

# Regulatory Improvement Workplan

## **RICAP 11**

Regulatory Improvement  
Code Amendment Package 11

Workplan

March 2025

[www.portland.gov/bps/planning/ricap11](http://www.portland.gov/bps/planning/ricap11)



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## I. Project Summary

The Regulatory Improvement Code Amendment Package 11 (RICAP 11) of Zoning Code amendments is the most recent installment of an ongoing series of updates and improvements to Portland's land use regulations. The purpose of this series is to remove barriers to development across the city. This document -- [the RICAP 11 Workplan](#) -- contains over 50 items for possible regulatory improvement, with an emphasis on three themes: **parking, exterior areas, and general regulatory improvement.**

## II. Background

Portland's current Zoning Code was adopted in 1990. Over time, changing needs, new laws and court rulings, new technology and innovations, and shifting perceptions have necessitated that the City's regulations be updated and improved. This document contains the workplan to address code update requests received by the Bureau of Planning and Sustainability (BPS), which are collected in the Regulatory Improvement Request (RIR) database.

The Regulatory Improvement program began in 2002 to "update and improve City building and land use regulations that hinder desirable development." One component of the program was RICAP, which was designed to provide an ongoing vehicle for technical and minor policy amendments to the City's regulations. From 2003 to 2010, the City Council adopted eight packages of amendments (Policy Packages 1-3 and RICAP 1 through 5), which resulted in many amendments to city regulations. Most of the changes were to zoning code regulations. Following a suspension of the program due to budget limitations from 2010 to 2013, the program was reinstated in 2014 and RICAP 6 through 8 followed. Another suspension of the program occurred from 2016 to 2022, also due to budget constraints.

In 2022, the City's Permitting Improvement Task Force highlighted the need for continuous improvement of the City's zoning regulations and identified the value the RICAP program had provided while it was funded. As a result, the program was reinstated with the RICAP 10 project. RICAP 11 is the next installment of the Regulatory Improvement program.

### Workplan Selection Background

Generally, requests for both process and regulatory improvements are submitted by members of the public and City staff through the RIR database. Staff with the Bureau of Planning and Sustainability (BPS) and Portland Planning & Development (PP&D) categorize the requests according to complexity and resources needed to address the issue. Items related to issues that could result in more significant policy changes, or would require significant resources, are directed to other legislative projects. The remaining issues are considered for inclusion into RICAP.

The items are further categorized as "minor policy" or "technical amendments" based on complexity and level of impact:

- 1) *Minor policy* are those that may affect existing policy, for example by expanding or restricting allowed uses, changing the review type or procedure for land use applications, or revising development standards.
- 2) *Technical corrections, clarifications, or consistency* are those where a particular requirement is unclear, or the regulations are in conflict with other sections of the code.

Minor policy items are ranked using the following criteria:

- a. The variety of stakeholders an issue affects (Few people or many? One group of stakeholders or several?);
- b. The geographic applicability of an issue (Is it a citywide regulation or one that affects one particular area?);
- c. The degree of impact (in terms of severity or frequency) that an issue may have; and
- d. A “regulatory improvement” component, which is an estimate of the degree that the regulation can be improved due to its current complexity or rigidity.

Each of the four criteria are ranked between (-3) and (+3), so that the sum of the four criteria range between (-12) and (+12). An item that ranks as a zero would fall in the middle range for these criteria.

To develop the RICAP workplan, staff considers the complexity, rank, and resources needed to address the issue. Generally, the most important items that fit within the scope of a RICAP rise to the top of the ranking process. Not all top-ranked items are selected. Selection is also based on resources, the relationship of the item to other pending city projects, and the need to consider the item as part of a more holistic planning process.

### **III. RICAP 11 Workplan and Selection Process**

#### **The RICAP 11 Workplan**

In recent years there has been an emphasis on making city regulations and processes more efficient. This objective is found in the RICAP 11 work plan with its emphasis on easing regulatory burdens and making the code easier to understand and implement. While the impacts of individual RICAP amendments are intentionally small, cumulatively, the amendments contribute to this objective.

The RICAP project team, comprised of staff from BPS and PP&D, sorted through the more than 400 eligible technical and minor policy workplan items using the ranking methodology discussed above and selected from the higher ranked items based on themes and groupings that emerged from the ranking process or were timely and relevant to the current moment. Two main themes emerged: items related to parking and loading as well as items related to exterior development and uses. A third theme of general regulatory improvement is a collection of items that fit into smaller groupings or individually contribute to regulatory improvement.

In past RICAPs, smaller technical items were generally added to the workplan automatically; however, the suspension of the program over several years resulted in an excessive number of these items. For RICAP 11, technical items were added if they fit within one of the themes or were identified as being of higher priority. Lastly, minor issues have arisen during the implementation of the zoning code, which generated some requests to clarify and clean up zoning code language. Those have also been added.

The resulting RICAP 11 work plan contains 54 items, grouped into minor policy (19 items) or technical amendments (35 items) and then further bundled into the themes identified above.

- **Parking and loading**
  - Minor policy (6 items)
  - Technical amendments (6 items)
- **Exterior areas**
  - Minor policy (7 items)
  - Technical amendments (10 items)
- **Regulatory improvement**
  - Minor policy (6 items)
  - Technical amendments (19 items)

### **RICAP 11 Tentative Timeline**

|                       |  |
|-----------------------|--|
| <b>March 2024</b>     | RICAP 11 workplan released                                     |
| <b>Spring 2025</b>    | Project staff drafts RICAP 11 zoning code amendment            |
| <b>Summer 2025</b>    | RICAP 11 Discussion Draft released for public review / comment |
| <b>Fall 2025</b>      | Planning Commission public hearing                             |
| <b>Winter 2025/26</b> | City Council public hearing and adoption                       |
| <b>March 1, 2026</b>  | Effective  |



## RICAP 11 Workplan Items

The table on the following pages summarizes the items proposed for inclusion in the RICAP 11 workplan. The items contained in each section are sorted into three bundles, and then by zoning code section within each category.

The table contains the following columns:

- **Item #** - This is the RICAP item number assigned by the project team for reference. Items with numbers preceded by **MP** are minor policy amendments. Those preceded by **TA** are technical amendments
- **RIR #** - This is the identification number for the item from the Regulatory Improvement Requests (RIR) database, when applicable.
- **Issue** - Provides a general description of the regulatory problem.
- **Potential Action** – Represents an initial concept for addressing the issue. As further research is done on these issues, the proposed resolution of each issue may differ from the potential action in this list.
- **Code Section** – Cites the regulation to be addressed.

**Items in bold font are ones that may garner more attention.**

The appendix to this report (under separate cover) includes the list of regulatory improvement requests (RIR) made, with items selected for RICAP 11 highlighted. Some bundled items did not originate in the database and will therefore not appear on that list. Items not selected will remain on the eligible list for consideration in future regulatory improvement projects.

| RICAP 11 WORK PLAN      |         |   |   |  |
|-------------------------|---------|---|---|--|
| Item                    | RIR #   | Issue   | Potential Action  | Code Section   |
| PARKING & LOADING       |         |   |   |  |
| MINOR POLICY AMENDMENTS |         |   |   |  |
| MP1                     | 2846705 | <b>Short term bike parking accessibility</b><br>The 2020 update to bike parking standards removed a requirement for short-term biking to be accessible, creating a situation where short-term parking can be located behind a locked gate.  | Clarify that short-term bike parking must be accessible to the public by reinstating the short-term bike parking requirement for public accessibility.              | 33.266.210   |
| MP2                     | 1098213 | <b>Long-term bike parking</b><br><b>The Parking &amp; Loading Section, 33.266.210.B does not have a long-term bicycle parking exception for a change of use proposed within an existing building; however, the non-conforming upgrades section (33.258.070.D.2.b.3) contains an exception.</b>  | <b>Clarify whether there is a long-term bicycle parking exception for a change of use within an existing building.</b>  | <b>33.266.200</b>  |
| MP3                     | 1822971 | <b>Parking in residential setbacks</b><br><b>Not allowing parking in residential front setbacks is a barrier to property owners wanting to convert a garage to living space or an ADU. Allowing parking in the setback provides more housing opportunities while still maintaining on-site parking.</b>   | <b>Remove the requirement that a parking space cannot be located within the first 10 feet from a front property line or in a side street setback.</b>               | <b>33.266.120.C.2.a,<br/>33.430.140.N<br/>33.475.440.O.4</b> |
| MP4                     | 2493897 | <b>Drive aisle width</b><br>When you have multi-dwelling development on one site, the standards of 33.266.130 apply and all two-way drive aisles are required to be 20 feet wide. There is no minimum width for driveways. In batch permits with townhouses with structured parking, it is not clear if they are subject to the 20-foot minimum maneuvering area behind them. | Clarify whether the 20-foot drive aisle width of Table 266-4 is intended to apply to parking spaces proposed with individual units in a multi-dwelling development. | 33.910   |



| RICAP 11 WORK PLAN          |                  |   |  |              |
|-----------------------------|------------------|---|--|--------------|
| Item                        | RIR #            | Issue   | Potential Action   | Code Section |
| MP5                         | 1452702          | <b>Egress from small parking areas</b><br>The code allows an exception for parking areas with no more than 2 spaces to enter the local service roadway without a forward motion. However, the code and definition of "parking area" doesn't say if the exception would be allowed if there are two separated on-site parking areas with two parking spots each.   | Clarify that the forward egress exception for small parking areas can apply to more than one separated parking area on the same site.      | 33.266.130   |
| MP6                         | 89466<br>1386744 | <b>Fleet parking</b><br>Vehicles such as ambulances, cabs, jitney buses and other similar "fleet-type" vehicles on a site are considered parking despite having characteristics comparable to exterior storage.   | Evaluate how parking standards are applied to fleet parking and consider treating it like exterior storage.                                | 33.266       |
| <b>TECHNICAL AMENDMENTS</b> |                  |   |  |              |
| TA1                         | 2622566          | <b>Loading allowances for vehicle area</b><br>Current language reads as if loading areas are prohibited when parking areas are prohibited or not allowed between a building and a street. Intent is for loading areas to also be prohibited or not allowed *between a building and a street*. Furthermore, remove reference to "prohibited" since Table 266-3 no longer prohibits anything.                       | Clarify that if parking areas are not allowed between the building and the street, then loading areas are also not allowed.                | 33.266.310   |
| TA2                         | 2394911          | <b>Vehicle area and accessory structures</b><br>Table 266-3 states that, for CM2 sites less than 2 acres in area, vehicle areas are not allowed between a building and any street. This can cause problems for food cart pods that install structures, such as a modular, plumbed restroom on the interior of the site. Do we apply the standard to trash enclosures that meet the definition of "building" also? | Clarify whether vehicle areas are allowed between detached accessory structures and the street.  | 33.266       |
| TA3                         | 2190524          | <b>Perimeter parking lot landscaping</b><br>33.266.130.G.2 and Table 266-5 require a landscaped setback between surface parking and an abutting property line; however, there is no exception if other development (such as exterior storage, which doesn't have a screening requirement in Industrial zones) is located between the parking area and the lot line.   | Except exterior development located between the parking area and the lot line from the landscaped setback requirement in industrial zones. | 33.266.130   |

| RICAP 11 WORK PLAN      |         |   |   |              |
|-------------------------|---------|---|---|--------------|
| Item                    | RIR #   | Issue   | Potential Action  | Code Section |
| TA4                     | 2152142 | <b>Long-term bike parking</b><br>Long-term bicycle parking standards do not require that long-term bicycle parking must be distributed or accessible to all tenants in a multi-dwelling structure.  | Clarify that long-term bike parking needs to be accessible to all tenants of a building and not constructed in a way that only allows certain tenants access to the amenity.                                | 33.266.210   |
| TA5                     | 1321240 | <b>Large parking areas</b><br>The regulations in 33.266.130.F.5 apply to large parking areas over 125,000 square feet in size. When an existing parking area increases in size such that it is over 125,000 square feet in size, it is unclear how the regulations should be applied.   | Clarify whether regulations for large parking areas apply to the full parking area when an existing parking lot increases in size to exceed the threshold that triggers the large parking area regulations. | 33.266.130   |
| TA6                     | 905278  | <b>Parking standards purpose statement</b><br>Section 33.266.130.A contains the purpose statement for the parking standards. The bullets in this section describe the purpose for a host of different standards, such as location of parking, landscape standards, and stall and aisle layout. However, the introductory sentence to these bullets states "Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in Pedestrian District Districts:", implying that the purpose statement for landscape and layout standards apply only for sites along transit streets and in pedestrian districts, which isn't the case. | Update the purpose statement to clarify that the landscape and layout standards apply in the entire base zone, not just along transit streets and in pedestrian districts.                                  | 33.266.130   |
| EXTERIOR AREAS          |         |   |   |              |
| MINOR POLICY AMENDMENTS |         |   |   |              |
| MP7                     | 2774197 | <b>Setback and screening standards for mechanical equipment</b><br>Service provider requirements for location and separation of transformers don't allow zoning code requirements to be met. Also, the code does not define mechanical equipment leading to confusion over what constitutes mechanical equipment and what does not, e.g. fans and duct work.  | Evaluate setback and screening requirements for transformers and clarify what constitutes mechanical equipment for screening purposes.  | 33.110.270   |

| RICAP 11 WORK PLAN |                    |   |   |                     |
|--------------------|--------------------|---|---|---------------------|
| Item               | RIR #              | Issue   | Potential Action  | Code Section        |
| MP8                | 1173094            | <b>Screening standards</b><br>In both the L2 and L3 landscape standards, the required shrubs can be substituted with a masonry wall of equal height. The width of a masonry wall takes up a significant portion of the landscape buffer, and the excavation required for a masonry wall can adversely impact the root zone for existing trees.  | Consider allowing <u>either</u> a masonry wall or a sight-obscuring fence instead of the shrubs required for the L2 or L3 landscape standard.                             | 33.248.020          |
| MP9                | 2774845            | <b>Design / Historic Resource Review screening exemption</b><br>33.420.045 exempts several basic features and nonconforming upgrades, like parking lot landscaping, but screening for trash, mechanical equipment, and loading areas are not specified and therefore require Design Review. There is not much to review about an L3 hedge around a mechanical unit, for example, which has a clear and objective standard, so this does not seem like a good use of staff's time and applicants' resources. | Exempt screening for trash, mechanical equipment, and loading areas from Design Review and Historic Resource Review.  | 33.420.045          |
| MP10               | 2760595            | <b>Exterior work activities in C &amp; E zones</b><br>Some exterior activities are difficult to categorize because the definition focuses primarily on industrial uses but retail uses sometimes of exterior activities beyond the typical outdoor seating and fruit/vegetable stands.  | Align the definition of exterior work activity and descriptions of other exterior activities and include examples of allowed activities that aren't industrial in nature. | 33.130/140 & 33.910 |
| MP11               | 2689933<br>2858891 | <b>Required outdoor areas</b><br>The code is not clear on whether common outdoor areas may be partially covered or whether encroachments are allowed into required outdoor areas.   | Allow common outdoor areas to be partially or wholly covered. Clarify whether building elements are allowed in the required outdoor area.                                 | 33.130              |
| MP12               | 2854538<br>1082109 | <b>Buffering standards and perimeter landscaping</b><br>For a required landscape buffer, e.g. flag lots or intuitionial uses, there is no code guidance on when interruptions are allowed for such things as a pedestrian path. This has led to adjustment reviews for any intrusion into a required buffer. The parking lot landscaping standards also do not allow for a portion of the landscaped area to be paved or specify that a pedestrian connection can go through the landscaping.               | Clarify when required landscape setbacks and buffers can be interrupted by hardscape.   | 33.266.130          |

| RICAP 11 WORK PLAN          |         |  |   |                |
|-----------------------------|---------|--|---|----------------|
| Item                        | RIR #   | Issue  | Potential Action  | Code Section   |
| MP13                        | 2461632 | <b>Landscaping and covered building areas</b><br>The applicant wants to include in-ground landscaping and ground-level pedestrian areas which are covered by building area toward the 15% minimum landscaped area standard. The areas they want to count are all open to the elements, but much of the area is covered by upper floors with about a 14-foot vertical clearance. Can these areas be included?   | Clarify whether landscaped areas that are covered by upper floors or balconies count towards required landscaping.                            | 33.130.225     |
| <b>TECHNICAL AMENDMENTS</b> |         |  |   |                |
| TA7                         | 2767657 | <b>Pedestrian trash screening exemption for E and I zones</b><br>While 33.130.235 does not require screening in Commercial Mixed Use zones for ped trash receptacles, and 33.120.250 doesn't for MD zones, this provision was lost for the Employment Industrial zones, which BDS staff have stated was an oversight.  | Exempt trash receptacles used by pedestrians from screening standards in the E and I zones to match the parallel sections in the other zones. | 33.140.235     |
| TA8                         | 2463344 | <b>Exterior improvement exemptions for recreational fields</b><br>The bicycle parking project, effective in 2020 was intended to exempt bike parking improvements from counting against the exterior improvement limits allowed by right. Changes were made to 33.281 (school and school sites) and 33.815 (conditional use review) to include bike parking in the list of items not counted. However, the same change was not applied to 33.279, recreational fields, although the intent behind the changes would imply that this chapter should have also been amended. | Exempt bike parking from counting toward the exterior improvement threshold for recreational fields.  | 33.279.030     |
| TA9                         | 2379061 | <b>Encroachments into cottage cluster common outdoor area</b><br>Can a 2nd-story building element (e.g. balcony, cantilevered roof, eave) encroach into the designated common outdoor area provided at grade? There is confusion whether cottage cluster common area is treated differently than other common outdoor areas.   | Clarify whether projections/overhangs can encroach into common outdoor areas for cottage clusters.  | 33.110.265.G.9 |

| RICAP 11 WORK PLAN |         |   |  |              |
|--------------------|---------|---|--|--------------|
| Item               | RIR #   | Issue   | Potential Action   | Code Section |
| TA10               | 2035584 | <b>Covered outdoor areas</b><br>The code is not clear about how much enclosure is too much for a required outdoor area. The code says that they can be covered but not fully enclosed, but what does "not fully" enclosed mean?   | Clarify that if an outdoor area is covered and is less than 100% enclosed, it meets the standards for outdoor areas in 33.120.240 or 33.110.235.C.2. | 33.120.240   |
| TA11               | 2379039 | <b>Limited uses and eating areas</b><br>Use limits in the base zones refer to building/floor area and exterior display and storage. However, the section on how to measure use limits (33.930.055) describes that exterior eating area also counts toward the limit.  | Clarify whether eating areas are included in the calculation for limited use areas.  | 33.510.119   |
| TA12               | 2214384 | <b>Eastern Pattern area rear setback and exemptions</b><br>The Eastern Pattern Area has a minimum rear setback requirement equal to 25 percent of the total depth of the site. One exemption allows for outdoor common area that is at least 10 percent of the site area and that measures 30 ft. by 30 ft. in all directions | Clarify if rooftop decks can be used to meet the minimum rear setback exemption for outdoor common areas.  | 33.120.220   |
| TA13               | 1163744 | <b>Screening of mechanical equipment</b><br>33.110.250.F and 33.120.280.F don't require mechanical equipment to be screened from the street but 33.120.250.C does require screening between the mechanical equipment and the street   | Correct inconsistencies in the base zones for when mechanical equipment must be screened from the street.  | 33.120.280   |
| TA14               | 1494784 | <b>Screening for rooftop mechanical</b><br>33.130.210.C.4 states that rooftop mechanical in the CM1, CM2, CM3, CE and CX zones may extend above the height limit, but it doesn't say if required screening is also allowed to extend above the height limit.  | Clarify that required screening for rooftop mechanical equipment may extend above the height limit in C zones.                                       | 33.130.210   |

| RICAP 11 WORK PLAN             |                    |   |  |                                       |
|--------------------------------|--------------------|---|--|---------------------------------------|
| Item                           | RIR #              | Issue   | Potential Action   | Code Section                          |
| TA15                           | 1963899            | <b>Institutional development standards - pedestrian circulation</b><br>33.110.245.C.10 (now 33.110.270) states that the on-site pedestrian circulation system for Institutional Development must meet the standards of 33.120.255, Pedestrian Standards; however, those standards are now based on the number of residential dwelling units.  | Clarify the standard for the width of the pedestrian circulation system on a site with an Institutional use in the R zones.                      | 33.110.270.C.10 and/or 33.120.255.2.a |
| TA16                           | 2246271            | <b>Accessory Structure setbacks in C zones</b><br>The base setbacks in 33.130.215 generally require a 10-foot setback for sites adjoining an R-zone lot. This exempts buildings up to 15-ft in height from the 10-ft setback requirement. However, the same section also states that detached accessory structures on sites with all residential uses were subject to the standards of 33.120.280 in the MD zones. This sets up a discrepancy where a commercial building can fully extend into the setback but a residential detached accessory building can only be 24-ft in the setback. | Clarify that the setback exemption for buildings up to 15-ft tall in C zones applies to commercial and residential detached accessory buildings. | 33.130.215                            |
| GENERAL REGULATORY IMPROVEMENT |                    |   |  |                                       |
| MINOR POLICY AMENDMENTS        |                    |   |  |                                       |
| MP14                           | 2846689            | <b>Outdoor shelter units</b><br>Some Safe Rest Villages have been built with more than the by-right maximum allowance of 60 shelter units (up to 200 units). These operations have demonstrated that larger outdoor shelters are appropriate without a conditional use.   | Align the maximum number of by-right shelter units with what is happening on the ground under the housing emergency.                             | 33.285.050                            |
| MP15                           | 2837862<br>1310791 | <b>Allowed length of temporary activities</b><br>33.296.030 needs to be expanded to cover more than just fairs, carnivals, and other major public gatherings. There are often pop-up events that extend for a month or two at a time that need to be covered by this chapter, e.g. Prosper winter village or events when it is unclear if they are considered a major public gathering, such as the Portland Plage.   | Clarify what constitutes a major public gathering. Expand time allowance for temporary (pop up) events e.g., fairs/circuses.                     | 33.296.030                            |

| RICAP 11 WORK PLAN |         |  |   |                                |
|--------------------|---------|--|---|--------------------------------|
| Item               | RIR #   | Issue  | Potential Action  | Code Section                   |
|                    |         | <b>The Temporary Activities chapter in the Portland Zoning Code allows fairs, carnivals and other major public gatherings in the RX, C, E and I zones for up to 2 consecutive weeks; however, most circus-type events have a much longer duration with structures which take time to set up and deconstruct. This requires taking an ordinance to City Council to "waive" the code and extend the timeline beyond 2 weeks.</b>   |   |                                |
| MP16               | N/A     | <b>Community Service Uses in I zones</b><br>A sobering center is a Community Services use, and sobering centers often run into opposition when located in or adjacent to residential areas; however, alternate locations, such as in I or E zones, are a limited or conditional use. There is currently an urgent need for sobering centers to help address the homeless and addiction crises. It should be clarified that a sobering center is a type of temporary activity that can be allowed in response to a health and safety emergency declaration. | <b>Add sobering centers as allowed temporary uses with a declared emergency.</b>  | <b>33.296.030.G</b>            |
| MP17               |         | <b>Improvements within the ROW in the environmental and river overlay zones</b><br>Exemptions for improvements within public streets and exterior lights near the Willamette River in the river and environmental zones do not apply to freeways.  | Clarify that improvements in a freeway ROW are exempt from Chapter 33.430 and that exterior lights within the freeway are not subject to the standards in 33.475.230.C. | 33.430.080.E.2<br>33.475.230.C |
| MP18               | 2851660 | <b>Medium-sized Entertainment Venues</b><br>It is not clear whether medium-sized entertainment venues are considered Retail Sales and Service or Major Event Entertainment uses.   | <b>Clarify that medium-sized entertainment venues are as classified as Retail Sales and Service Uses.</b>   | <b>33.920.250</b>              |
| MP19               | 2861946 | <b>Recording an LU approval</b><br>Recording land use decisions at the county adds staff time and costs. The state no longer requires us to do so. The entire land use case file and decision can now be found in efiles   | Remove the recording requirement in 33.730.120.   | 33.730.120                     |



| RICAP 11 WORK PLAN          |         |   |   |                               |
|-----------------------------|---------|---|---|-------------------------------|
| Item                        | RIR #   | Issue   | Potential Action  | Code Section                  |
| <b>TECHNICAL AMENDMENTS</b> |         |   |   |                               |
| TA17                        | 1969162 | <b>Conditional Use approval criteria for public safety Radio Frequency (RF) facilities</b><br>In the Commercial Mixed Use zones, Public Safety Facilities are allowed by right except if they include a Radio Frequency Transmission facility, in which case a CU is required (see 33.130.100.B.7.a). The stated CU approval criteria are those that apply to a Public Safety facility (33.815.223) and not those that apply to RF Facilities (33.815.225). | Correct the reference to the conditional use approval criteria for public safety Radio Frequency (RF) facilities in C zones to 33.815.225.  | 33.130.100.B.7.a              |
| TA18                        | 1257851 | <b>RF Facilities in the ROW</b><br>The Conditional Use approval criteria in Section 33.815.225.A have always been used by BDS staff for accessory equipment that is associated with antennas in the ROW, whether the equipment is on an existing building, or for new at-grade equipment screened by a fence. However, the language for when these approval criteria are used is not clear.   | Clarify which CU approval criteria apply to accessory equipment to RF antennas located in the ROW. Also clarify that when accessory equipment is located in a C, E, or I zone and more than 50 feet from an R zone, then it is exempt from CU review. | 33.815.225.A and 33.274.035.A |
| TA19                        | 1854722 | <b>Amendments to CU Master Plans</b><br>There is a missing language clarifying that an exemption and a missing code reference in two sections of this chapter, which simply refer to "Paragraph B.5".   | Clarify the exemption and change reference in 33.820.090.A.5/6 from "Paragraph B.5" to "33.820.080.B.5".  | 33.820.090.A.5/6              |
| TA20                        | 1087099 | <b>Oregon State Aeronautics Division</b><br>Change all references in the Code (possibly only in 33.274) from Oregon State Aeronautics Division to Oregon Department of Aviation.  | Change all references in the Code from Oregon State Aeronautics Division to Oregon Department of Aviation.  | 33.274                        |
| TA21                        | N/A     | <b>MPAP/ SB1537 Alignments</b><br>In finalizing the Montgomery Park Area Plan code, the SB1537 code amendments (primarily to allow 20% height adjustment) did not get incorporated into the MPAP code.  | Incorporate SB1537 code amendments into the York Plan District chapter.   |                               |

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| Item               | RIR #   | Issue   | Potential Action   | Code Section            |
| TA22               | 2846770 | <b>Daycare uses in buildings with previous daycare use</b><br>33.110.100 and 33.120.100 both outright allow Daycare Uses if located in a building that contains or contained a College, Medical Center, School, Religious Institution or a Community Service Use. The problem is that Daycare Use itself is not listed, so buildings that historically housed a Daycare Use are required to go through a CU review if none of the other listed uses have a history on the site. | Allow Daycare uses if located in a building that contains or contained a daycare use.  | 33.110.100 / 33.120.100 |
| TA23               | 2851678 | <b>Historic Designation Removal</b><br>Per 33.700.D.3.a, the use of the word "and" indicates that all connected items or provisions apply. This seems to mean that in order to meet C.1, both 030.D.1 and 030.D.2 would not have to be met. However, the proper application of this approval criteria would be if either 040.D.1 or 040.D.2 are not met, then C.1 is met.   | Align approval criteria for historic designation removal with the criteria used for historic designation.  | 33.700.D.3.a            |
| TA24               | N/A     | <b>Historic Resource chapter reference to OSSC</b><br>Section 33.445.100.D.2.d provides an exemption to alterations to meet ADA requirements from HRR. The exemption references Section 1113 of the Oregon Structural Specialty Code, which presumably would include ADA requirements. That code reference has changed (it now addresses clustered mailboxes and needs to be updated).  | Update the Oregon Structural Specialty Code (OSSC) reference to "Chapter 11", a less specific reference that is less likely to become obsolete with future versions of the OSSC. | 33.445.100.D.2.d        |
| TA25               | 2851679 | <b>National Register Districts</b><br>Code refers to Conservation Districts, but should be National Register Districts  | Change 33.445.220.E.2.b. to say "Conservation Districts" rather than "National Register Districts".  | 33.445.220              |
| TA26               | 2784426 | <b>Historic/Conservation District exemptions</b><br>Figure 445-4 contains vestigial language that was not amended with the Historic Resources Code Project in 2022.   | Remove reference to street-facing elevations in Figure 445-4. This no longer a parameter of the associated exemptions in 33.445.200.D.2.y and 33.445.210.D.2.y.                  | 33.445.200              |
| TA27               | 2846759 | <b>Age-Friendly Amendments</b><br>Title 33 has outdated language related to aging and disability that should be updated in the next RICAP cycle.  | Bring Title 33 into alignment with the City of Portland's Inclusive Writing Guide, which   |                         |

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| Item               | RIR #   | Issue  | Potential Action  | Code Section                |
|                    |         |  | includes best practices for age-friendly terminology.   |                             |
| TA28               | 2839956 | <b>River and pleasant valley overlay zones</b><br>The Land Division Code Update project revised references to "environmental zones" to include River e and Pleasant Valley. We missed one in 33.633.220  | Correct 33.633.220 reference to "River Environmental or Pleasant Valley Natural Resources" overlay zone from "Environmental overlay zone."  | 33.633.220                  |
| TA29               | 2838807 | <b>Applicability of Staged Final Plats</b><br>As part of the Land Division Code Update project, the review requirements in Chapter 33.662.120 removed reference to "staged final plats". This is incorrect, as the staged final plats are allowed in all zones.  | Re-insert pre-Land LDCU 33.662.120.E language about staged final plats that was inadvertently removed by that project.  | 33.662.120.E                |
| TA30               | 2832611 | <b>Non-conforming residential density</b><br>33.258.060.A.2. refers to sites in multi dwelling zones with residential structures moving out of compliance with max density in table 120-3. Since Better Housing by Design, this only applies to RMP sites. Following changes to 33.120.205.C from the LDCU, this no longer requires the same lot dimensional requirements. | Delete section 33.258.060.A.2, which is obsolete since there is no longer maximum density in the multi-dwelling zones. Also remove reference to that section in 33.285.060.A.1.a. | 33.258.060                  |
| TA31               | 2832518 | <b>Design Standard QR23</b><br>Design Standard QR23, Reflective Roof Surface states that the Energy Star requirements must be met for the roof surface material. Energy Star no longer rates roofs, and that the CRRC rating replaced it in 2020. CRRC is the Cool Roof Rating Council.  | Change the Energy Star reference to something more generic that won't go out of date.   | 33.420.050.C<br>Table 420-2 |
| TA32               | 2817069 | <b>Cascade Station Transportation Impact Analysis Review</b><br>The language in 33.508.220.C does not indicate where to find the land use process type or approval criteria for proposals to exceed the allocation limits of Table 508-1.  | Add missing reference to the approval criteria for a CSTIA review (33.807.110) to section 33.508.220.   | 33.508.310                  |
| TA33               | 2682214 | <b>Maintained street definition</b><br>The definition of maintained street is one that has been accepted for maintenance by the City of Portland, Multnomah County or the State of Oregon. This definition should capture accepted   | Update "maintained street" definition to include streets accepted for maintenance by Clackamas County.  | 33.910                      |

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| Item               | RIR #   | Issue   | Potential Action  | Code Section |
|                    |         | maintenance status from other bordering jurisdictions. In particular, Clackamas County.   |   |              |
| TA34               | 2582547 | <b>Step-down heights with bonus height</b><br>There is no clear direction in 33.120 about whether, when bonus height is earned, that bonus height is also applied to step-down height limits. The corresponding step-down height language in 33.130.210.B.3 states clearly that the step-down heights do not increase in this scenario, but there is no similar language in 33.120.   | Consistent with commercial/mixed use zones, clarify that step-down heights do not increase when the bonus height is earned in multi-dwelling zones. | 33.120.210   |
| TA35               | 2846691 | <b>Public Notice of legislative projects</b><br>There are several issues. 1) The section titled "public notice area" is not about the area, but rather about who the notice gets sent to. 2) We should send to all recognized organizations (per T3 and the Comp Plan), but DCL partners don't want to receive the notices anymore. 3) we should be publishing in the newspaper 35 days prior to the hearing, but we don't. | Update legislative noticing process section to reflect current practices.   | 33.740.020   |

