

## 33.563 Northwest Hills Plan District

# 563

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- 33.563.030 Transfer of Development Rights

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#### Map 563-1 Northwest Hills Plan District

### **33.563.010 Purpose**

The Northwest Hills plan district protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. The Linnton Hillside subarea within the Forest Park subdistrict contains a residential area that is constrained by natural conditions and limited existing infrastructure. The development standards for this subarea are intended to protect the public health and safety by limiting the potential number of new housing units consistent with these constraints. The plan district also promotes the orderly development of the Skyline subdistrict while assuring that adequate services are available to support development. These regulations provide the higher level of protection necessary for the plan district area. The transfer of development rights option reduces development pressure on protected sites while containing safeguards to protect receiving sites.

### **33.563.020 Where the Regulations Apply**

The regulations of this chapter apply to the Northwest Hills plan district and subdistricts as shown on Map 563-1 at the end of this chapter, and on the Official Zoning Maps. The regulations of section 33.563.030 apply to the entire plan district. The regulations of Sections 33.563.100 through .120 apply only to the Balch Creek subdistrict. The regulations of Sections 33.563.200 through .210 apply only to the Forest Park subdistrict. The regulations of Sections 33.563.220 and .225 apply only to the Linnton Hillside subarea of the Forest Park subdistrict. The regulations of Sections 33.563.400 through .410 apply only to the Skyline subdistrict.

### **33.563.030 Transfer of Development Rights**

Transfer of development rights between sites in the Northwest Hills plan district is allowed as follows. Development rights are the number of potential dwelling units that would be allowed on the site. Adjustments to the provisions of this Section are prohibited.

- A. Sending sites.** Sites in the single-dwelling zones that are entirely within the Environmental Protection overlay zone may transfer development rights.
- B. Receiving sites.** Sites in the RF zone inside the Urban Growth Boundary may receive development rights from sending sites. Dwelling units resulting from the transfer may not be placed within an environmental zone.
- C. Maximum density.** The density of the receiving site may not exceed 0.75 units per acre, except that when the following standards are met, total density may be increased to 1 unit per acre:
  - 1. For every unit transferred to the receiving site, there is one acre of land with slopes of less than 10 percent; and
  - 2. Approval for on-site septic disposal has been granted by the Bureau of Development Services or sanitary sewer is available to all lots proposed as part of a land division.
- D. Procedure.** Transfer of development rights is allowed as follows:
  - 1. Planned Development required. The receiving site must be approved for development as a Planned Development. The purpose of the Planned Development Review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.638 Planned Development.
  - 2. Sending site included. The sending site must be a part of the application for Planned Development Review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.
  - 3. 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 before approval of the Planned Development or if the Planned Development includes a land division, before the approval of the Final Plat.
- E. Adjustments prohibited.** Adjustments to the provisions of this section are prohibited.

### **Balch Creek Subdistrict**

#### **33.563.100 Prohibitions**

The following items are prohibited in the Balch Creek Subdistrict:

- A.** Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment and emergency repair of existing structures; and
- B.** In commercial zones with an environmental overlay zone, residential uses are prohibited.

#### **33.563.110 Additional Development Standards**

All development must meet the following standards. Adjustment of these standards or modification of these standards through environmental review is prohibited. The development standards of this Section apply in addition to the standards of Sections 33.430.110 through .190.

- A. Stormwater runoff.** Post-development stormwater flows from a site must not exceed pre-development stormwater flows from that site. Stormwater systems shall meet Bureau of Environmental Services and BDS design and construction standards.
- B. Soil erosion.**
  - 1. All cleared areas which are not within a building footprint or a graveled entranceway must be covered with mulch, matting, or other effective erosion control features within 15 days of the initial clearing.
  - 2. Temporary erosion control features must be removed by October 1 of the same year the development was begun; and
  - 3. All permanent vegetation must be seeded or planted by October 1 of the same year the development was begun, and all soil not covered by buildings or other impervious surfaces must be completely vegetated by December 1 of the same year the development was begun.
- C. Forest cover.** Ninety percent of the portion of the site in the environmental zones must be retained or established in closed canopy forest with the following exceptions:
  - 1. Sites less than 30,000 square feet in area may have up to 3,000 square feet of unforested area.
  - 2. Parks and Open Areas and Agriculture uses are exempt from this standard.
- D. Land divisions.** All required closed canopy forest areas in land divisions and Planned Developments must be within an environmental resource tract.

**33.563.120 Additional Approval Criterion.** In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that the location, quantity, and quality of forest and contiguous forest cover will be sufficient to provide habitat for deer and elk and to provide for the passage of deer and elk between Forest Park and Pittock Acres Park.

### **Forest Park Subdistrict**

#### **33.563.200 Prohibition**

In the Forest Park subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment, and emergency repair of existing structures.

#### **33.563.210 Additional Approval Criteria**

In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that all of the following approval criteria are met:

- A. Wildlife.** The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service;

- B. Parks and Open Space.** Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities; and
- C. Miller Creek Subarea.** Within the Miller Creek Subarea, shown on Map 563-1, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68°F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

**33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea**

The regulations of Section 33.110.212 do not apply in the Linnton Hillside Subarea. In this subarea, primary structures are allowed in single-dwelling residential zones as specified in this section. Adjustments to the standards of this section are prohibited. Primary structures are prohibited on lot remnants that are not otherwise lots of record or are not combined with lots or lots of record. Primary structures are only allowed if one of the requirements in A. through E. are met:

- A.** The lots, lots of record, or combinations thereof:
  - 1. Are at least 36 feet wide; and
  - 2. Meet the minimum area standard of Subsection G;
- B.** The lots, lots of record, or combinations thereof:
  - 1. Are at least 36 feet wide;
  - 2. Meet the minimum area standard of Table 610-2 or Chapter 33.611, but do not meet the minimum area standard of Subsection G; and
  - 3. Have not abutted any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;
- C.** The lots, lots of record, or combinations thereof:
  - 1. Do not meet the minimum area standard of Table 610-2 or Chapter 33.611; and
  - 2. Have not abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;
- D.** On lots, lots of record, and combinations thereof that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;
- E.** On lots created after May 26, 2006;
- F.** Additional regulations for property line adjustments.
  - 1. The lots, lots of record, or combinations thereof described in Subsection A may not be reduced in area below the standards of Table 563-1;
  - 2. The lots, lots of record, or combinations thereof described in Subsections B and C may not be reduced in area;
  - 3. There are no minimum lot area or width standards for the lots, lots of record, or combinations thereof described in Subsection C;
- G.** Minimum area standards. The minimum area standards are in Table 563-1. These minimum area standards apply only as specified in Subsections A and B, above. New lots proposed

through a land division are subject to the regulations of Chapters 33.610 and 33.611, not the regulations of this subsection.

<b>Zone</b>	<b>Minimum Area</b>
RF	87,120 square feet
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

**33.563.225 Duplexes and Attached Houses in the Linnton Hillside Subarea.**

In the Linnton Hillside subarea, duplexes and attached houses on corners as allowed by 33.110.240.E are prohibited.

**Skyline Subdistrict**

**33.563.400 Zoning Map Amendments**

All requests for quasi-judicial Zoning Map Amendments within the Skyline subdistrict must meet the following:

- A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and
- B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

**33.563.410 Land Divisions and Planned Developments**

The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.

- A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:
  - 1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:
    - a. The potential daily and peak hour traffic volumes that will be generated by the site;
    - b. Distribution on the street system of the traffic that will be generated by the site;
    - c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,
    - d. Current traffic volumes on the principal roadways relative to the site; and
  - 2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to

the site should the proposed development and other approved, but undeveloped proposals, be fully developed.

- B.** Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:
1. Public sewer and water service must be available to the site; and
  2. The applicant must either:
    - a. Show that the existing public transportation is adequate; or
    - b. Participate in or subsidize a private transportation service.

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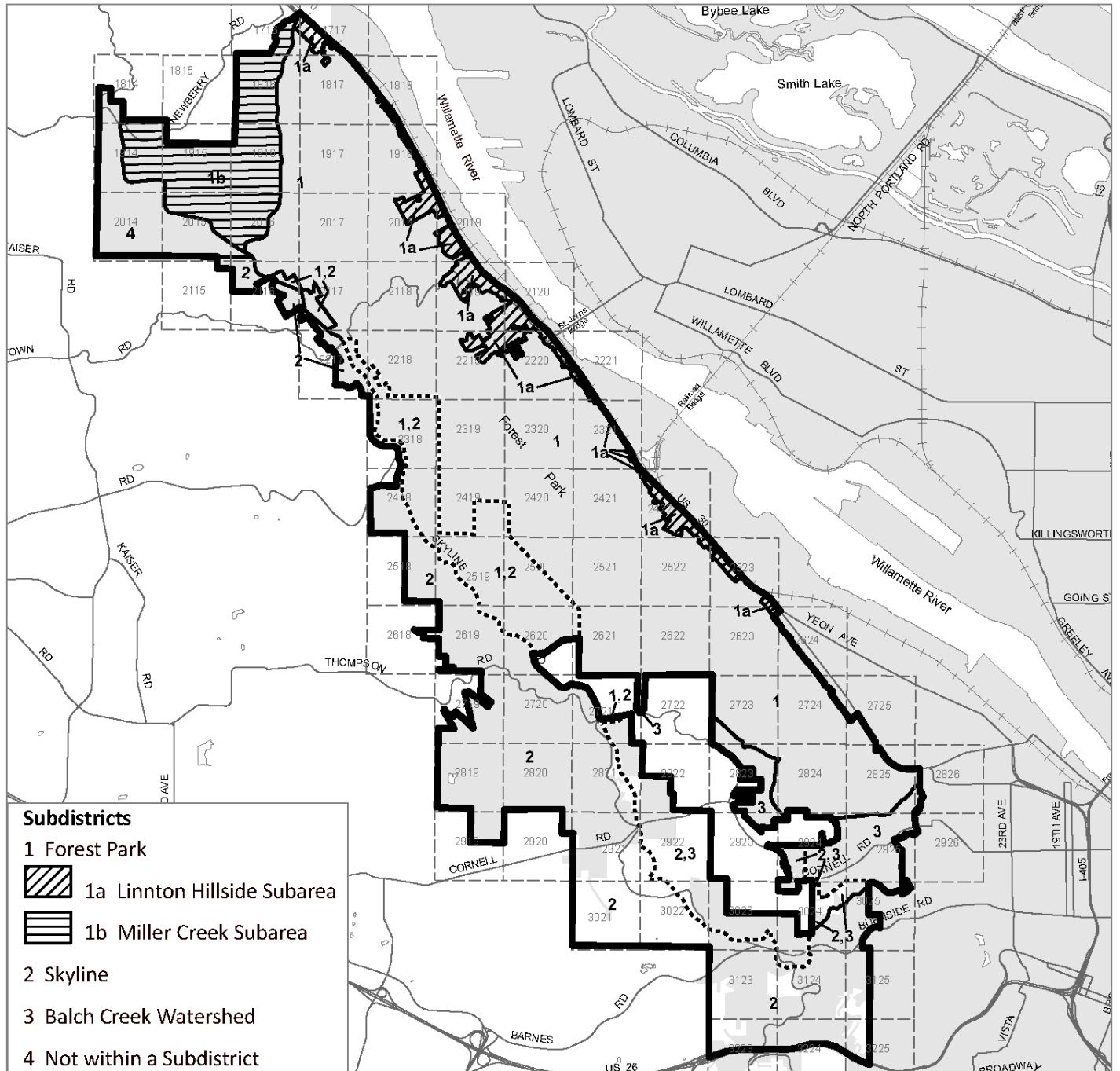
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# Northwest Hills Plan District Subdistricts and Subareas

# Map 563-1

Map 1 of 5 (Index)

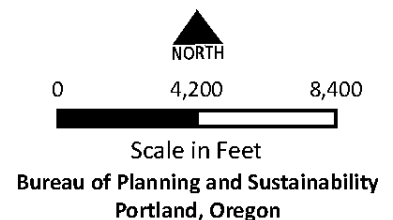
Map Revised July 24, 2015



- Plan District Boundary
- Subdistrict Boundary
- Shared Subdistrict Boundary

City of Portland

Map Note:  
Small numbers within boxes  
represent Portland  
quarter section index

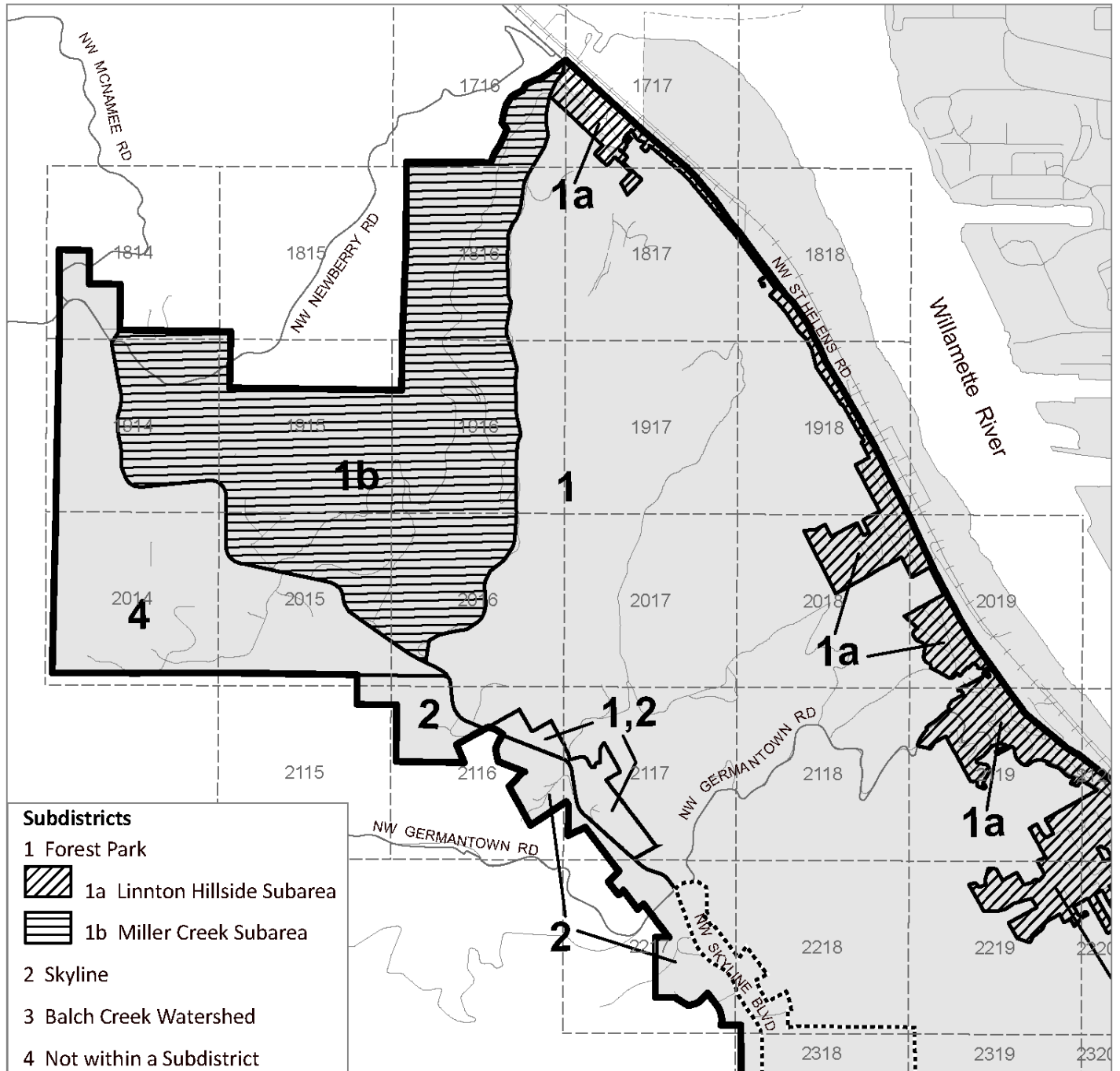


# Northwest Hills Plan District Subdistricts and Subareas

# Map 563-1

Map 2 of 5 (Detail)

Map Revised July 24, 2015



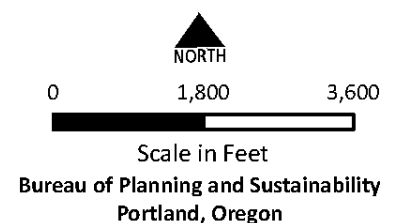
### Subdistricts

- 1 Forest Park
  - 1a Linnton Hillside Subarea
  - 1b Miller Creek Subarea
- 2 Skyline
- 3 Balch Creek Watershed
- 4 Not within a Subdistrict

- Plan District Boundary
- Subdistrict Boundary
- Shared Subdistrict Boundary

City of Portland

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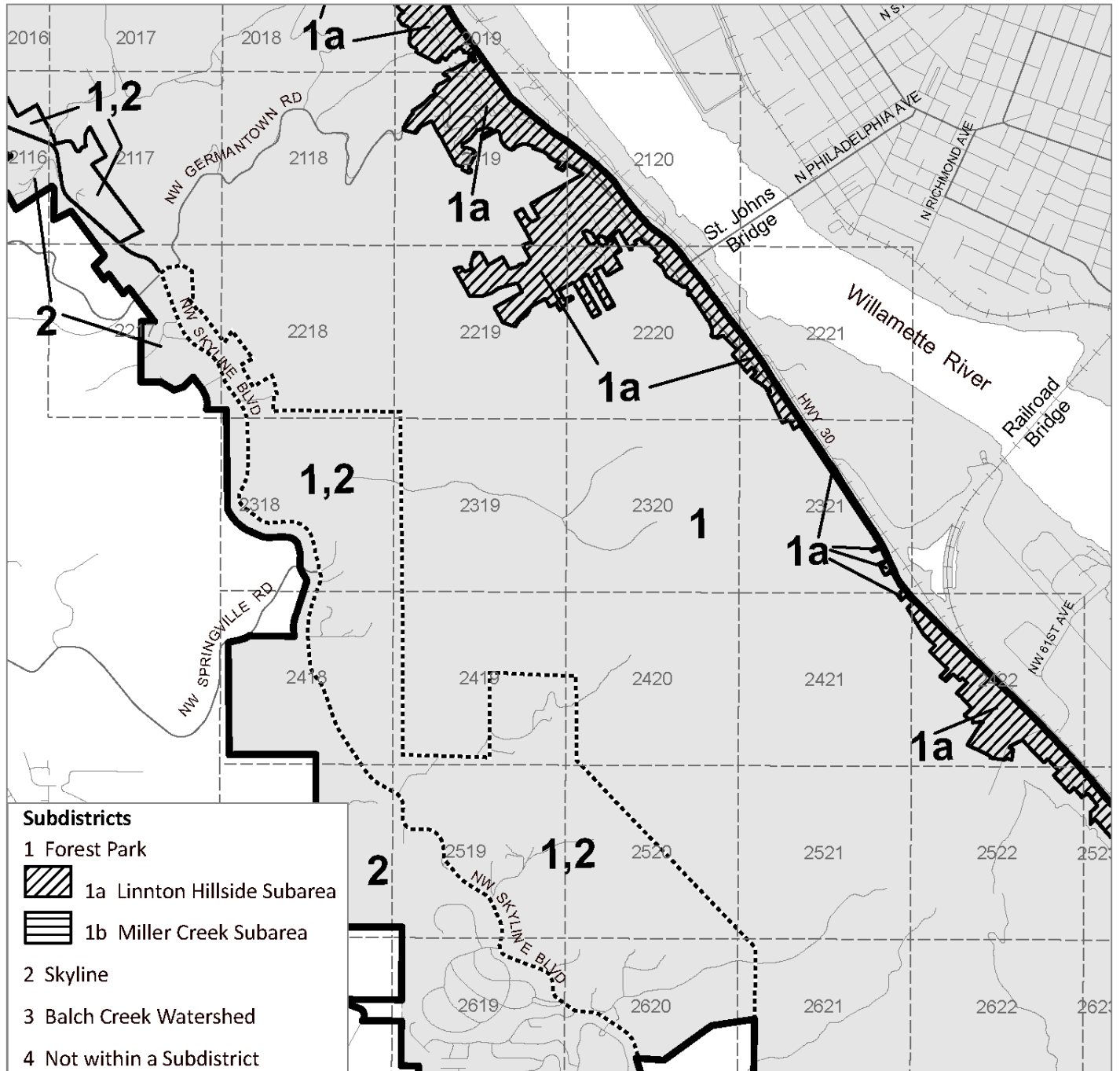


# Northwest Hills Plan District Subdistricts and Subareas

# Map 563-1

Map 3 of 5 (Detail)

Map Revised July 24, 2015



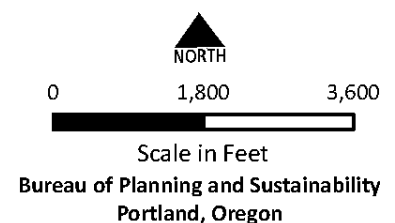
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- Plan District Boundary
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City of Portland

Map Note:  
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quarter section index

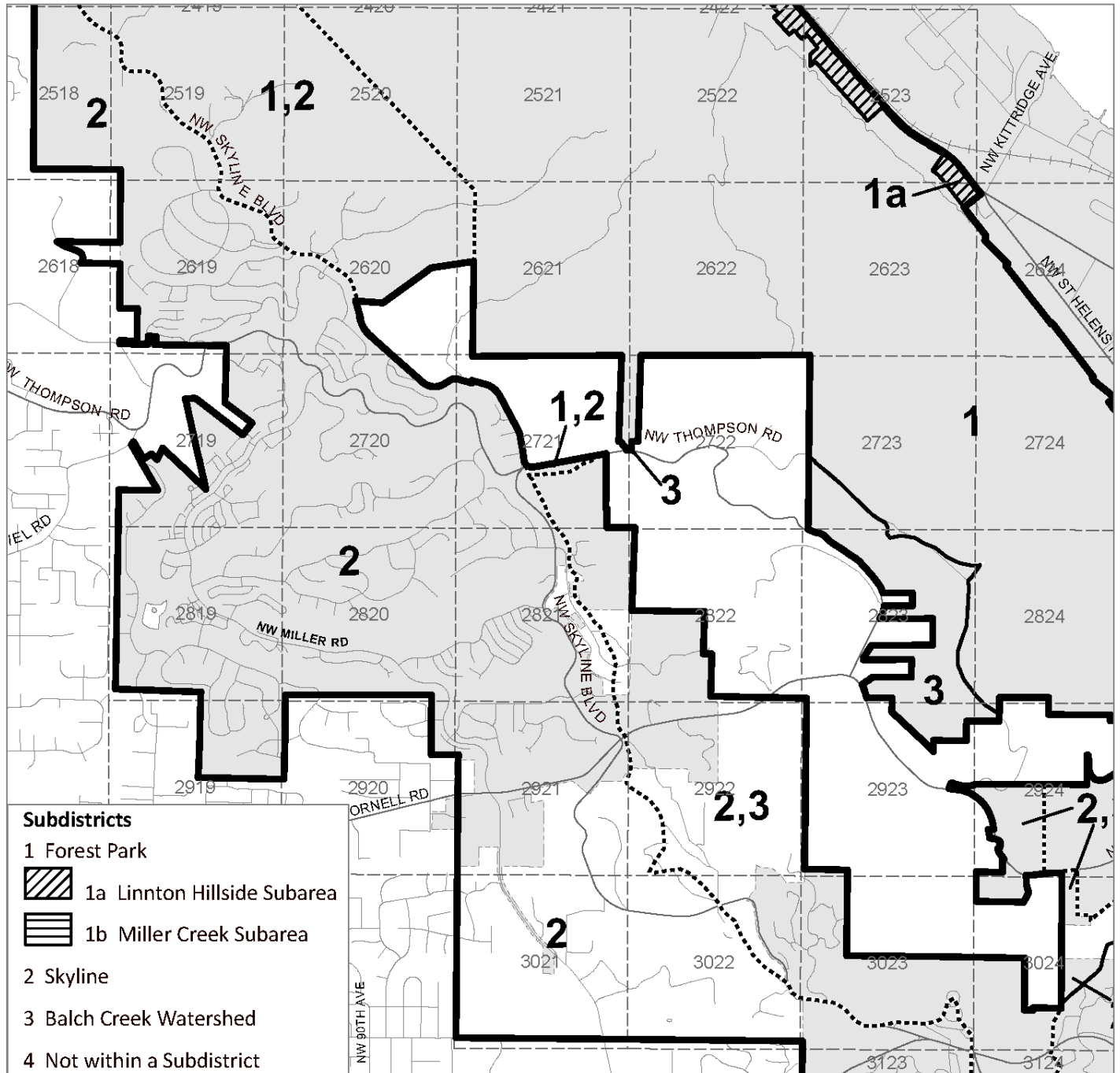


# Northwest Hills Plan District Subdistricts and Subareas



# Map 563-1





Map 4 of 5 (Detail)

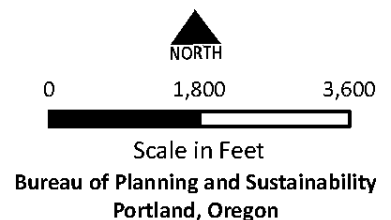
Map Revised July 24, 2015



### Subdistricts

- 1 Forest Park
-  1a Linnton Hillside Subarea
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- 3 Balch Creek Watershed
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  -  Subdistrict Boundary
  -  Shared Subdistrict Boundary
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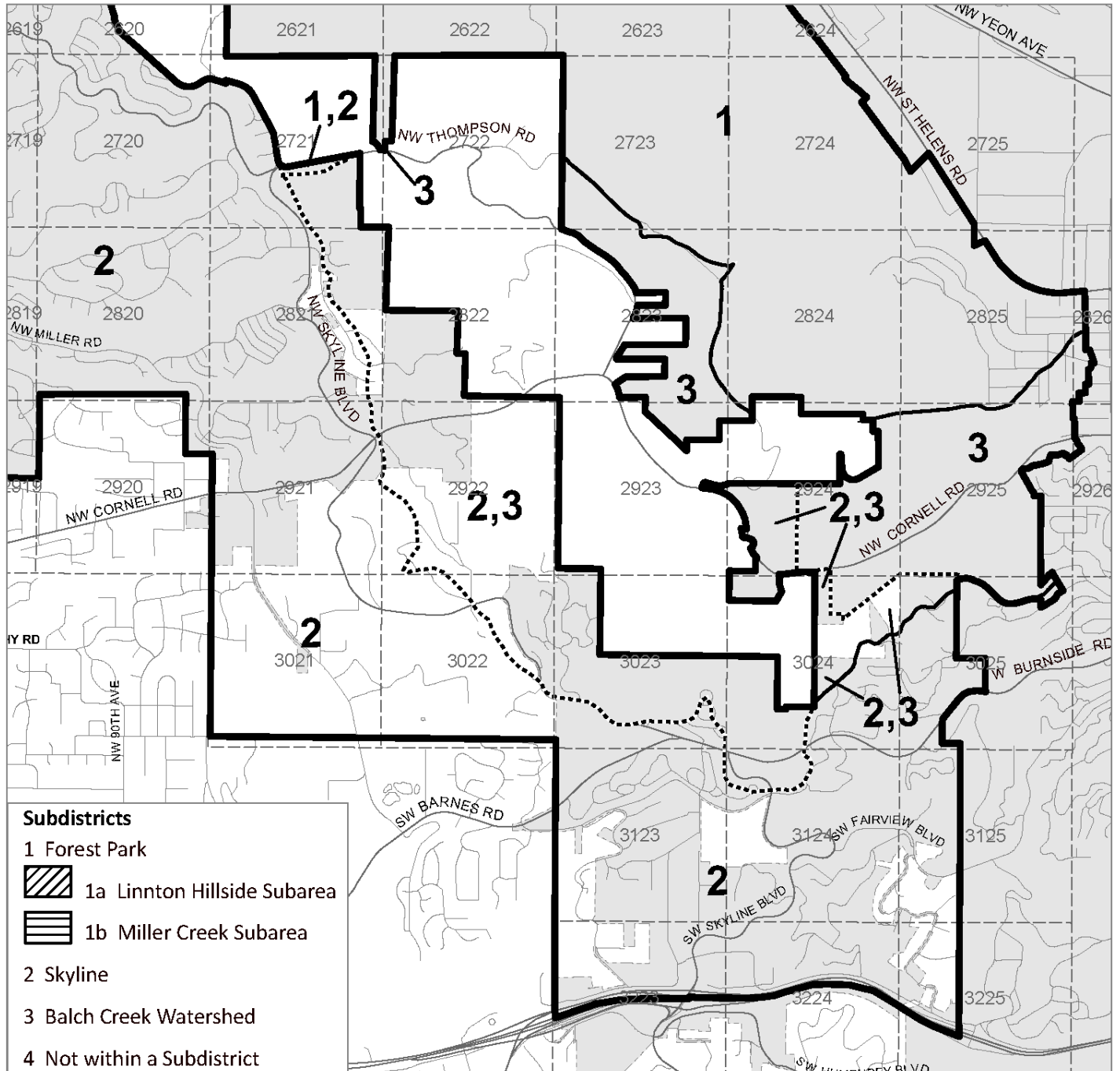


# Northwest Hills Plan District Subdistricts and Subareas

# Map 563-1

Map 5 of 5 (Detail)

Map Revised July 24, 2015



- Plan District Boundary
- Subdistrict Boundary
- Shared Subdistrict Boundary

City of Portland

