



Bureau of Planning and Sustainability

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MEMO

DATE: January 10, 2014

TO: Historic Landmarks Commission

FROM: Morgan Tracy, Project Manager
Julia Gisler, City Planner

CC:

SUBJECT: Regulatory Improvement Code Amendment Package 6 (RICAP 6)

A briefing is scheduled for Monday, January 27 on this update to the zoning code. The objectives of the briefing are to:

- provide an overview of the 45 code items included in this package (summary attached);
- answer questions related to items of key interest to the Historic Landmarks Commission; and
- describe the public involvement process and next steps.

If you have any questions, please contact me at 503-823-6879

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www.portlandoregon.gov/bps/ricap.



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Regulatory Improvement Code Amendment Package 6 (RICAP 6)

Summary of Workplan Items and Proposed Amendments

Highlighted items may be of particular interest to the Historic Landmarks Commission

Item #	Item Name	Proposed Amendment
<i>Minor Policy Items. These items include changes to existing policy or are more substantive in nature.</i>		
12-14	Short Term Rental / Bed and Breakfast (B&B) Bundle	Establish a permit (similar to Type B home occupation permit) to allow 1 to 2 room B&Bs. Retain conditional use procedure for larger B&Bs.
18	Radio Frequency (RF) Transmission Facilities	Address Federal Communications Commission (FCC) preemption on RF emissions, clarify Effective Radiated Power thresholds, and convert subjective language to objective standards.
20-24	Temporary Uses Bundle	Address building relocations, construction staging, commercial filming, warming/cooling centers. Clarify applicability of time limits. Restructure chapter.
25	Environmental zone development standards for MCDD projects	Extend Airport Plan District resource enhancement development standards to drainage district projects that occur outside the Airport Plan District.
35, 36	Revocable Permits	Establish a process to allow revocable permits that do not expire to continue as non-conforming uses.
43 Added	Public Art for Ground Floor Windows	Remove the requirement to obtain an adjustment for Regional Arts and Culture Council approved public art in lieu of meeting ground floor window requirement.
44 Added	Application of Zoning Code in right-of-way	Apply the zoning code to the public right-of-way in the historic resources overlay zone.
<i>Clarification Items. These items correct or clarify the code to match existing policy.</i>		
1	Attached Houses on Corner Lots	Clarify that lot dimension standards cannot be adjusted.
2	Transitional Sites	Clarify that the R2.5 setback standards apply to duplex/attached house development on transitional sites.
3	Setbacks for Wall-mounted Mechanical Equipment	Clarify that mechanical units cannot be located in setbacks.
4	Base Zone Design Standards - Garage Wall	Clarify how the 50% garage limitation applies for different residential structure types (attached house, detached houses, duplexes).
5,6,7,9	Fence Bundle	Correct Figure 110-15 to accurately reflect current fence height regulation. Clarify fence height requirement in front/street setback for multi-dwelling zones. No amendments to fence height regulations are proposed.
8	Maximum Height in RH zones	Clarify applicability of the various RH zone height limits.
11	Accessory Home Occupations	Improve ability to enforce/limit activities occurring in the right-of-way, when associated with a home occupation.
15	Community Design Standards cross-reference	Clarify applicable standards for residential projects in RH, RX, C, E zones. Make exterior finish material language more consistent.
16	Convenience Stores	Clarify the responsible party, notification procedures, and address changes in store ownership. Make Neighborhood Contact requirements more consistent.
17	Interior Parking Lot Landscaping configuration	Revise figure for better clarity.
19	Recreational Fields for Organized Sports, Conditional Use Threshold	Clarify that spectator seating is calculated separate from other exterior improvements for purposes of Conditional Use thresholds. Restructure chapter.
29	Plan Districts and Overlay Zones with Design Overlay Zone	Provide consistent references for when design review is required in the various plan districts and overlay zones.

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<i>Clarification Items. These items correct or clarify the code to match existing policy.</i>		
30	Columbia South Shore - retail sales	Clarify limits for retail sales in EG2/IG2 zones within the Columbia South Shore Plan District.
31	Columbia South Shore - truck parking in setback	Clarify that the Airport Way setback applies to heavy truck parking.
33	Land Division Approval Criteria in Potential Landslide Hazard Areas	Clarify that development on sites be located on areas rendered suitable to limit landslide risk. Clarify the circumstances under which any final plat can be voided.
34	Regulations in Effect at Application	Clarify that the section applies to all applications and addresses how newly adopted regulations are applied.
37	Historic Landmarks Commission and Design Commission membership	Correct membership number (from 8 to 7) to reflect current membership composition.
40	Missing information in Notice of Type III Decision	Add notification requirements for Type III decisions, consistent with other existing land use decision notices.
41	Conditional Uses - change within use category	Clarify what constitutes a change of use within the use category.
45 Added	Comprehensive Plan Map Amendments	Correct the approval criteria for Comprehensive Plan Map amendments to include the requirement that the proposed map amendment must also be in conformance with Statewide Land Use Planning Goals
<i>No amendments. These items are either beyond the scope of RICAP or did not warrant a code change.</i>		
10	Mechanical Equipment Screening	No amendment proposed. Screening standards for wall-mounted mechanical equipment needs additional research and analysis.
26	Allowing the placement of large wood in resource enhancement projects that meet environmental development standards.	No amendment proposed. The variability of circumstances for each project necessitates review on a case-by-case basis to ensure ecological, hydrological and public safety considerations are properly evaluated.
27	Use of Community Design Standards in Conservation Districts	No amendment proposed. State law allows the City to apply design review to large residential and mixed use projects in conservation districts, allowing broader use of the design standards track would be a large policy change.
28	Main street corridor overlay - retail uses	No amendment proposed. Requested clarification is not necessary and could result in unintended misapplication of the code.
32	Johnson Creek Density Transfer	No amendment proposed. The code has been affirmed by the Land Use Board of Appeals and meets the original intent of the regulation as adopted.
38	Land Use Review Comment Periods	No amendment proposed. The code provides a window of time for comments and case processing, informational handouts will be clarified.
39	Type IIX Appeal decision time	No amendment proposed. The difference between Type II and IIX reviews accounts for the increased bureau coordination while ensuring that the state-mandated 120-rule can be met.
42	Clarify Guest House vs. Accessory Dwelling Unit	No amendment proposed. Both terms are necessary to include in the zoning code.
5,6,7,9	Fence Bundle	No amendment proposed to 3½' fence height. Other fence regulation clarifications were included as described in the "Clarification Items".