

# Regulatory Improvement Code Amendment Packages

CONTINUALLY IMPROVING PORTLAND'S DEVELOPMENT CODES – SEPTEMBER 2016



## RICAP 8 TIMELINE

### September and October 2016

- Discussion Draft for public comment published August 29
- Staff presentations at various District Coalitions and Neighborhood Association offices
- Comments due October 14

### November 2016

- Proposed Draft for the Planning and Sustainability Commission, published week of November 14

### December 2016

- Planning and Sustainability Commission public hearing, December 13 (tentative)

### January 2017

- Recommended Draft for City Council published

### February 2017

- City Council Public Hearing

### March 2017

- Code amendments effective

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## What is RICAP?

The Regulatory Improvement Code Amendment Packages (RICAP, pronounced ree-cap) continually update and improve City building and land use regulations to encourage desirable development. Changing community needs, new laws and court rulings, technological advances, and shifting perceptions require an ongoing process to ensure that the City's regulations meet the needs of current and future residents.

Portlanders can enter suggestions for improving the Zoning Code into the Regulatory Improvement Requests (RIR) database on the project website. This input helps staff determine how to refine the code. RICAP addresses simpler technical matters and clarifications, or refinement of existing policy, in a typically one year-cycle. Issues that require major policy changes are not addressed through RICAP but are evaluated through separate legislative projects.

To develop the RICAP work plans, staff ranks items from the RIR database, evaluating potential impacts and the ability to improve the regulation, the variety of stakeholders affected, and the geographic range of the issue. To date, the City has adopted seven RICAP packages.

## About RICAP 8

RICAP 8 contains 49 items that are being evaluated for possible regulatory improvement. Changes are proposed for Title 33, Planning and Zoning, and Title 11, Trees. Ten items resulted in no proposed amendment after Bureau of Planning and Sustainability staff researched and analyzed the issue. All of the RICAP 8 items are summarized in this document.

**The RICAP 8 Discussion Draft** is available online at [www.portlandoregon.gov/bps/ricap](http://www.portlandoregon.gov/bps/ricap); at 1900 SW 4th Avenue, 7th Floor; or by mail. Please call 503-823-9714. Comments are due October 14, 2016.

Staff will consider comments on the Discussion Draft to create a Proposed Draft, which will be presented to the Planning and Sustainability Commission (PSC) at a public hearing in December 2016. The PSC will consider public testimony and then forward a recommendation to City Council for consideration and additional public review before final adoption next year.



## RICAP 8 Items Related to Title 33: Planning And Zoning

RICAP 8 ITEM NUMBER AND NAME		PROPOSED AMENDMENT
<b>Minor Policy Items – Bundle 1: Land Division/Property Line Adjustment Bundle</b>		
<b>1</b>	Flag lot – width requirement	Provide/clarify width standards for historic flag lots and lots of record shaped like flag lots.
<b>2A</b>	Land Divisions - Pedestrian Connections/ Common Greens	Consider alternative site area reduction or exemption for narrow, pedestrian-only streets.
<b>3</b>	Property Line Adjustments – Regular Lot Lines	Reduce ability to create lot lines in PLAs and land divisions that are not straight.
<b>4</b>	Land Divisions - Streams, Springs, Seeps and Wetlands	In land divisions, protect wetlands in a tract.
<b>5A</b>	Multi-Dwelling Zones Minimum Density Calculations	Allow removal of landslide hazard from calculation in land divisions.
<b>6</b>	Lot Consolidations	Allow the creation of up to 3 lots through a lot consolidation.
<b>7</b>	Plat Consolidation	Provide a process to allow vacation of an entire plat to create one lot.
<b>8</b>	Property Line Adjustments - Services	Update standards to prevent infrastructure service conflicts.
<b>10A</b>	ROW dedications in land divisions and building permits	Clarify when development standards apply (before or after dedication/designation).
<b>Other Minor Policy Items</b>		
<b>11</b>	Loading Standards	Allow Standard B loading spaces on local streets that do not enter and exit the site in a forward motion.
<b>14*</b>	120-Day Delay Procedure	Require 120 delay before ranked properties can be removed from HRI.
<b>15*</b>	Commission Term Limits	Allow one-year term extension for commission members if seat would otherwise be vacant.
<b>Technical and Clarifications Items – <i>These items correct or clarify to match existing policy.</i></b>		
<b>17</b>	Amenity Bonus	Match the maximum allowed amenity bonus for preserving trees to other amenity bonus maximums.
<b>18*</b>	Short-Term Rental Notice	Change Figure 207-1 to clarify that notice must be mailed to both nearby owners and residents.
<b>19</b>	Non-conforming change of use	Clarify what is intended by change of use.
<b>20</b>	Non-conforming residential density	Add new section that covers intentional destruction of residences.
<b>21</b>	Non-conforming upgrades	Align tree density with Title 33 required non-conforming density.
<b>22</b>	Rooftop ductwork	Add ductwork and vents to the d overlay mechanical exemption.
<b>23</b>	Institution Zone and Design Review	Clarify that development outside of an IMP is not subject to design review.

**RICAP 8 ITEM NUMBER AND NAME****PROPOSED AMENDMENT****Technical and Clarifications Items – *These items correct or clarify to match existing policy.***

<b>24</b>	Pleasant Valley Overlay Zone – Exemptions	Add an exemption for gardens and play areas that matches the environmental overlay zone exemption.
<b>25</b>	Pleasant Valley Overlay Zone – Procedures	Amend the plan review procedures to match the environmental overlay zone procedures.
<b>28</b>	Northwest Plan District – Certification Letter	Change reference from Portland Development Commission to Housing Bureau.
<b>29</b>	Posting Notices – City Council Hearings	Clarify that posted notices are not required for appeal hearings before City Council.
<b>30*</b>	Conditional Use Review Procedures	Clarify when conditional use reviews are required.
<b>31</b>	Definitions - Drainageway	Update the definition of drainageway for consistency with changes to BES stormwater manual and EPA watershed regulations.
<b>32</b>	Definitions – Hazardous Substances	Update the definition of hazardous substances to match current federal requirements.
<b>33</b>	Definitions – Springs, Seeps, Wetlands	Update the definition of seeps and springs, and streams for consistency with changes to BES stormwater manual and EPA watershed regulations.

**Items without an Amendment Proposed**

<b>2B</b>	Land Divisions - Pedestrian Connections/ Common Greens	Clarify whether common greens and pedestrian connections are considered streets the can create corner lots.
<b>5B</b>	Multi-Dwelling Zones Minimum Density Calculations	Remove flood plain from density calculation.
<b>9</b>	Lot confirmation process and standards	Provide a process and set of standards for reviewing lot confirmations.
<b>10B</b>	ROW dedications in land divisions and building permits	Align density calculations in single family and multifamily zones.
<b>12</b>	Radio Frequency Facilities Collocations	Evaluate the City’s regulations to ensure consistency with federal mandate.
<b>13</b>	Signs in Historic Overlay	Provide exemption from Historic Design Review for small signs in Historic Districts.
<b>16</b>	Established Building Line Setbacks	Clarify that the nonconforming development is the primary structure and that the reduced setback applies only to additions to the primary structure.
<b>26</b>	Plan District Maps – References to Code Sections	Add code references to plan district maps.
<b>27</b>	Plan District Maps – Consistent Legends	Make legends consistent across plan district maps.

\* Item added after adoption of RICAP 8 Workplan

## RICAP 8 Items Related to Title 11: Trees

RICAP 8 ITEM NUMBER AND NAME		PROPOSED AMENDMENT
<b>Minor Policy Items – Bundle 2: Tree Code</b>		
34*	Heritage Tree – Penalties for Unlawful Damage or Removal	Modify Heritage Tree penalties to increase penalty for unlawful damage or removal on private property.
35*	Timelines	Extend required timelines for City staff in appeals and Programmatic Permits to provide adequate time for City action.
36	Minimum Pruning Threshold	Raise permitting threshold for pruning of branches to ½” from ¼”.
37	Ground Disturbance	Allow small amounts of ground disturbance without triggering tree plan requirements.  Require tree plan for projects with construction staging but no ground disturbance.
38	Root Protection Zone Requirements	Allow reasonable separation between construction and required tree protection.
39	Tree Plan Requirements	Require arborist report when applying on-site tree density standards.
40*	Tree Preservation and Protection-Root Protection Zone Fencing	Clarify how tree protection applies when a portion of the root protection zone extends off the site onto an adjacent property or right-of-way.  Provide allowance to use existing fences for tree protection.
41	Enforcement	Add authority to levy liens and utilize other mechanisms for unpaid fees tied to tree code violations.
<b>Technical and Clarifications Items – <i>These items correct or clarify to match existing policy.</i></b>		
42*	Liability for ROW Trees	Clarify owner responsibility for the maintenance of trees in all rights-of-way adjacent to their property.
43*	Title 33 Landscaping Standards and Tree Removal Permits	Clarify language ensure compliance with Zoning Code requirements along with tree code compliance.
44	Table Reference	Correct reference to tree density requirements for development impact area.
45*	Tree Preservation and Protection near Development Impact Area	Update language to ensure protection measures are implemented for trees located within 25 feet of the development impact area.
46	Root protection zone encroachments	Clarify 25% area/50% allowed distance encroachments at property lines and structures.
47*	Definition of Removal	Update definition of “Removal” to clarify code intent Current code is vague when it comes to removal of roots.
48	Definitions	Incorporate new definitions for tree, building, and attached structure.
<b>Items without an Amendment Proposed</b>		
49	Tree plan carryover	Clarify how tree plans carryover to different project phases.

\* Item added after adoption of RICAP 8 Workplan

