

# Regulatory Improvement Code Amendment Packages

CONTINUALLY IMPROVING PORTLAND'S DEVELOPMENT CODES – JANUARY 2017



## RICAP 8 TIMELINE

### January 2017

- Recommended Draft for City Council published

### February 2017

- City Council public hearing  
February 15 at 3 p.m.  
City Hall Council Chambers  
1221 SW 4th Avenue

### March 2017 (anticipated)

- 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

The RICAP 8 Recommended Draft report addresses 44 items: 27 amendments to the Zoning Code and 17 amendments to the Tree Code. For consistency, small technical changes to Title 17, Public Improvements and Title 24, Building Regulations are also included. All of the RICAP 8 items are summarized in this document.

**The RICAP 8 Recommended 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.

Staff will present the Planning and Sustainability Commission's Recommended Draft to City Council at a public hearing on February 15, 2017 at 3 p.m. The public is invited to testify in person at the hearing or in writing. Email written testimony to the Council Clerk at [CCTestimony@portlandoregon.gov](mailto:CCTestimony@portlandoregon.gov) or send to 1221 SW Fourth Avenue, Room 130, Portland, Oregon 97204. Written testimony must be received by the time of the hearing and must include your name and address.



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

| RICAP 8 ITEM NUMBER AND NAME  |  | 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 flag lots.  |
| <b>2A</b>   | Land Divisions - Pedestrian Connections                | Consider alternative site area reduction or exemption for narrow, pedestrian-only streets.                |
| <b>3</b>  | 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 remove conditions of approval that are no longer relevant.                           |
| <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-day delay and notice when a ranked resource is removed from the Historic Resource Inventory.  |
| <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.                               |
| <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.                      |

| RICAP 8 ITEM NUMBER AND NAME |  | AMENDMENT |
|------------------------------|--|-----------|
|------------------------------|--|-----------|

**Technical and Clarifications Items – *These items correct or clarify to match existing policy.***

|           |  |  |
|-----------|--|--|
| <b>28</b> | Northwest Plan District – Certification Letter | Change reference from Portland Development Commission to the Housing Bureau.   |
| <b>29</b> | Posting Notices – City Council Hearings        | Clarify that posted notices are not required for appeal hearings before City Council.  |
| <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 – Seep or Spring, Stream           | Update the definition of seeps and springs, and streams for consistency with changes to BES stormwater manual and EPA watershed regulations. |

## RICAP 8 Items Related to Title 11: Trees

| RICAP 8 ITEM NUMBER AND NAME |  | AMENDMENT |
|------------------------------|--|-----------|
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**Minor Policy Items – Bundle 2: Tree Code**

|           |   |   |
|-----------|---|---|
| <b>34</b> | Heritage Tree – Penalties for Unlawful Damage or Removal      | Modify Heritage Tree penalties to increase penalty for unlawful damage or removal on private property.  |
| <b>35</b> | Timelines   | Extend required timelines for City staff in appeals and Programmatic Permits to provide adequate time for City action.  |
| <b>36</b> | Minimum Pruning Threshold                                     | Raise permitting threshold for pruning of branches to ½” from ¼”.   |
| <b>37</b> | Ground Disturbance  | Allow small amounts of ground disturbance without triggering tree plan requirements.<br><br>Require tree plan for projects with construction staging but no ground disturbance.                                     |
| <b>38</b> | Root Protection Zone Requirements                             | Allow reasonable separation between construction and required tree protection.  |
| <b>39</b> | Tree Plan Requirements  | Require arborist report when applying on-site tree density standards.   |
| <b>40</b> | 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.<br><br>Provide allowance to use existing fences for tree protection. |
| <b>41</b> | Enforcement   | Add authority to levy liens and utilize other mechanisms for unpaid fees tied to tree code violations.  |

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

|           |   |  |
|-----------|---|--|
| <b>42</b> | Liability for ROW Trees                                       | Clarify owner responsibility for the maintenance of trees in all rights-of-way adjacent to their property.                     |
| <b>43</b> | Title 33 Landscaping Standards and Tree Removal Permits       | Clarify language to ensure compliance with zoning code requirements along with tree code compliance.                           |
| <b>44</b> | Table Reference   | Correct reference to tree density requirements for development impact area.  |
| <b>45</b> | 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. |
| <b>46</b> | Root protection zone encroachments                            | Clarify 25% area/50% allowed distance encroachments at property lines and structures.  |
| <b>47</b> | Definition of Removal   | Update definition of “removal” to clarify code intent. Current code is vague when it comes to removal of roots.                |
| <b>48</b> | Definitions   | Incorporate new definitions for tree, building, and attached structure.  |
| <b>50</b> | Septic and Plumbing permit exemption                          | Clarify that septic and plumbing permits do not trigger tree density standards.  |
| <b>51</b> | Plan material labels during inspection                        | Add language to ensure plant materials are labeled during City inspections   |

