

33.815 Conditional Uses

815

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General

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.020 How to Use this Chapter

Uses that require a conditional use review and are subject to the regulations of this chapter are stated in the use tables of the base zones or in the regulations of overlay zones or plan districts which apply to the site. The review procedures for various conditional use situations are stated in 33.815.040 below. Requirements for phased master plans which may be submitted as part of a conditional use application are stated in Chapter 33.820, Conditional Use Master Plans. The applicable approval criteria are stated in Sections 33.815.100 to .305.

33.815.030 Automatic Conditional Use Status

Over time, the zoning regulations applicable to a specific site may change. This may be a result of changes to the content of the zoning regulations for a specific zone or from a change to the zoning map, including annexation rezonings. After one of these changes, if an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the procedures of 33.815.040 and the appropriate approval criteria.

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

A. Proposals that affect the use of the site.

1. A new conditional use. A request for a new conditional use is processed through a Type III procedure.
2. Changing to another use:
 - a. In the same use category, such as from one Community Service use to another Community Service use.
 - (1) Except as specified in subparagraph A.2.a(2), below, changing from one conditional use to another conditional use in the same use category is processed through a Type II procedure;
 - (2) If changing from one conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;
 - b. In another use category.
 - (1) Changing to a conditional use in another use category is processed through a Type III procedure.
 - (2) Changing to an allowed use is allowed by right.
3. Adding another use.
 - a. In the same use category.
 - (1) Except as specified in subparagraph A.3.a(2), below, adding a new conditional use to an existing conditional use when both are in the same use category is processed through a Type II procedure;
 - (2) If adding a new conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;
 - b. Adding a new conditional use that is in another use category is processed through a Type III procedure.

- c. Adding an allowed use may be allowed by right or require a conditional use depending on the proposed changes to development on the site. See Subsection B., below.
 4. Changes to an existing conditional use. Except as specified in Paragraphs A.1. through A.3., above, changes to a conditional use that will change any specifically approved amounts of the use such as members, students, trips, and events are reviewed as follows:
 - a. Changes of 10 percent or less of the amount are processed through a Type II procedure.
 - b. Changes of over 10 percent of the amount are processed through a Type III procedure.
 5. Conditional uses within institutional campuses in the IR zone.
 - a. The conditional use is subject to a Type II review if the use is already included within the institution's approved impact mitigation plan.
 - b. Amendments to the mission section of an approved impact mitigation plan for an institutional campus for industrial service or manufacturing and production uses are subject to a Type III review.
 - c. Change of occupancy involving the site of an approved industrial service or manufacturing and production use requires a Type II review.
 6. Conditional uses in landmarks. In R, C, and E zones, requests for conditional use of a landmark are processed through the Type II procedure.
- B. Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, modification, or require a conditional use review, as follows:
 1. Conditional use review not required. A conditional use review is not required for alterations to the site that comply with Subparagraphs a through f. All other alterations are subject to Paragraph 2, below. Alterations to development are allowed by right provided the proposal:
 - a. Complies with all conditions of approval;
 - b. Meets one of the following:
 - (1) Complies with the development standards of this Title, or
 - (2) Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
 - c. Does not increase the floor area by more than 1,500 square feet;
 - d. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems, ground mounted solar panels, Community Gardens, Market Gardens, and

parking space increases allowed by 33.815.040.B.1.f, below, are exempt from this limitation;

- e. Will not result in a net gain or loss of site area; and
 - f. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
 - (1) On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review;
 - (2) Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
 - (3) Any cumulative loss or gain of parking allowed in (1) or (2) above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
2. Conditional use required. Conditional use review is required for the following:
- a. Minor alterations. Except as provided in Paragraph B.1 above, conditional use review through a Type II procedure is required for the following:
 - (1) When proposed alterations to the site will not violate any conditions of approval;
 - (2) When there will be a net loss in site area that will not take the site out of conformance, or further out of conformance, with a development standard.
 - (3) When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;
 - (4) When the individual or cumulative alterations will not increase the floor area on the site by more than 10 percent, up to a maximum of 25,000 square feet;
 - (5) When the individual or cumulative alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a.(3) are exempt from this limitation;
 - (6) When the individual or cumulative alterations will not increase the floor area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a (3) are exempt from this limitation; or

- (7) The increases in subparagraphs 3 through 6, above, are measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.
- b. Major alterations. All other alterations to the site will be reviewed through a Type III procedure.

33.815.050 Loss of Conditional Use Status

If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. Any conditional use proposing to locate at the site after that time must go through a new conditional use review.

33.815.060 Development Standards for Conditional Uses

The development standards for conditional uses are those of the base zone, any applicable overlay zones or plan districts, and any relevant regulations in the 200s series of chapters.

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, on-street parking impacts, 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, on-street parking impacts, 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 Housing and Mass Shelters in R and IR Zones

These approval criteria apply to Community Service uses that provide short term housing and mass shelters in R and IR zones. Approval criterion A and C must be met for all mass shelters and short term housing. Criterion A through E must be met for mass shelters and short term housing 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, on-street parking impacts, 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, on-street parking impacts, 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, on-street parking impacts, 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, on-street parking impacts, 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 RX, 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, on-street parking impacts, 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 parking ratio allowed for the business, as stated in Table 536-1; 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.

33.815.125 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 individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of 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, on-street parking impacts, 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 individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of 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, on-street parking impacts, 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, on-street parking impacts, 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, on-street parking impacts, 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 preservation of historic resources that are listed on the National Register of Historic Places or are identified as contributing to the historic significance of 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, on-street parking impacts, 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; and
- D. The owner must execute a covenant with the City, as described in Subsection 33.445.610.D.

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 Specified Mass Shelters and Group Living Uses in the C, E, and CI Zones

These criteria apply to mass shelters in the C, E, and CI zones, or to Group Living uses that consist of alternative or post incarceration facilities in the C or EX 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, on-street parking impacts, 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.

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, on-street parking impacts, access

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, on-street parking impacts, 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, on-street parking impacts, 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, on-street parking impacts, 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 required for 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, on-street parking impacts, 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, on-street parking impacts, 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, on-street parking impacts, 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, on-street parking impacts, 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 Office 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, on-street parking impacts, 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 Office 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, on-street parking impacts, 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, on-street parking impacts, 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 Office 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, on-street parking impacts, 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 used 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 required for 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, on-street parking impacts, 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.
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(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.)