

Potential Amendments to the Neighborhood Contact Code Update

Recommended Draft

April 11, 2019

#1 – Restrict meeting timing on weekends to 1-6 pm. (Fritz)

Amendment: Amend 33.705.020.B.4.c on page 49 of the Recommended Draft to limit the timing of weekend meetings. The Recommended Draft allows a weekend meeting to be scheduled at a time between 9 a.m. and 6 p.m. Amend that allowance and change the time to between 1 p.m. and 6 p.m.

Rationale: Many people schedule activities on weekend mornings and would be less likely to be able to attend a neighborhood contact meeting.

Staff position: Neutral

#2 – Require public meeting to be accessible (Fritz)

Amendment: Amend 33.705.020.B.4 on page 49 of the Recommended Draft to add a requirement that the required neighborhood contact meeting (which the applicant is responsible to arrange) be accessible and provide reasonable accommodations.

Original language as motioned by Council on March 6:

33.705.020.B.4.e. Be in a location that provides equitable access to all members of the public. Accessibility includes: providing language services, removing barriers, providing modifications, accommodations, alternative formats, auxiliary aids, or other services that ensure access upon request three days prior to the meeting.

Withdraw this motion. Move this new code language:

33.705.020.B.4.e. Be in a location that provides access to all members of the public. If requested by a member of the public at least three days prior to the meeting, the applicant must provide language services, alternative formats, auxiliary aids, or other reasonable requests that ensure barrier free access.

Rationale: Meetings should be held in a location that is accessible and barriers should be removed as much as possible.

Staff position: Staff do not support this amendment because the language is not clear and objective. In addition:

- It may be difficult for applicants, particularly small and first-time developers, to organize accommodations at short notice, and no staff resources are allocated to help them be successful.
- Because the standard is not clear and objective it will be impossible for BDS staff to implement and enforce.

#3 – Apply a third type of neighborhood contact process for development in the design overlay zone, ELDs, and land divisions with environmental review (Fritz)

Amendment: Add a new Neighborhood Contact III requirement which would be triggered in these cases:

- Projects adding 10,000 square feet of net building area to a site in the design overlay zone.
- Land divisions that include environmental review.
- Expedited Land Divisions

Rationale: In some situations, the neighborhood association can provide useful information to the applicant early in the process, and the applicant should be required to offer to meet with them

Staff position: Staff do not support this amendment for the following reasons:

- The amendment adds process and threshold complexity that runs counter to the project goals of clarity and consistency.
- The amendment does not reflect the City’s commitment to provide broad access to land use information for the general public.
- The environmental and design overlays already entail an extra layer of City review of development.

Code amendment references: 33.420, 33.705.020, 33.730.013 and 33.730.030 (33.420 is not in the Recommended Draft. For the other three references, see pages 49, 51 and 61 of the Recommended Draft)

Proposed code:

33.420 Design Overlay Zone

420

Sections:

- 33.420.010 Purpose
- 33.420.020 Map Symbol
- 33.420.021 Applying the Design Overlay Zone
- 33.420.025 Where These Regulations Apply
- 33.420.030 Neighborhood Contact
- 33.420.041 When Design Review is Required
- 33.420.045 Exempt From Design Review
- 33.420.051 Design Guidelines
- 33.420.055 When Community Design Standards May Be Used
- 33.420.060 When Community Design Standards May Not Be Used

Map 420-1 Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-2 Macadam Design District

Map 420-3 Terwilliger Design District

Map 420-4 Sellwood-Moreland Design District

Map 420-5 Marquam Hill Design District

Map 420-6 Gateway Design District

33.420.030. Neighborhood Contact

Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:

- A. When the proposed development will add at least 10,000 square feet of net building area to a site, the neighborhood contact step of 33.705.020.C, Neighborhood contact III, are required.
- B. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

33.705.020 Neighborhood Contact Steps

- C. **Neighborhood contact III.** Neighborhood contact III requires the following meeting, notification and posting steps:

- 1. Notification. The applicant must contact the neighborhood association for the area, via email or mail, to inform the association of the proposed development and request a meeting. A copy of the request and information must also be sent via email or mail to the district neighborhood coalition, neighborhood business association, and school district within whose boundaries the proposal is located. The email or letter must include the following information:

- a. The name, telephone number and email address of the applicant;
- b. The address of the site of the proposed development;
- c. A summary of the proposed development; and
- d. A conceptual site plan.

The neighborhood association should reply to the applicant within 14 days and hold a meeting within 45 days of the date of mailing the request. If the neighborhood requests the meeting within the time frame, the applicant must attend the meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 45 days, the applicant must meet the meeting requirements of Paragraph C.4.

- 2. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit.
 - a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.

- b. The required signs must remain on the site until a building permit is issued or one year has passed since the application that triggers the sign requirement was submitted, whichever is less, except that the required signs must be removed from the site when required posting for a land use review occurs.
- c. The Director of the Bureau of Development Services has the authority to adopt administrative rules to determine the size and layout of the sign.
- d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.
- e. The signs must contain the following information:
 - (1) The name, telephone number and email address of the applicant;
 - (2) The name and email address of the neighborhood association that includes the site;
 - (3) The name, telephone number and email address of the district coalition that includes the site;
 - (4) A written summary of the proposed development;
 - (5) A site plan that includes the proposed development;
 - (6) The date, time and location of the meeting required by either C.1 or C.4; and
 - (6) Procedural information provided by the Bureau of Development Services.

3. Online Access

- a. The applicant must contact the Bureau of Development Services via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
 - (1) The name, telephone number, and email address of the applicant;
 - (2) The address of the site of the proposed development;
 - (3) A summary of the proposed development; and
 - (4) A site plan that includes the proposed development.
- b. The Bureau of Development Services must make the information required by Subparagraph C.3.a available in an accessible online format and as an open data set. The bureau will also provide a way for community members to subscribe to get proactive notification of new information.

- 4. Meeting. If the neighborhood association does not reply to the applicant meeting request within 14 days, or hold a meeting within 45 days, the applicant must schedule and attend one public meeting. Notes from the meeting and an explanation of any changes made to the proposal as a result of comments received at the public meeting must be emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, before an application for a land use review or building permit can be accepted. The meeting must:

- a. Be held at least 14 days before applying for a land use review or a building permit, and at least 14 days after sending the email or letter and posting signs required by Paragraphs C.1. and C.2.
 - b. Be held at a location within the neighborhood where the proposed development is located or at a location that is not more than two miles from the boundary of the neighborhood within which the proposed development is located and within the boundaries of the district neighborhood coalition in which the proposed development is sited;
 - c. Be held at a time between 6 p.m. and 9 p.m. Monday through Friday, or between 9 a.m. and 6 p.m. on Saturday or Sunday and which does not conflict with a scheduled neighborhood association meeting unless held in conjunction with a neighborhood association meeting; and
 - d. Be open to the public.
5. Required information. The following information must be submitted as part of the application for a land use review or building permit:
- a. A copy of the emails or letters that were sent as required by Paragraphs C.1. and C.4;
 - b. A list of the email or postal addresses to which the email or letter required by Paragraph C.1. and C.4 were sent;
 - c. A photograph of the sign required by Paragraph C.2. posted on the site;
 - d. A signed statement certifying:
 - (1) That the required email or letter was sent at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - (2) That the required signs were posted, at least 35 days, but not more than one year, before applying for the land use review or building permit;
 - (3) That the required meeting request was sent;
 - (4) That the neighborhood association either did not reply or declined the request or that the neighborhood association meeting take place; and
 - (5) That the notes from the meeting, if one was held, were emailed or mailed to the neighborhood association, district neighborhood coalition, business association, school district and any meeting attendees who provide an email or postal address, prior to applying for the land use review or building permit.

33.730.013 Expedited Land Division Procedure

The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360. The steps of this procedure are in ORS 197.365 through .375. The application requirements are listed in Section 33.730.060, below. Two additional steps are required for land division requests using the ELD Procedure:

- A. Neighborhood Contact.** The applicant must complete the steps in Section 33.705.020.C, Neighborhood contact III~~33.700.025, Neighborhood Contact~~, before applying for an ELD review.

- B. Pre-application conference.** A pre-application conference is required for all land division requests processed through the ELD procedure. See 33.730.050, Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050, Pre-Application Conference.

- B. Neighborhood contact.**

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
3. When the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.C, Neighborhood contact III, are required. If the proposed development has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

[Reletter B through I to be C through J]

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through D apply to all sites. If the site is within the City of Portland, Subsections E through H also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection I also applies.

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type III procedure. See 33.730.050, Pre-Application Conference.

- B. Neighborhood contact.**

1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots and does not include an environmental review; or

- b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- 2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
 - a. The application is for a land division that includes eleven or more lots and does not include an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development was subject to a building permit process, it is exempt from the neighborhood contact requirements.
- 3. The neighborhood contact steps of 33.705.020.C., Neighborhood contact III, are required when:
 - a. The application is for a land division that includes an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone.

#4 – Require notification of adjacent organizations. (Fish)

Amendment: Require notification of adjacent organizations when the development site is close to a boundary.

Rationale: Neighborhood associations, district coalitions and business associations with boundaries close to a development site should get notified, because the project affects people living and working near a project, regardless of what organization they belong to.

Staff position: Neutral. Note that if Amendment #3 is approved, then this amendment should also apply to the notification language in 33.705.020.C.1.

Code reference: 33.705.020.A and 33.705.020.B (see pages 41 and 45 of the Recommended Draft)

33.705.020 Neighborhood Contact Steps

A. Neighborhood contact I. Neighborhood contact I requires the following notification and posting steps:

1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:

a.-d. [No change to Recommended Draft]

2.-4. [No change to Recommended Draft]

B. Neighborhood contact II. Neighborhood contact II requires the following meeting, notification and posting steps:

1. Notification. The applicant must contact via email or mail the neighborhood association, district neighborhood coalition, and business association for the area, and any neighborhood association, district neighborhood coalition, or business association within 400 feet of the proposal site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:

a.-e. [No change to Recommended Draft]

2.-5. [No change to Recommended Draft]