



REGULATORY IMPROVEMENT CODE AMENDMENT PACKAGES

Continually Improving Portland's Development Codes

RICAP 6 Timeline

January and February 2014

- *Public Discussion Draft*, published Jan. 6
- Staff presentations at various District Coalitions and Neighborhood Association Offices
- Public Open House, Feb. 11

March 21, 2014

- *Proposed Draft* to the Planning and Sustainability Commission published

April 22, 2014

- Planning and Sustainability Commission public hearing, 6 p.m., 1900 SW 4th Avenue, Room 2500 (second floor)

May and June 2014

- *Recommended Draft* to City Council
- City Council Public Hearing

July 2014

- Code amendments effective

Staff Contacts

- Morgan.Tracy@portlandoregon.gov, Project Manager, 503-823-6879
- Julia.Gisler@portlandoregon.gov, City Planner, 503-823-7624

What is RICAP?

The Regulatory Improvement Code Amendment Packages (RICAP, pronounced ree-cap) continually update and improve City building and land use regulations to facilitate desirable development. Changing needs, new laws and court rulings, advanced technology and innovations, and shifting perceptions require that the City's regulations be updated and improved on an ongoing basis.

Portlanders can enter suggestions for improving the City's development code into the Regulatory Improvement Requests (RIR) database on the project website. Issues that require major policy changes are not addressed through RICAP but are evaluated through separate legislative projects. Instead, RICAP addresses simpler technical matters and clarifications, or refinement of existing policy, in a typically one-year cycle. To develop these annual RICAP work plans, staff ranks items from the RIR database by evaluating the impacts of and the ability to improve the regulation, the variety of stakeholders affected, and the geographic range of the issue. To date, the City has adopted five RICAP packages.

About RICAP 6

The RICAP 6 work plan was adopted by the Planning and Sustainability Commission in August 2013 and includes 45 items. The proposed amendments for these items are summarized on pages 2 and 3 in the following categories:

- Minor changes to existing policy (by expanding or restricting allowed uses, responding to state or federal requirements, or removing or reducing procedural barriers).
- Code clarifications to reflect the existing policy intent.
- A set of non-amendments, where the existing regulations are not proposed to be amended for a variety of reasons.

RICAP 6 Proposed Draft is available online at www.portlandoregon.gov/bps/ricap; at 1900 SW 4th Avenue, 7th Floor; or by mail. Please call 503-823-7700.

Planning and Sustainability Commission Public Hearing on April 22, 2014 at 6 p.m. Testify in person at the hearing or send written comments to: 1900 SW 4th Avenue, Suite 7100, Portland, OR 97201; FAX: 503-823-7800; or email: psc@portlandoregon.gov

To learn more, view documents
and join our mailing list, visit:
www.portlandoregon.gov/bps/ricap



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon
Charlie Hales, Mayor • Susan Anderson, Director



RICAP 6 Item Number and Name		Proposed Amendment
Minor Policy Items – These items include changes to existing policy or are more substantive in nature.		
12-14	Short Term Rental / Bed and Breakfast Bundle	Establish a permit (similar to Type B home occupation permit) to allow 1 and 2 bedroom short-term rentals. Retain conditional use procedure for larger rentals.
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.
No Amendments – These items are either beyond the scope of RICAP or did not warrant a code change.		
10	Mechanical Equipment Screening	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.	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	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	Requested clarification is not necessary and could result in unintended misapplication of the code.
32	Johnson Creek Density Transfer	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	The code provides a window of time for comments and case processing, informational handouts will be clarified.
39	Type IIx Appeal decision time	The difference between Type II and IIx reviews accounts for the increased bureau coordination while ensuring that the state-mandated 120-day rule can be met.
42	Clarify Guest House vs. Accessory Dwelling Unit	Both terms are necessary to ensure accessory structures with all the amenities of a dwelling unit meet the Accessory Dwelling Unit (ADU) standards.
5-7, 9	Fence Bundle	No amendment proposed to 3.5 foot fence height. Other fence regulation clarifications were included as described in the Clarification Items.

RICAP 6 Item Number and Name	Proposed Amendment
Clarification Items – These items correct or clarify the code to match existing policy.	
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 percent garage limitation applies for different residential structure types (attached house, detached houses, duplexes).
5-7, 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	Clarify most activities associated with a home occupation must occur on site to better enforce/limit activities occurring in the right-of-way.
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.
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

Here are some examples of RICAP 6 minor policy items.



Short-term Rentals – Providing flexibility for homeowners and certainty to neighbors

Recently, there has been a dramatic increase in the number of houses, apartments, and condominiums being rented informally on a short-term basis (fewer than 30 days) through Internet sites such as Airbnb and HomeAway. In Portland, Airbnb has the largest concentration of listings: over 1,550 today (up from 107 in January 2011). The most common listings are from hosts who live on their property and offer a bedroom for rent in their home. This is a new way of providing visitor lodging accommodations and Portland, like many cities, is determining how to regulate these short-term rentals.

The amendments to *Chapter 33.212 Bed and Breakfast Facilities* create a new Accessory Short-Term Rental permit that will allow renting one to two bedrooms in a house, attached house, duplex, manufactured home or accessory dwelling unit where the operator lives as their primary residence. Currently, the zoning code requires a conditional use review for all bed and breakfast facilities regardless of their size. The proposed permit process offers smaller scale short-term rentals a less expensive and faster process, while ensuring that the adjacent neighbors are notified of the activity. Three-to-five bedroom short-term rentals will continue to require a conditional use review.



Radio Frequency Transmission Facilities (RFTF) – Complying with federal law and regulations

The prevalence of cell phone users and rapidly changing wireless technology continue to drive demand for more wireless sites and services. Between 2003–12, the percentage of adults living in homes with only mobile phones increased from 3 percent to 34 percent. And the number of wireless subscribers who use smart phones has doubled (23 percent to 55 percent) in just two years. To meet the growing demand, wireless carriers (also known as personal wireless services) continue to modify and add to their networks.

Chapter 33.274 Radio Frequency Transmission Facilities regulates wireless services (cell phone sites), broadcast services (radio and TV stations), and other devices that send or receive a radio frequency signal. The proposed amendments to this chapter are being made to comply with provisions in the Federal Communications Commission's (FCC) 1996 Telecom Act, which streamline the deployment of wireless phone service technologies and ensure local jurisdictions do not have unreasonable barriers for establishing wireless sites. Specifically, the amendments remove regulations related to the placement and construction of facilities based on radio frequency emissions. In addition, the amendments provide standards for some facility modifications, ensure ongoing maintenance for landscape screening, and require the removal of mounting devices on non-broadcast structures (like rooftops) if the site is no longer in use.



Commercial Filming – Starring Portland

Over the years, Portland has been used as the location for the filming of movies, TV programs and commercials. The most recent examples include the television series *Leverage*, *Portlandia* and *Grimm*. The filming activities take place in streets, open spaces and buildings throughout the city.

City policy promotes filming activities as an economic development tool, and the Portland Film Office coordinates commercial filming activities within the City's boundaries. Currently the zoning code is silent on whether commercial filming is allowed as a temporary activity at a specific location. The proposed amendments add commercial filming to *Chapter 33.296 Temporary Activities*, reflecting the City's policy to allow commercial filming as a temporary use in all zones. Filming will continue to be subject to the procedures and permits coordinated by the Portland Film Office, including a requirement for notification of affected neighborhood and business associations, and of adjacent property owners when intermittent street closures occur.