessment in place of some or all of the impact evaluation, the applicant must identify which aspects of the impact evaluation are covered by the biological assessment and, if necessary, identify which pieces of information will be included in the impact evaluation.
 3. Supplemental environmental site assessment. A site-specific environmental assessment, prepared by a qualified consultant, to more precisely determine the existence, location, type, extent, and quality of the natural resources and functions on the site can be provided as part of the supplemental narrative. The assessment may verify, supplement, or challenge the information in the City's inventory for the purpose of informing the impact evaluation and identifying mitigation obligations;

4. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining natural and scenic resources and functional values at and near the construction site and provide a description of how areas that are not affected by the construction will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
5. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts on identified natural and scenic resources and functional values that result from the chosen development alternative or violation. A mitigation or remediation plan includes:
 - a. Natural or scenic resources and functional values to be restored, created, or enhanced within mitigation or remediation area;
 - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - c. Construction timetables;
 - d. Operation and long-term maintenance plan;
 - e. Monitoring and evaluation procedures that include periodic reporting;
 - f. Remedial actions for unsuccessful mitigation;
 - g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings;
 - h. If off-site mitigation is proposed, demonstration that on-site mitigation is not practicable or ecologically beneficial; and
 - i. If mitigation bank credits will be used, proof of purchase from a City-approved mitigation bank.

33.865.100 Approval Criteria.

Requests for a River Review will be approved if the review body finds that the applicant has shown that all applicable approval criteria have been met.

- A. Development within the River Environmental overlay zone.** The applicant's supplemental narrative must demonstrate that all of the following are met:
 1. Land divisions, Property Line Adjustments, and Planned Developments:
 - a. Except for river-dependent and river-related uses and development, proposed uses and development must be outside the combined flood hazard area except as provided under Subparagraph A.1.d. Other areas of the combined flood hazard area must be in environmental resource tracts;
 - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside the River Environmental overlay zone;

- c. Development, including building sites, vehicular access and utilities, within the River Environmental overlay zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development;
- d. River-dependent and river-related development, rights-of-way, driveways, walkways, outfalls, and utilities;
 - (1) The location, design, and construction method of any outfall or utility proposed within the River Environmental overlay zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the River Environmental overlay zone;
 - (2) There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
 - (3) Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts; and
- e. Mitigation:
 - (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following functional values: bank function and control of sediments, nutrients and pollutants, or large wood and channel dynamics;
 - (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:
 - The uniqueness of the resources and functional values impacted;
 - The relative condition of the mitigation area;
 - The distance between the impact area and mitigation area; and
 - The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
 - (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of

resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the combined flood hazard area must meet or exceed the replacement requirements of Table 475-2 and occur within the combined flood hazard area;

- (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:
 - The potential for the long-term success of the restored resources and functional values in the mitigation area;
 - The amount, size, shape, and connectivity potential of on-site mitigation areas;
 - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
 - Contamination; and
 - Any other site-specific issue or constraint;
- (5) If on-site mitigation is not practicable or ecologically beneficial, then off-site mitigation is allowed as follows:
 - Through the purchase of credits from a city approved mitigation bank located along the Lower Willamette River as close as possible to the disturbance area;
 - Through offsite mitigation in the River Environmental overlay zone. If the offsite mitigation compensates for significant detrimental impacts located within the combined flood hazard area, then the offsite mitigation area must also be located within the combined flood hazard area. The applicant must own the area where the mitigation will occur or possess a legal instrument that is approved by the City as sufficient to carry out and ensure the success of the mitigation plan (such as an easement or deed restriction);
- (6) In cases where the proposed development is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values; and
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the mitigation or remediation area.

2. Resource enhancement and mitigation bank projects:
 - a. There will be no net loss of total resource area;
 - b. There will be no net loss of functional values;
 - c. There will be a significant improvement of at least one functional value; and
 - d. For mitigation banks, the applicant must possess a legal instrument, such as a conservation easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor and maintain the mitigation.
3. All other proposals in the River Environmental overlay zone:
 - a. Proposed development minimizes the loss of identified natural or scenic resources and functional values consistent with the uses that are generally permitted or allowed in the base zone without a land use review, or permitted or allowed by an approved conditional use review;
 - b. Proposed development locations, designs, and construction methods are less detrimental to identified natural and scenic resources and functional values than other practicable and significantly different alternatives, including alternatives on the same site but outside of the River Environmental overlay zone;
 - c. There will be no significant detrimental impact on areas of the site reserved for mitigation, areas within the River Environmental overlay zone not proposed for development at this time, downstream river habitat, or other sites where environmental restoration is in progress or complete;
 - d. Mitigation:
 - (1) The mitigation plan demonstrates that all significant detrimental impacts on identified scenic and natural resources and functional values, and the interim loss of functional value will be compensated for. In addition, for proposed development within the riparian buffer area that is not river-dependent or river-related, the mitigation plan must result in a significant improvement of at least one of the following riparian functions: bank function and control of sediments, nutrients and pollutants, or large wood and channel dynamics
 - (2) The amount of natural resource mitigation due as compensation is based on the amount and relative condition of the resources and functional values impacted by the proposal. The amount of natural resource mitigation required will be at a ratio of no less than 1.5:1 (mitigation area to project disturbance area) for on-site mitigation or mitigation bank credits and no less than 3:1 for offsite mitigation but may be more to address the following:
 - The uniqueness of the resources and functional values impacted;
 - The relative condition of the mitigation area;
 - The distance between the impact area and mitigation area; and

- The time lag between when the resources and functional values are lost due to the impacts and the point when the mitigation site will achieve full functions;
- (3) To the extent practicable, the natural and scenic resources and functional values restored or enhanced as mitigation must be the same kind of resource, performing the same functions as the lost resource. In addition, the mitigation plan must demonstrate that mitigation for tree removal in the combined flood hazard area must meet or exceed the replacement requirements of Table 475-2 and occur within the combined flood hazard area;
- (4) Mitigation must occur on-site in the River Environmental overlay zone, or an area that is contiguous to the River Environmental overlay zone, when practicable and ecologically beneficial. Factors to be considered when evaluating this criterion include:
- The potential for the long-term success of the restored resources and functional values in the mitigation area;
 - The amount, size, shape, and connectivity potential of on-site mitigation areas;
 - The location of the mitigation area in relation to existing, proposed or future development on the site, and the impact development may have on the mitigation area;
 - Contamination; and
 - Any other site-specific issue or constraint;
- (5) If on-site mitigation is not practicable or ecologically beneficial, then off-site mitigation is allowed as follows:
- Through the purchase of credits from a City approved mitigation bank located along the Lower Willamette River as close as possible to the disturbance area;
 - Through off-site mitigation in the River Environmental overlay zone. If the offsite mitigation compensates for significant detrimental impacts located within the combined flood hazard area, then the offsite mitigation area must also be located within the combined flood hazard area. The applicant must own the area where the mitigation will occur or possess a legal instrument that is approved by the City as sufficient to carry out and ensure the success of the mitigation plan (such as an easement or deed restriction); and
- (6) In cases where the proposed development is subject to mitigation as the result of obtaining permits from the Oregon Department of State Lands or the U.S. Army Corps of Engineers, the mitigation required for those permits can count toward meeting this mitigation requirement as long as that mitigation is found to adequately compensate for impacts to the identified natural resources and functional values; and
- (7) The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the mitigation or remediation areas and associated resources and functional values. Plants that die must be replaced

in kind. Ongoing monitoring and evaluation of the mitigation or remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the mitigation or remediation area.

B. Modification of River Environmental overlay zone boundaries. Modifications of River Environmental overlay zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph B.1 or B.2 are met. For modification of River Environmental zone boundaries based on a more detailed site specific environmental study that confirms the location of natural resource features identified in the adopted Natural Resources Inventory, the applicant's impact evaluation must demonstrate that Paragraph B.3 is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which should be included in the River Environmental overlay zone; or
2. Approved loss of resource area. All of the following must be met:
 - a. All approved development in a resource area has been completed;
 - b. All mitigation required of this development has been successful; and
 - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
3. Modification of River Environmental overlay zone boundaries based on a more detailed site-specific environmental study. The River Environmental overlay zone line location may be modified to more accurately reflect the location of natural resources and functional values on the site. All of the following must be met:
 - a. The modified River Environmental overlay zone boundary must include all natural resource features that receive a high or medium rank using the methodology within the adopted Natural Resources Inventory;
 - b. The modified River Environmental overlay zone boundary must include:
 - (1) Within the Willamette River Central Reach, all land within and riverward of 50 feet from the top of bank of a river, stream, drainageway, wetland or other water body.
 - (2) Within the Willamette River South Reach, all land within and riverward of 100 feet from the top of bank of a river, stream, drainageway, wetland or other water body; and
 - c. The modified River Environmental overlay zone boundary must include the riparian buffer area shown on Map 475-6.

33.865.110 Modifications of Site-Related Development Standards

The review body may consider modifications to site-related development standards that are not otherwise prohibited from being adjusted as part of the River Review process. These modifications are done as part of the River Review process and are not required to go through the adjustment

process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

33.865.120 Corrections to violations of the River Environmental Overlay Zone Regulations

For corrections to violations of the River Environmental development standards the application must meet all applicable approval criteria stated in Subsection 33.865.100.A and all of the approval criteria listed below in Subsections A through D except the criterion in Paragraph C.1. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

- A.** The remediation is done in the same area as the violation; and
- B.** A second area, equal in size to the area disturbed by the violation activity, must also be replanted to meet the standards of Table 475-3.
- C.** The remediation plan demonstrates that after its implementation there will be:
 - 1. No permanent loss of any type of resource or functional values;
 - 2. A significant improvement of a least one functional value; and
 - 3. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.
- D.** The operation and long-term maintenance plan ensures the ongoing maintenance and protection of the remediation area and associated resources and functional values. Plants that die must be replaced in kind. Ongoing monitoring and evaluation of the remediation area must occur and monitoring reports must be submitted to the Bureau of Development Services annually for up to 5 years based on scope and size of the remediation area.

33.865.200 Performance Guarantees

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.865.210 Special Evaluation by a Professional

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

Changes to an Approved River Review

33.865.300 When a River Review Can be Changed

River review can be changed as allowed below if:

- A. The original River Review has not expired; and
- B. City permits for all aspects of the approved project have not received final approval.

33.865.310 Types of Changes

There are three types of changes: major, minor, and administrative.

- A. Major change.** A major change is one that will have significant impacts on the development or on the site. Major changes include:
 - 1. An increase in total disturbance area of more than 10 percent;
 - 2. An increase of more than 10 percent in the amount of medium or high ranked resource area affected;
 - 3. More than a combined total diameter of 24 inches of additional tree removal; or
 - 4. A reduction of more than 5 percent in any quantity, dimension or area identified in an approved mitigation plan or narrative.
- B. Minor change.** A minor change is a change that is neither major nor administrative.
- C. Administrative change.** An administrative change is a change to an element of a River Review that:
 - 1. Is consistent with all conditions of the River Review approval;
 - 2. Meets all development standards not modified by the River Review;
 - 3. Does not change any quantity, dimension, or area identified in the approved plans or narrative other than disturbance area or a mitigation plan or narrative by more than 5 percent;
 - 4. Does not increase the approved temporary or permanent disturbance area;
 - 5. Does not decrease any quantity, dimension or area identified in an approved mitigation plan or narrative; and
 - 6. Does not result in additional tree removal.

33.865.320 Review Procedures

Requests for changes to an approved River Review are processed as follows:

- A. Major changes.** Major changes are processed through a Type II procedure:
- B. Minor changes.** Minor changes are processed through a Type Ix procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

33.865.330 Regulations that Apply at the Time of an Application for Changes to a River Review

- A. Minor change to an approved River Review.** An application for a minor change to a River Review will be processed based on the regulations in effect on the date the original River Review was filed with the City if the original River Review has not expired.
- B. Major change to an approved River Review.** An application for a major change to a River Review will be processed based on the regulations in effect on the date the application is filed with the City as described in 33.700.080.A.1.

33.865.340 Regulations that Apply After Approval

- A. Minor change to an approved River Review.** Applications for building permits for development approved by a minor change to an approved River Review decision are subject only to the regulations in effect on the date the original River Review application was filed with the City if the original River Review has not expired. When a land use review other than River Review, such as design review, is also required for the development and a minor change to an approved River Review has been approved, development approved by the additional land use review is also subject only to the regulations in effect on the date the additional land use review was filed with the City if the additional land use review has not expired.
- B. Major change to an approved River Review.** Applications for building permits for development approved by a major change to an approved River Review decision that has not expired are subject to the regulations in effect on the date the application for a major change review was filed with the City, as specified in 33.700.080.A.1.

(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 191477, effective 3/1/24.)

33.900 List of Terms

900

Sections:

33.900.010 List of Terms

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route	Attached House <i>See Residential Structure Types</i>	City
Accessory Dwelling Unit <i>See Residential Structure Types</i>	Attached Structure	City-Designated Natural Resources
Accessory Parking Facility	Auto-Accommodating Development <i>See Development Types</i>	Clearing
Accessory Recreational Vehicle <i>See Recreational Vehicle</i>	Average Slope, how to measure <i>See Chapter 33.930, Measurements</i>	Colleges <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Structure	Aviation, General	Combined Flood Hazard Area
Accessory Use	Aviation And Surface Passenger Terminals <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Commercial Outdoor Recreation <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Agriculture <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Basic Utilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Commercial Parking <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Airport Airside Development	Basement	Common Green <i>See Street Types</i>
Airport Landside Development	Beach	Community Garden
Alley	BDS	Community Service <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Alteration <i>See Development, Alteration</i>	Block	Comprehensive Plan
Alternative or Post Incarceration Facility	Block Frontage	Congregate Housing Facility <i>See Residential Structure Types</i>
Applicant	Building	Connected Structure
Arborist	Building Coverage	Convenience Store
Area of the Facade of a Building, how to measure <i>See Chapter 33.930, Measurements</i>	Building Line	Conservation Landmark <i>See Historic Resource</i>
Area with Squares of Specified Dimensions, how to measure <i>See Chapter 33.930, Measurements</i>	Bulkhead	Contributing Resource <i>See Historic Resource</i>
Arterial <i>See Street Types</i>	Bus Stop	Corner Lot <i>See Lot</i>
Attached Duplex <i>See Residential Structure Types</i>	Calendar Year	
	Caretaker	
	Carpool	
	Cemetery	
	Certificate of Occupancy	
	Change of Use	

Cottage Cluster *See Residential Structure Types*
Council
Courtyard
Crown Cover
Daycare *See Chapter 33.920, Descriptions of the Use Categories*
Days
Delivery Days
Dead-End Street *See Street Types*
Density
Design Guidelines
Desired Character
Detention Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Develop
Developed Portion of Right-of-Way
Development
Development, Alteration
Development, Exterior Alteration
Development, New
Development Types

- Auto Accommodating Development
- Pedestrian-Oriented Development

Director of BDS
Disabled Person
Distances, how to measure *See Chapter 33.930, Measurements*
Disturbance

Disturbance Area

- Permanent Disturbance Area
- Temporary Disturbance Area

Drainageway
Dredge Material
Drive-Through Facility
Driveway
Duplex *See Residential Structure Types*
Dwelling Unit *See Residential Structure Types*
Easement
Eave
Ecologically and Scientifically Significant Natural Areas
Expedited Land Division
ESEE Analysis
Excavating or Filling
Exchange Parcel
Exterior Alteration *See Development, Exterior Alteration*
Exterior Display
Exterior Improvements
Exterior Storage
Exterior Work Activities
Facade
Farmers Market
Final Plat
Fish and Wildlife Habitat Areas
Flag Lot *See Lot*
Floodway
Floor Area
Floor Area Ratio (FAR)

Food membership Distribution Site

- Food Buying Clubs
- Community Supported Agriculture Organizations

Fractions, how to measure *See Chapter 33.930, Measurements*
Front Lot Line *See Lot Lines*
Front Setback *See Setback*
Functional Values
Future Division Plan
Garage
Garage Entrance Setback *See Setback*
Garage Wall Area, how to measure *See Chapter 33.930, Measurements*
Grade
Grading
Gross Building Area
Groundwater Sensitive Areas
Group Living *See Chapter 33.920, Descriptions of the Use Categories*
Hazardous Substances
Heavy Truck *See Truck under Vehicle Types*
Height, how to measure *See Chapter 33.930, Measurements*
Helicopter Approach-Departure Flight Path
Helicopter Landing Facility (HLF)

- Private Helicopter Landing Facility
- Public Helicopter Landing Facility

Helicopter Trip

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

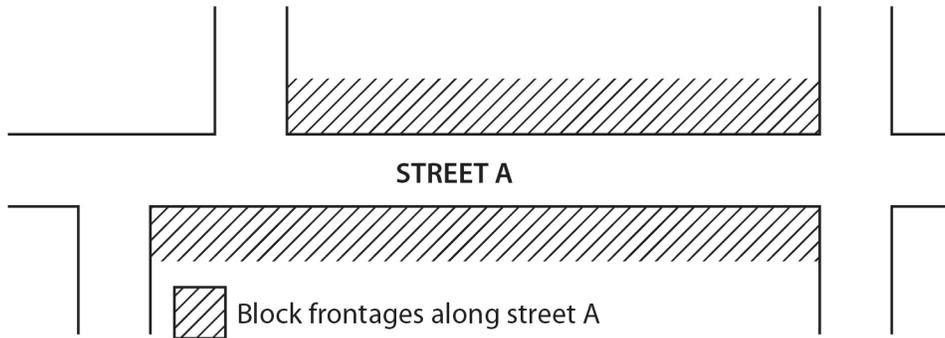
Wholesale Sales *See
Chapter 33.920,
Descriptions of the Use
Categories*

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; Ord. No. 191477, effective 3/1/24.)

**Figure 910-1
Block Frontage**

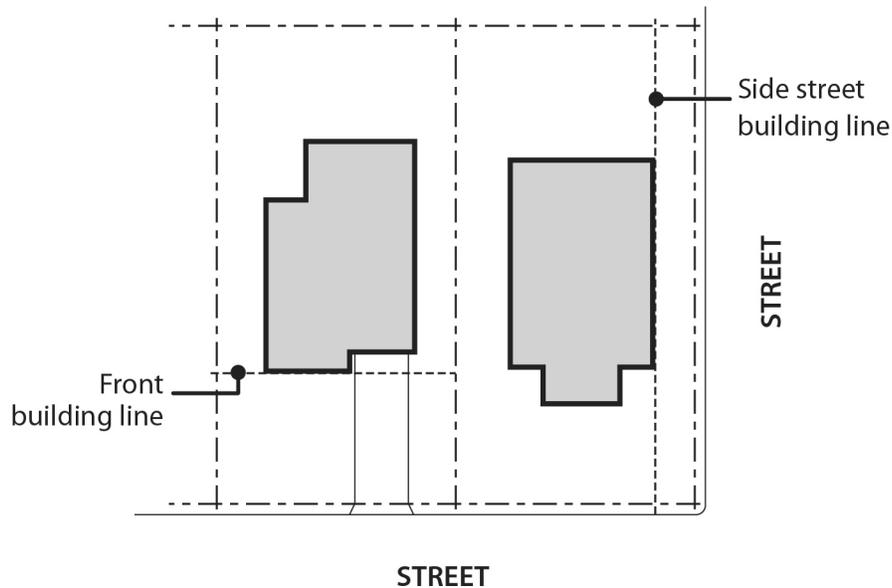


Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building Coverage. The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves that are 2 feet or less in depth are not included in building coverage. Eaves that are greater than 2 feet in depth are included in building coverage.

Building Line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-2.

**Figure 910-2
Building Lines**



Bus Stop. A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

Calendar Year is the year from January 1 through December 31.

Caretaker. A caretaker looks after or provides security for goods or property.

Carpool. At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

Cemetery. An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by BDS at the completion of a building permit or change of occupancy.

Change of Use. Change of the primary type of activity on a site. For example, in the Retail Sales and Service use category, a change from a restaurant to a bank would be considered a change in the primary type of activity; a change from a restaurant to a restaurant would not be considered a change in the primary type of activity.

City. The City of Portland, Oregon.

City-Designated Natural Resources. Natural resources and functional values protected by Environmental Overlay Zones.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.

Combined Flood Hazard Area. The farthest extent of the land area comprised of the Special Flood Hazard Area, the Modeled Willamette River 1996 Flood Extent and, for areas not included in the Modeled Willamette River 1996 Flood Extent, the 1996 Flood Inundation Area.

Common Green. See Street Types.

Community Garden. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

Comprehensive Plan. The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

Congregate Housing Facility. See Residential Structure Types.

Connected Structure. Any structure that is connected to a primary structure by a roof, a deck or by other structural connections, and which does not share a common wall, ceiling or floor. For example, decks or stairways are connected structures when they are fastened to a primary structure. A garage that is connected to a primary structure by a roofed structure such as a breezeway, and does not share a common wall with the primary structure, is a connected accessory structure. See Attached Structure.

Convenience Store. Any retail grocery store that has all of the following characteristics:

- Is under 4,000 square feet in area;
- Requires a package store liquor license; and
- Is open more than 15 hours a day.

Conservation Landmark. See Historic Resource.

Contributing Resource. See Historic Resource.

Corner Lot. See Lot-Related Definitions.

Courtyard. An outdoor area, designed for use by pedestrians, surrounded on at least two sides by buildings and open on at least one side to an abutting right-of-way.

Council. The City Council of Portland, Oregon.

Crown Cover. The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

Delivery Days. Days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

Dead-End Street. See Street Types.

Density. A measurement of the number of people, dwelling units, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

Design Guidelines. A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Developed Portion of Right-of-way. Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

Development, Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in gross building area;
- Changes to other structures on the site, or the development of new structures;

- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, Exterior Alteration. A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, New. Development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development Types

- **Auto-Accommodating Development.** Development which is designed to accommodate customers who use autos to travel to the site. Buildings feature entrances providing convenient access to parking areas. In many cases, the building will have parking between secondary streets and the building. Other typical characteristics are drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics. See also Pedestrian-Oriented Development.
- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site. See also Auto-Accommodating Development.

Director of BDS. The Director of the City of Portland Bureau of Development Services, or the Director's designee.

Disabled Person. For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Disturbance. An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior

improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

Disturbance Area. The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.
- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

Drainageway. A constructed or natural channel or depression, which at any time collects and conveys water. It may be permanently or temporarily inundated.

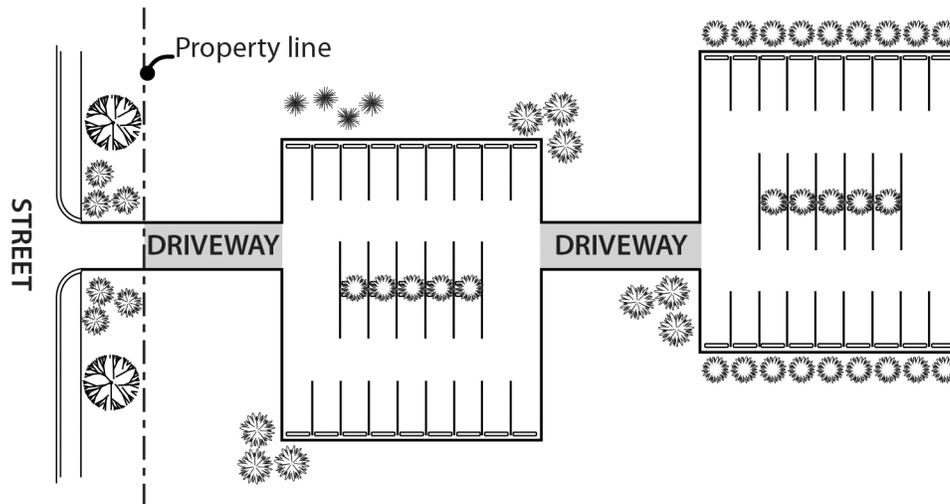
Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump and electric vehicle charging islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. . Parking spaces that include electric vehicle chargers and equipment are not a drive-through facility. Facilities designed for electric vehicle charging or the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

Figure 910-13
Driveway



Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.

Figure 910-14
Eave



Ecologically and Scientifically Significant Natural Areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values.

Excavating or Filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exchange Parcel. The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

Expedited Land Division. An Expedited Land Division is a division of land under ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment), 92.205 (Policy) to 92.245 (Fees for review proceedings resulting in modification or vacation) or 92.830 (Definitions for ORS 92.830 to 92.845) to 92.845 (Relationship of subdivision in manufactured dwelling park or mobile home park to planned community statutes and series partition statutes) by a local government that, unless it is a middle housing land division, meets all of the elements of ORS 197.360.

Exterior Alteration. See Development, Exterior Alteration.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded

at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage. See also, Exterior Display and Exterior Work Activities.

Exterior Work Activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

Facade. All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

Farmers Market. Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fish and Wildlife Habitat Areas. Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot. See Lot-Related Definitions.

Floodway. The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

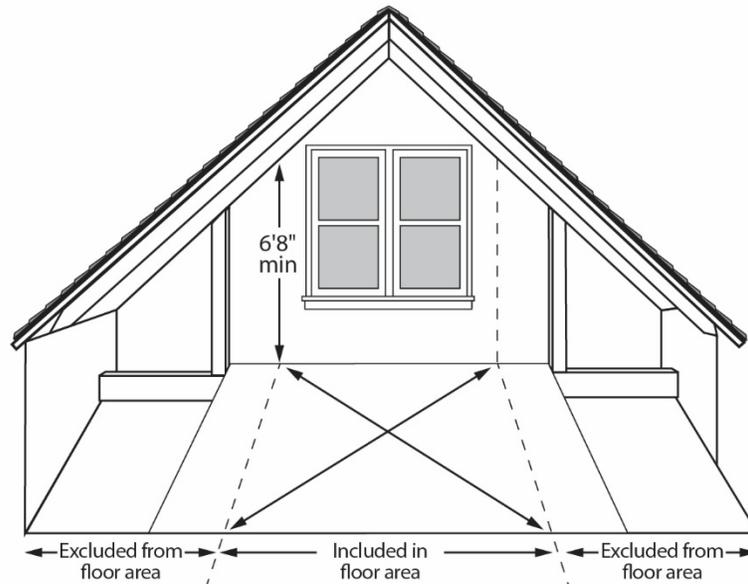
Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Basements;
- Areas where the ceiling height is less than 6 feet 8 inches. See Figure 910-20;
- Roof area, including roof top parking;
- 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.

See also Net Building Area, Gross Building Area

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

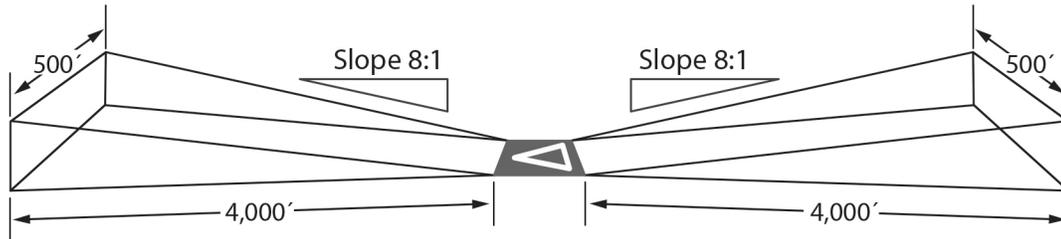
March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and

- 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.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-3
Helicopter Approach-Departure Flight Paths



Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.
- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open for public use.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Heritage Tree. See Tree Types.

Historic Landmark. See Historic Resource.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource. A building, portion of a building, structure, object, landscape, tree, site, place, or district that has a significant relationship to events or conditions of the human past. Historic Resources may be important for archaeological, architectural, cultural, or historical reasons. Historic Resources include:

- **Historic Landmark.** A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;
- **Conservation Landmark.** A Conservation Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation Landmark's significance and integrity is found in the documentation done in support of the City designation. Conservation Landmarks have boundaries that are described in the documentation provided in support of the resource's City designation. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Conservation Landmark's contributing resources;
- **National Register Landmark.** A National Register Landmark is a building, structure, object, or site that has been listed by the federal Keeper of the National Register of Historic Places and has not been designated or identified by the City as a Historic Landmark or Conservation Landmark. National Register Landmark includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic Landmark or Conservation Landmark and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic Landmark or Conservation Landmark designation removed. Information supporting a specific National Register Landmark's significance and integrity is found in its National Register nomination. National Register Landmarks have boundaries that are described in the nomination provided in support of the federal listing;
- **Historic District.** A Historic District is a geographic area that has been designated for its archaeological, architectural, cultural, or historical merit. Historic District includes districts listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic District designation removed. Information supporting a specific Historic District's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Districts have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing;
- **Conservation District.** A Conservation District is a geographic area that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation District's significance and integrity is found in the documentation done in support of the City designation. Conservation Districts have boundaries that are described in the documentation provided in support of the resource's City designation;
- **National Register District.** A National Register District is a district that has been listed by the federal Keeper of the National Register of Historic and has not been designated or identified by the City as a Historic District or Conservation District. National Register District includes

- resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic District or Conservation District and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic District or Conservation District designation removed. Information supporting a specific National Register District's significance and integrity is found in its National Register nomination. National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;
- **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
 - **Contributing Resource.** A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource.

Historic Resources Inventory. Buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having archaeological, architectural, cultural, or historical significance. The Historic Resource Inventory includes all resources defined as Historic Resources. See Historic Resource.

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized

accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Division. The act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat or partition plat. Actions that are exempt from the State law definitions of partition or subdivision (i.e., property line adjustment) are not considered land divisions. See also, Expedited Land Division, Lot, Tract, Plat, and Property Line Adjustment.

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn (or DNL). An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

Light Rail Alignment. A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

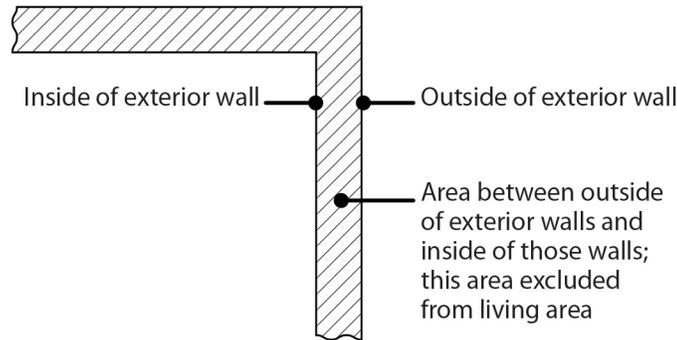
Light Truck. See Truck under Vehicle Types.

Live Stake. A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches;
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- area between the outside of exterior walls and the inside of those walls. See Figure 910-15.

Figure 910-15
Calculation of Living Area



Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

Long-Term Bicycle Parking. Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

Long Term Parking. Parking having a duration of more than four hours.

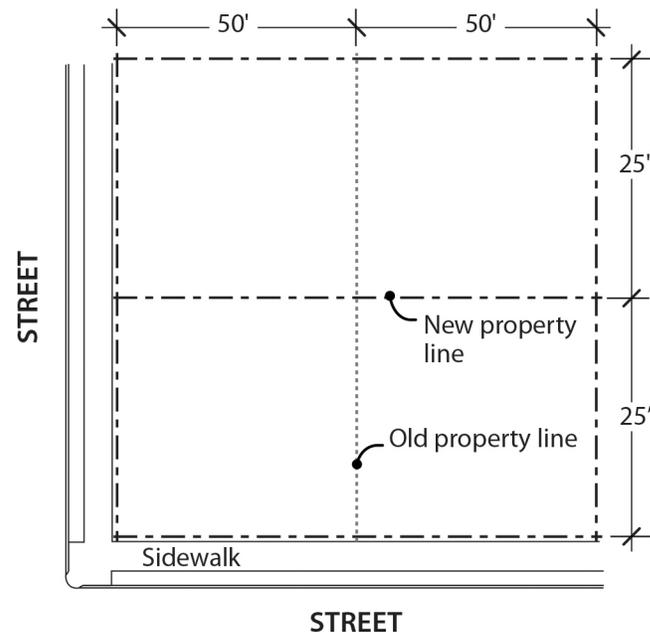
Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

Lot. See Lot-Related Definitions.

Lot-Related Definitions.

- **Adjusted Lot.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. An adjusted lot has a lot area that is equal to or larger than the original platted lot. See Figures 910-17 and 910-18.

Figure 910-18
Adjusted Lots with Equal Lot Areas as the Original Lots



- **Corner Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4. A corner lot may also be a through lot.
- **Flag Lot.** A lot, adjusted lot, lot remnant, or lot of record with two distinct parts.
See Figure 910-5:
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning). This definition also includes a lot that is smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See also Ownership and Site.
- **Lot of Record.** A lot of record is a plot of land:
 - That was not created through an approved subdivision or partition;
 - That was created and recorded before July 26, 1979; and
 - For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.
- **Lot Remnant.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. A lot remnant has a lot area that less than the lot area of the original platted lot. This definition

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. 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; Ord. No. 190834, effective 10/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)